

STATE OF NORTH DAKOTA

JOURNAL OF THE SENATE

OF THE

TWELFTH SESSION

OF THE

LEGISLATIVE ASSEMBLY

*Begun and held at the Capitol at Bismarck
January 3 to March 3, 1911
Inclusive*

BISMARCK:

TRIBUNE, STATE PRINTERS AND BINDERS
1911.

OFFICERS AND MEMBERS
OF THE
SENATE OF NORTH DAKOTA

FOR THE
TWELFTH LEGISLATIVE ASSEMBLY
1911

OFFICERS

Lieutenant Governor	U. L. Burdick, President
President pro tem	C. W. Plain
Secretary	J. W. Foley
First Assistant Secretary	L. N. Rockne
Second Assistant Secretary	H. B. Gray
Stenographer	R. H. Johnson
Stenographer to the Lieutenant Governor	C. H. Olson
Chief Enrolling and Engrossing Clerk	C. G. Parsons
Assistants	John O'Rourke, G. O. Haugen, C. Magnussen
Bill Clerk	John Wigby
Assistant Bill Clerk	Lawrence Casey
Sergeant-at-Arms	James Walsh
Assistant Sergeant-at-Arms	Lou Stevens
Watchman	William Payne
Messenger	F. A. McDonald
Doorkeeper	John Hogan
Doorkeeper of the Gallery	R. E. Griffin
Postmaster	J. O. Quamme
Journal Clerk	F. L. Keating
Assistant	L. R. Roque
Chaplain	Rev. C. W. Harris
Voucher Clerk and Bookkeeper	Ethel Mangold
Proof Reader	George W. Tilton
Clerk of Judiciary Committee	Norris Nelson
Clerk of Appropriation Committee	G. G. Thompson
Clerk Committee on State Affairs	F. H. Getchell
Clerk Committee on Ways and Means	William Falconer
Clerk Committee on Railroads	Charles Hallinger
Clerk Committee on Elections	W. W. Taylor
Clerk Committee on Education	Ray McGinnis
Committee Clerks	Josephine Baker, E. H. Gamble
Bill Room Clerks	M. Skarison, Andrew Torfin
Janitors	W. M. Noodlings, Jacob Spent
Cloak Room Attendants	J. Lynch, Mrs. K. J. Lyons
Stenographers for the Senators—	Helen Barber, C. M. Coleman, Margaret
Bannerman, Helen Fauske, Miss Holmboe, Carrie Morrish, Ethel	
M. Newberry, Luella Pannebaker, Margaret Shervin, Cora A. Simp-	
son, Jean Traynor.	
Pages—	Peter Boehn, A. Brown, E. Griffin, Herbert Holmes, Percy
Hughes, John Kennan, Wilbur E. Lyman.	
Mailing Clerk	W. G. Mitchell

MEMBERS

Dist.	Name	County	P. O.
1	Judson LaMoure	Pembina	Pembina
2	Christian Ganssle	Pembina	St. Thomas
3	Jerome Ruzoika	Walsh	Park River
4	John L. Cashel	Walsh	Grafton
5	J. E. Stevens	Grand Forks	Northwood
6	James Turner	Grand Forks	Grand Forks
7	George E. Duis	Grand Forks	Grand Forks
8	G. L. Elken	Traill	Mayville
9	James Kennedy	Cass	Fargo
10	E. F. Gilbert	Cass	Casselman
11	F. S. Talcott	Cass	Buffalo
12	W. L. Carter	Richland	Wahpeton
13	Livy Johnson	Sargent	Cogswell
14	Ed. Pierce *	Ransom	Sheldon
15	J. H. Witcher	Barnes	Valley City
16	Charles Ellingson	Steele	Sharon
17	J. G. Gunderson	Nelson	Aneta
18	Henry McLean	Cavalier	Hannañ
19	Ole Syvertson	Rolette	Overly
20	James Duncan	Benson	Oberon
21	F. A. Baker	Ramsey	Devils Lake
22	A. S. Gibbens	Towner	Cando
23	Alfred Steel	Stutsman	Jamestown
24	W. C. McDowell	LaMoure	Marion
25	Frank M. Walton	Dickey	Ellendale
26	H. W. Allen	Emmons	Braddock
27	George A. Welch	Burleigh	Bismarck
28	E. L. Garden	Bottineau	Souris
29	John Wallin	Ward	Minot
30	Charles McDonald	Morton	Mandan
31	L. A. Simpson	Stark	Dickinson
32	S. N. Putnam	Eddy	New Rockford
33	H. J. Bessesen	Wells	Harvey
34	C. W. Hookway	Towner	Granville
35	J. E. Davis	Sheridan	Goodrich
36	P. T. Kretschmar	McIntosh	Venturia
37	E. A. Movius	Richland	Lidgerwood
38	Martin Thoreson	Barnes	Fingal
39	A. L. Martin	Billings	Sentinel Butte
40	C. W. Plain	Cavalier	Milton
41	W. B. Overson	Williams	Williston
42	F. T. Gronvold	Pierce	Rugby
43	H. H. Steele	Renville	Mohall
44	H. J. Linde	Mountrail	Stanley
45	T. Welo	McHenry	Velva
46	J. E. Williams	McLean	Turtle Lake
47	G. S. Trimble	Bottineau	Westhope
48	John Young	Mercer	Mannhaven
49	H. P. Jacobsen	Hettinger	Mott

Journal of the Senate

TWELFTH SESSION

FIRST DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 3, 1911.

At the hour of twelve o'clock meridian, being the day and hour appointed by law for the convening of the Twelfth legislative assembly, members of the senate assembled in the senate chamber and were called to order by R. S. Lewis, lieutenant governor.

Prayer was offered by the chaplain, Rev. C. W. Harris.

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

First district—Judson LaMoure.
Fifth district—J. E. Stevens.
Seventh district—George 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-first district—F. A. Baker.
Twenty-third district—Alfred Steel.
Twenty-fifth district—Frank M. Walton.
Twenty-seventh district—George A. Welch.

Twenty-ninth district—John Wallin.
 Thirty-first district—L. A. Simpson.
 Thirty-third district—H. J. Bessessen.
 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-third district—H. H. Steele.
 Forty-fifth district—T. Welo.
 Forty-seventh district—G. S. Trimble.

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

Second district—Christian Ganssle.
 Third district—Jerome Ruzicka.
 Fourth district—John L. Cashel.
 Sixth district—James Turner.
 Eighth district—G. L. Elken.
 Tenth district—E. F. Gilbert.
 Twelfth district—W. L. Carter.
 Fourteenth district—Ed Pierce.
 Sixteenth district—Charles Ellingsen.
 Eighteenth district—Henry McLean.
 Twentieth district—James Duncan.
 Twenty-second district—A. S. Gibbens.
 Twenty-fourth district—W. C. McDowell.
 Twenty-sixth district—H. W. Allen.
 Twenty-eighth district—E. L. Garden.
 Thirtieth district—Charles McDonald.
 Thirty-second district—S. N. Putnam.
 Thirty-fourth district—C. W. Hookway.
 Thirty-sixth district—P. T. Kretschmar.
 Thirty-eighth district—Martin Thoreson.
 Fortieth district—C. W. Plain.
 Forty-second district—T. F. Gronvold.
 Forty-fourth district—H. J. Linde.
 Forty-sixth district—J. E. Williams.
 Forty-eighth district—John Young.
 Forty-ninth district—H. P. Jacobson.

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

The oath of office was administered to the lieutenant governor elect, Usher L. Burdick, by Chief Justice D. E. Morgan of the supreme court.

Mr. Gilbert moved that the senate proceed to organize by the selection of its elective officers as provided by law.

Which motion prevailed.

Mr. Simpson nominated C. W. Plain as president pro tem of the senate, which nomination was seconded by Mr. Elken, Mr. Steele and Mr. Duis. There being no other nominations, the roll was called and those who voted for Mr. Plain were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Simpson
Baker	Jacobson	Steel of Stutsman
Bessessen	Johnson	Steele of Renville
Carter	Kennedy	Stevens
Cashel	Kretschmar	Syverson
Davis	LaMoure	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Trimble
Elken	McDonald	Turner
Ellingson	McDowell	Wallin
Ganssle	McLean	Walton
Garden	Movius	Welo
Gibbins	Overson	Welch
Gilbert	Pierce	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young

Mr. Plain being excused from voting.

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

Mr. Welch nominated Mr. James W. Foley for secretary of the senate. There being no other nominations, the roll was called and those who voted for Mr. Foley were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobson	Simpson
Baker	Johnson	Steel of Stutsman
Bessessen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syverson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbins	Pierce	Welch
Gilbert	Plain	Whitcher

Messrs.—	Messrs.—	Messrs.—
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway		

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

The oath of office was administered to J. W. Foley, as secretary of the senate.

Mr. Steele nominated L. M. Rockne as first assistant secretary of the senate. There being no other nominations, the roll was called and those who voted for Mr. Rockne were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobson	Simpson
Baker	Johnson	Steel of Stutsman
Bessessen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syverson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbins	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway		

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

Mr. Gibbins nominated H. B. Gray as second assistant secretary of the senate. There being no further nominations the roll was called and those who voted for Mr. Gray were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobson	Simpson
Baker	Johnson	Steel of Stutsman
Bessessen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syverson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbins	Pierce	Welch
Gilbert	Plain	Whitcher

Messrs.—

Gronvold
Gunderson
Hookway

Messrs.—

Putnam
Ruzicka

Messrs.—

Williams
Young

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

Mr. Bessessen nominated C. G. Parsons as chief engrossing and enrolling clerk. There being no other nominations the roll was called and those who voted for Mr. Parsons were:

Messrs.—

Allen
Baker
Bessessen
Carter
Cashel
Davis
Duis
Duncan
Elken
Ellingson
Ganssle
Garden
Gibbins
Gilbert
Gronvold
Gunderson
Hookway

Messrs.—

Jacobson
Johnson
Kennedy
Kretschmar
LaMoure
Linde
Martin
McDonald
McDowell
McLean
Movius
Overson
Pierce
Plain
Putnam
Ruzicka

Messrs.—

Simpson
Steel of Stutsman
Steele of Renville
Stevens
Syvertson
Talcott
Thoreson
Trimble
Turner
Wallin
Walton
Welo
Welch
Whitcher
Williams
Young

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

Mr. McDonald nominated John O'Rourke as first assistant engrossing and enrolling clerk. There being no other nominations the roll was called and those who voted for Mr. O'Rourke were:

Messrs.—

Allen
Baker
Bessessen
Carter
Cashel
Davis
Duis
Duncan
Elken
Ellingson
Ganssle
Garden
Gibbins
Gilbert
Gronvold
Gunderson
Hookway

Messrs.—

Jacobson
Johnson
Kennedy
Kretschmar
LaMoure
Linde
Martin
McDonald
McDowell
McLean
Movius
Overson
Pierce
Plain
Putnam
Ruzicka

Messrs.—

Simpson
Steel of Stutsman
Steele of Renville
Stevens
Syvertson
Talcott
Thoreson
Trimble
Turner
Wallin
Walton
Welo
Welch
Whitcher
Williams
Young

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

Mr. Duncan nominated G. O. Haugen as second assistant engrossing and enrolling clerk. There being no other nominations the roll was called and those who voted for Mr. Haugen were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobson	Simpson
Baker	Johnson	Steel of Stutsman
Bessessen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syverson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbins	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway		

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

Mr. Ganssle nominated C. Magnossen as third assistant engrossing and enrolling clerk. There being no further nominations, the roll was called and those who voted for Mr. Magnossen were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobson	Simpson
Baker	Johnson	Steel of Stutsman
Bessessen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syverson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbins	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway		

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

Mr. Duis moved that the senate take a recess for fifteen minutes.

Which motion prevailed.

Mr. Garden nominated Ethel Mangold as voucher clerk. There being no other nominations the roll was called and those who voted for Ethel Mangold were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobson	Simpson
Baker	Johnson	Steel of Stutsman
Bessessen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syvertson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbins	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hockway		

Ethel Mangold having received a majority of all the votes cast, was declared elected.

Mr. Davis nominated R. H. Johnson as stenographer of the senate. There being no further nominations the roll was called and those who voted for Mr. Johnson were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobson	Simpson
Baker	Johnson	Steel of Stutsman
Bessessen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syvertson
Davis	Linde	Talcott
Duis	Martin	Trimble
Duncan	McDonald	Thoreson
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbins	Pierce	Welch
Gilbert	Plain	
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hockway		

Mr. Johnson having received a majority of all 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.—
Allen	Jacobson	Simpson
Baker	Johnson	Steel of Stutsman
Bessessen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syvertson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbins	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway		

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

Mr. Kennedy nominated John Hogan as doorkeeper. There being no other nominations the roll was called and those who voted for Mr. Hogan were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobson	Simpson
Baker	Johnson	Steel of Stutsman
Bessessen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syvertson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbins	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway		

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

Mr. McLean nominated F. A. McDonald as messenger. There being no other nominations the roll was called and those who voted for Mr. McDonald were:

Messrs.—

Allen
Baker
Bessessen
Carter
Cashel
Davis
Duis
Duncan
Elken
Ellingson
Ganssle
Garden
Gibbins
Gilbert
Gronvold
Gunderson
Hookway

Messrs.—

Jacobson
Johnson
Kennedy
Kretschmar
LaMoure
Linde
Martin
McDonald
McDowell
McLean
Movius
Overson
Plain
Plain
Putnam
Ruzicka

Messrs.—

Simpson
Steel of Stutsman
Steele of Renville
Stevens
Syvertson
Talcott
Thoreson
Trimble
Turner
Wallin
Walton
Welo
Welch
Whitcher
Williams
Young

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

Mr. Stevens nominated J. O. Quamme as postmaster. There being no other nominations the roll was called and those who voted for Mr. Quamme were:

Messrs.—

Allen
Baker
Bessessen
Carter
Cashel
Davis
Duis
Duncan
Elken
Ellingson
Ganssle
Garden
Gibbins
Gilbert
Gronvold
Gunderson
Hookway

Messrs.—

Jacobson
Johnson
Kennedy
Kretschmar
LaMoure
Linde
Martin
McDonald
McDowell
McLean
Movius
Overson
Pierce
Plain
Putnam
Ruzicka

Messrs.—

Simpson
Steel of Stutsman
Steele of Renville
Stevens
Syvertson
Talcott
Thoreson
Trimble
Turner
Wallin
Walton
Welo
Welch
Whitcher
Williams
Young

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

Mr. Welch nominated Herbert Holmes, Peter Boehn, A. Brown, Percy Hughes, John Keenan and E. Griffin as pages. There being no other nominations the roll was called and those who voted for the nominees were:

Messrs.—

Allen
Baker
Bessessen

Messrs.—

Jacobson
Johnson
Kennedy

Messrs.—

Simpson
Steel of Stutsman
Steele of Renville

Messrs.—	Messrs.—	Messrs.—
Carter	Kretschmar	Stevens
Cashel	LaMoure	Sy ertson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbins	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway		

The nominees for pages as above, having received a majority of all the votes cast were declared elected.

Mr. Gilbert nominated Theodore Koffel as proofreader. There being no other nominations the roll was called and those who voted for Mr. Koffel were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobson	Simpson
Baker	Johnson	Steel of Stutsman
Bessessen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syverson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbins	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway		

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

Mr. Welch nominated Rev. C. W. Harris as chaplain. There being no other nominations the roll was called and those who voted for Mr. Harris were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobson	Simpson
Baker	Johnson	Steel of Stutsman
Bessessen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syverson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble

Messrs.—	Messrs.—	Messrs.—
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbins	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway		

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

Mr. Kretschmar nominated W. M. Noodlings as janitor. Mr. Plain nominated Jacob Spenst. There being no other nominations those who voted for W. M. Noodlings and Jacob Spenst were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobson	Simpson
Baker	Johnson	Steel of Stutsman
Bessessen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syverson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbins	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway		

W. M. Noodlings and Jacob Spenst having received a majority of all the votes cast, were declared elected.

Mr. Johnson nominated William Payne as watchman. There being no other nominations the roll was called and those who voted for William Payne were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobson	Simpson
Baker	Johnson	Steel of Stutsman
Bessessen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syverson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton

Messrs.—	Messrs.—	Messrs.—
Garden	Overson	Welo
Gibbins	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway		

William Payne having received a majority of all the votes cast, was declared elected.

Mr. Gronvold nominated J. Lynch as cloak room attendant. There being no other nominations the roll was called and those who voted for Mr. Lynch were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobson	Simpson
Baker	Johnson	Steel of Stutsman
Bessessen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syverson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbins	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway		

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

Mr. Trimble nominated John Wigby as bill clerk. There being no other nominations the roll was called and those who voted for Mr. Wigby were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobson	Simpson
Baker	Johnson	Steel of Stutsman
Bessessen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syverson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbins	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway		

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

Mr. Walton nominated R. E. Griffin as doorkeeper for the gallery. There being no other nominations the roll was called and those who voted for Mr. Griffin were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobson	Simpson
Baker	Johnson	Steel of Stutsman
Bessessen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syvertson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbins	Pierce	Welch
Gilbert	Platz	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway		

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

Mr. Overson nominated Lawrence Casey as assistant bill clerk. There being no other nominations the roll was called and those who voted for Mr Casey were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobson	Simpson
Baker	Johnson	Steel of Stutsman
Bessessen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syvertson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbins	Pierce	Welch
Gilbert	Platz	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway		

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

Mr. Ellingson nominated Norris Nelson as clerk of the judiciary committee. There being no further nominations

the roll was called and those who voted for Mr. Nelson were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobson	Simpson
Baker	Johnson	Steel of Stutsman
Bessessen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syvertson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbins	Pierce	Welch
Gilbert	Putnam	Whitcher
Gronvold	Ruzicka	Williams
Gunderson		Young
Hookway		

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

Mr. LaMoure nominated Mrs. J. M. Wylie as clerk of the appropriations committee. There being no other nominations the roll was called and those who voted for Mrs. Wylie were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobson	Simpson
Baker	Johnson	Steel of Stutsman
Bessessen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syvertson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbins	Pierce	Welch
Gilbert	Putnam	Whitcher
Gronvold	Ruzicka	Williams
Gunderson		Young
Hookway		

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

Mr. Whitcher nominated F. H. Getchell as clerk of the committee on state affairs. There being no other nominations the roll was called and those who voted for Mr. Getchell were:

Messrs.—

Allen
Baker
Bessessen
Carter
Cashel
Davis
Duis
Duncan
Elken
Ellingson
Ganssle
Garden
Gibbins
Gilbert
Gronvold
Gunderson
Hookway

Messrs.—

Jacobson
Johnson
Kennedy
Kretschmar
LaMoure
Linde
Martin
McDonald
McDowell
McLean
Movius
Overson
Pierce
Plain
Putnam
Ruzicka

Messrs.—

Simpson
Steel of Stutsman
Steele of Renville
Stevens
Syvertson
Talcott
Thoreson
Trimble
Turner
Wallin
Walton
Welo
Welch
Whitcher
Williams
Young

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

Mr. Carter nominated P. L. Keating as Journal clerk. There being no other nominations the roll was called and those who voted for Mr. Keating were:

Messrs.—

Allen
Baker
Bessessen
Carter
Cashel
Davis
Duis
Duncan
Elken
Ellingson
Ganssle
Garden
Gibbins
Gilbert
Gronvold
Gunderson
Hookway

Messrs.—

Jacobson
Johnson
Kennedy
Kretschmar
LaMoure
Linde
Martin
McDonald
McDowell
McLean
Movius
Overson
Pierce
Plain
Putnam
Ruzicka

Messrs.—

Simpson
Steel of Stutsman
Steele of Renville
Stevens
Syvertson
Talcott
Thoreson
Trimble
Turner
Wallin
Walton
Welo
Welch
Whitcher
Williams
Young

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

Mr. Syvertson nominated L. R. Roque as assistant Journal clerk. There being no further nominations the roll was called and those who voted for Mr. Roque were:

Messrs.—

Allen
Baker
Bessessen
Carter
Cashel

Messrs.—

Jacobson
Johnson
Kennedy
Kretschmar
LaMoure

Messrs.—

Simpson
Steel of Stutsman
Steele of Renville
Stevens
Syvertson

Messrs.—	Messrs.—	Messrs.—
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbins	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway		

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

Mr. Gilbert nominated the following persons to be stenographers for the senators: C. M. Coleman, Helen Barber, Margaret Shervin, Cora G. Simpson, Helen Fauske, Margaret Bannerman, Luella Pennebaker and Miss Holmboe. There being no other nominations the roll was called and those who voted for the nominees were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobson	Simpson
Baker	Johnson	Steel of Stutsman
Bessessen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syvertson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbins	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway		

Each of the nominees having received a majority of the votes cast, was declared elected.

Mr. LaMoure offered the following resolution:

Resolved, That the following offices be created and the following named persons nominated and elected to the same, to-wit:

Stenographers—Jane Traynor, C. H. Olson and Ethel Newberry.

Assistant sergeant at arms— Lou Stevens.

Bill room clerk—M. Skarison.

Mr. Martin offered the following resolution:

Resolved, That the following office be created and the following named persons nominated and elected to the same, to-wit:

Clerk to committee on elections—W. W. Taylor.

Clerk to committee on ways and means—Wm. Falconer.

Clerk to committee on education—Ray McGinnis.

Clerk to committee on railroads—Charles Hallinger.

One mailing clerk—John Jones.

Committee clerks—E. H. Gamble, Miss Josephine Baker.

One additional page—Wilbur W. Lyman.

The roll being called, those who voted for the adoption of the resolution were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobson	Simpson
Baker	Johnson	Steel of Stutsman
Bessessen	Kennedy	Steele of Reaville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syverson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbins	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway		

So the resolution was adopted.

A committee from the house advised the senate that the house was organized and ready to receive any communications the senate might have.

Mr. Steele moved that the president name a committee of seven on rules and that the rules of the last senate be in force until the new rules are adopted.

Which motion prevailed, and

The president named as such committee, Senators Garden, Kennedy, Davis, Putnam, Stevens and Duis.

Mr. Simpson moved that a committee of three be named to wait on the governor and inform him that the senate was organized and ready to receive any messages he might have to send.

Which motion prevailed.

The president named as such committee Messrs. Simpson, Cashel and Elken.

Mr. Simpson moved that a committee of three be named to advise the house that the senate was organized and ready to receive any messages the house might have to send.

Which motion prevailed, and

The president named as such committee, Messrs. Over-son, LaMoure and Turner.

Mr. Steele moved that a joint committee of three from the senate be named to act with a like committee from the house and wait on the governor to ascertain at what time he desired to present his message to the two houses of the legislature in joint session.

Which motion prevailed, and

The president named as such committee, Messrs. Steele, Talcott and Hookway.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

January 3, 1911.

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—J. M. Hanley.

Chief clerk—E. H. Griffin.

Assistant chief clerks—R. E. Walker and J. I. Roop.

Pages—F. W. Couch, Stanley Allerston, Clarence Sall-rag, Walter Knott, Austin Patzman, James McConke.

House Janitors—Hans Thompson, Julius Johnson, Geo. Fisher, E. A. Bryn.

Watchman—M. Stamsey.

Cloak room attendant—Thorald Torgerson.

Journal clerk—A. E. Erickson.

Assistant Journal clerks—Chas E. Forest, W. L. Gill.

Voucher clerk—T. D. Baldwin.

Engrossing and enrolling clerk—Chas. I. Cook.

Assistants—Mrs. A. N. Page, A. L. Ingals and G. S. Epler.

Stenographer—Ollie Couch.
 Sergeant at arms—A. M. Offerdahl.
 Bill clerk—Geo. Martin.
 Assistant bill clerk—H. A. Halderson.
 Door keepers—John Haven, C. A. Hanson.
 Gallery door keeper—John Roscoe.
 Clerk of judiciary committee—Edward S. Johnson.
 Clerk of appropriation committee—A. R. Wright.
 Clerk of state affairs committee—R. A. Burnett.
 Messengers—K. M. Sattern, W. O. Nelson.
 Postmaster—Carl Magnusson.
 Chaplain—Rev. A. Lincoln Shute.

Respectfully,
 E. H. GRIFFIN,
 Chief Clerk.

The committee named to wait upon the governor reported and advised the senate that the governor would be pleased to deliver his message to the two houses in joint session on Wednesday.

Mr. Pierce offered the following concurrent resolution:

Be it Resolved by the Senate, the House Concurring,
 That when the two houses of the legislative assembly adjourn on Wednesday, January 4, they stand adjourned until two o'clock p. m., January 12.

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

The president of the senate administered the oath of office to the following employes:

J. E. Hogan, L. R. Roque, John Wigby, Jacob Spenst, M. Skarison, James Lynch, Norris Nelson, R. E. Griffin, J. O. Quamme, F. A. McDonald, W. W. Tyler, W. A. Falconer, Margaret Shervin, L. E. Stevens, Cora G. Simpson, Catherine Coleman, Mrs. J. Lyons, W. W. Lyman, Peter Boehn, Arthur Brown, John Keenan, Herbert Holmes, Percy Hughes, E. W. Griffin, Lawrence Casey, John O'Rourke, Theodore Koffel, R. H. Johnson, P. L. Keating, W. M. Noodlings, C. G. Parsons and Mrs. J. M. Wylie.

Mr. Steele moved

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

JAMES W. FOLEY,
 Secretary.

SECOND DAY

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

The senate convened pursuant to adjournment, the president presiding.

Prayer by the chaplain.

ROLL CALL.

Messrs.—

Allen
Baker
Bessessen
Carter
Cashel
Davis
Duis
Duncan
Elken
Ellingson
Ganssle
Garden
Gibbins
Gilbert
Gronvold
Gunderson

Messrs.—

Hookway
Jacobson
Kennedy
Kretschmar
LaMoure
Linde
Martin
McDonald
McDowell
McLean
Overson
Pierce
Plain
Putnam
Ruzicka
Simpson

Messrs.—

Steel of Stutsman
Steele of Renville
Stevens
Syvertson
Talcott
Thoreson
Trimble
Turner
Wallin
Walton
Welo
Welch
Whitcher
Williams
Young

All present except Messrs. Johnson and Movius, who were excused.

Mr. Plain moved that all absentees be excused.

Which motion prevailed.

Mr. Simpson moved that the reading of the Journal be dispensed with and a committee named to revise the Journal until the appointment of a permanent committee.

Which motion prevailed, and
The president named Messrs. Cashel, Steel and McLean.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
Wednesday, January 4.

Mr. President:

I have the honor to inform you that the house has concurred in concurrent resolution relative to adjournment.

Respectfully,
E. H. GRIFFIN,
Chief Clerk.

Mr. Gilbert offers the following

RESOLUTION.

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

That in the enactment of legislation and the transaction of the business of the state, of which the members of the legislative assembly are the chosen representatives, it is the sense of the senate that careful economy be practiced and that no expenditures be authorized except such as are necessary in the proper carrying on of the legislative functions, and that merit and efficiency be required of all employes named by the senate. That the conduct of the state's business be in accord with the declarations of the platforms of the political parties of the state and nation, and that no unnecessary expenditures be sanctioned by this senate. That in the making of appropriations, consideration shall be had solely for the best good of the state and its institutions, irrespective of local feelings and desires, to the end that the taxpayers of this state shall have economical, wise and careful administration of the affairs of the state at the smallest possible expense consistent with the proper needs of the state and its institutions.

Mr. Gilbert moved that
The resolution be adopted.
Which motion prevailed, and
The resolution was adopted:
Mr. Pierce offers the following

RESOLUTION.

WHEREAS, the nature and extent of the important legislation which should necessarily or properly be considered by the present legislative assembly is such that thorough and effective consideration can be given it in much less time than is usually consumed in doing so; and

WHEREAS, it is desirable that the utmost economy consistent with effective service should prevail in all departments of the state government;

Therefore: Be it Resolved by the Senate, the House of Representatives concurring:

That it is the sense of the legislative body that the 12th Legislative Assembly should complete its labors and adjourn sine die not later than the 45th day.

Mr. Pierce moved the adoption of the resolution.

Mr. Bessessen objected to the consideration of the resolution.

Which went over one day.

Mr. Pierce moved that the resolution be referred to The committee on state affairs.

Which motion prevailed.

Mr. Bessessen introduced the following

RESOLUTION.

Be it Resolved by the Senate:

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 and as made in the 1909 session laws, opposite each section so amended or repealed, and that said work be performed by the clerical force of the Senate 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. Bessessen moved that

The resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Gunderson introduced the following

RESOLUTION.

A concurrent resolution providing for a committee to examine the report of the North Dakota Game and Fish Board of Control, now on file in the state auditor's office.

WHEREAS, the governor of the state did duly appoint a Game and Fish Board of Control in accordance with House Bill numbered 156, approved March 5th, 1909, and

WHEREAS, the report of said board of control up to December 31st, 1910, shows a total expenditure of \$42,630.18, and

WHEREAS, this amount seems extravagant and unreasonable, and

WHEREAS, the strictest economy should be practiced in all departments of state and public institutions,

Be it therefore Resolved:

That the president of the Senate is hereby authorized to appoint a committee of three to act with a like committee of four to be appointed by the Speaker of the House of Representatives, for the purpose of examining the

above mentioned report and to ascertain as far as possible if the game of the state is receiving proper attention under the present law, and to make a report of its findings and conclusions to this assembly, on or before the twentieth day of its session; also to make such other reports and recommendations in connection with this subject matter as it may deem proper and for the best interest of the state, and to call for any legislative power from this assembly that it may consider necessary and expedient for the carrying out of its duties.

Be it further Resolved:

That the committee shall organize by electing one of its members chairman and a stenographer from either branch of the assembly to act as secretary thereof.

Mr. Duis objected to the consideration of the resolution.
Which went over one day.

Mr. Welch introduced the following

RESOLUTION.

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

That this body appreciates the many good qualities of R. S. Lewis, lieutenant-governor of this state, and that it desires hereby to express its confidence in his fairness and good judgment and the hope that he may find always as cordial appreciation as he enjoys from the members of this Senate who have served with him, and

That as a further token of consideration and respect, he be presented with the gavel and chair which have been officially his during his four years of office.

Mr. Welch moved that
The resolution be adopted.
Which motion prevailed, and
The resolution was adopted.

Mr. Gilbert offered the following

RESOLUTION.

Resolved:

That the following offices be created and the following named persons nominated and elected to the same, to-wit:

Two stenographers to be assigned to the hotels.

Lizzie Sullivan.

Carrie Morrish.

The question being on the adoption of the resolution.

The roll was called and those who voted for the adoption of the resolution were:

Messrs.—

Allen
Baker
Bessessen
Carter
Cashel
Davis
Duis
Duncan

Messrs.—

Hookway
Kennedy
Kretschmar
LaMoure
Linde
Martin
McDonald
McDowell

Messrs.—

Steel of Stutsman
Steele of Renville
Stevens
Syvertson
Talcott
Thoreson
Trimble
Turner

Messrs.—

Elken
Ellingson
Ganssle
Garden
Gibbins
Gilbert
Gronvold
Gunderson

Messrs.—

McLean
Overson
Pierce
Plain
Putnam
Ruzicka
Simpson

Messrs.—

Wallin
Walton
Welo
Welch
Whitcher
Williams
Young

So the resolution was adopted.

A committee from the house announced that the house was awaiting to receive the senate in joint session to receive the governor's message.

Mr. Gunderson moved that the senate proceed to the house for a joint session.

Which motion prevailed, and

The senate proceeded to the house.

The senate reassembled.

The president presiding.

Mr. Cashel moved that the senate return to the third order of business.

Which motion prevailed.

REFERENCE TO THE JOURNAL.

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

Mr. President:

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

On page 16 of the printed journal, after the word "elected" and before the words "Mr. Martin, insert the following:

Mr. LaMoure offered the following resolution:

RESOLUTION.

Resolved:

That the following offices be created and the following named persons nominated and elected to the same, to-wit:

Stenographers: Jane Traynyor, C. H. Olson and Ethel Newberry.

Assistant sergeant-at-arms: Lou Stevens.

Bill room clerk: M. Skarison.

Assistant bill room clerk: Andrew Torfin.

Attendant: Mrs. J. Lyons.

The roll being called, those who voted for the adoption of the resolution were:

Messrs.—

Allen
Baker
Bessessen
Carter
Cashel
Davis
Duis
Duncan
Elken
Ellingson
Ganssle
Garden
Gibbins
Gilbert
Gronvold
Gunderson
Hookway

Messrs.—

Jacobson
Johnson
Kennedy
Kretschmar
LaMoure
Linde
Martin
McDonald
McDowell
McLean
Movius
Overson
Pierce
Plain
Putnam
Ruzicka

Messrs.—

Simpson
Steel of Stutsman
Steele of Renville
Stevens
Syvertson
Talcott
Thoreson
Trimble
Turner
Wallin
Walton
Welo
Welch
Whitcher
Williams
Young

So the resolution was adopted.

Page 17, in committee on rules, insert the name Putnam.

And when so amended recommended that the same be approved.

J. L. CASHEL, Chairman.
HENRY McLEAN.

Mr. Cashel moved that the report be adopted.
Which motion prevailed, and
The report was adopted.

SENATE BILLS INTRODUCED.

Mr. LaMoure introduced

Senate Bill No. 1.

An act appropriating an annual sum of money for the use of the government experiment station at Fargo for conducting demonstration farms and for furnishing samples of seed grain and otherwise co-operating with farmers; 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.

Which was read the first time.

Mr. Gilbert introduced

Senate Bill No. 2.

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. McLean introduced
Senate Bill No. 3.

A bill for an act to prohibit the granting to or use by any person of any fee pass, frank or special privilege withheld from any other person and to fix the penalty for violation thereof.

Which was read the first time.

Mr. Bessessen introduced
Senate Bill No. 4.

A bill for an act prohibiting the granting to or using by any person of any free pass, frank, or special privileges withheld from any other person, and prohibiting railroads, railroad corporations and common carriers from carrying any passenger or person 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, providing a penalty therefor; and providing transportation for the board of railroad commissioners and its secretary.

Which was read the first time.

Mr. Bessessen introduced
Senate Bill No. 5.

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

Which was read the first time.

Mr. Simpson introduced
Senate Bill No. 6.

A bill for and act to create October 12th in each year a legal holiday to be known as "Columbus Day."

Which was read the first time.

Mr. Duis introduced
Senate Bill No. 7.

A joint resolution ratifying the sixteenth amendment to the constitution of the United States.

Which was read the first time.

Mr. Talcott moved

That the president name a committee of three to prepare suitable resolutions of respect for the late United States Senator Martin N. Johnson, a distinguished citizen and

official of the state of North Dakota and an honored member of the United States senate and that the committee also provide for such other memorial as the legislative assembly might deem proper and sufficient.

Which motion prevailed, and

The president of the senate named Messrs. Linde, Talcott and Kennedy.

The president administered the oath of office to the following:

Andrew Torfin, Josephine Baker, Wm. Nodding, C. H. Olson, J. R. McGinnis, James Walsh, Carrie Morrish, Margarite Bannerman, Marie Holmboe.

Mr. Linde offered the following

RESOLUTION.

WHEREAS, at and during the session of the 11th Legislative Assembly of the State of North Dakota, there was included in the membership of the Senate the Hon. Martin Anderson of the 44th Legislative District.

He was an honest, upright and kind man who was loved and respected by all of those who knew him, and those who knew him best loved and respected him most.

He was held in high regard by his constituents and his people at home, and this high regard for him, the kind feeling towards him and the confidence placed in him were crystallized into his being selected to represent them and their interests in the Senate of the last Legislative Assembly, and as a member of the Senate he was always found laboring for the best interests of his district and the state, his course of action and his stand upon all questions and matters of legislation being at all times determined and fixed by his own personal and conscientious convictions and by his honest and sincere judgment and sense of duty.

Those members of this Senate who served with him and worked with him in the committees and in the sessions of the Senate, and those who associated with him out of session loved him, respected him and honored him as a man who viewed and looked upon all things with absolute fairness and honesty, and who met all problems of legislation and complicated questions openly, fairly and squarely, and those with whom he differed on questions of legislative policy and in political faith learned to fully realize that he was at all times sincere and honest, and if he was in error, that it was error in judgment alone.

He was a broad-minded and liberal man, and one who on all occasions, at all times and in the midst of political strife was always willing to and did accord to his opponents the absolute right to differ in belief, realizing thoroughly that the instinct, inclinations and ideas of the human mind may honestly and sincerely differ.

And now that the Director of the Destinies of Human Life has seen fit to call from our midst and to end the life work of our friend, and that he has now been relieved and released from the hardships and burdens of human existence and joined the large army of men who have been called before him to the Great Beyond, it is mete and proper that we, the members of the Senate of the 12th Legislative Assembly of the State of North Dakota, next following that Legislative Assembly which included in its membership the late Senator Martin Anderson, should give expression to our love and respect for him as a man and as a legislator, and that we pay a proper tribute of honor and respect to his memory.

Therefore be it Resolved:

That the members of the Senate of the 12th Legislative Assembly of the State of North Dakota express honor and respect for the memory of our deceased fellow senator; that they do by this resolution pay the tribute to his memory which his life work duly deserved, and that this be an expression of the friendship, the love and the high regard they felt for him personally as a member of the Senate and as a citizen of the state.

And be it further Resolved:

That a copy of this resolution be engrossed and sent to the family of the late Senator Martin Anderson by the Secretary of the Senate, and that out of respect for him and as a tribute to his memory the Senate do now adjourn.

Which resolution was adopted and
The senate adjourned.

JAMES W. FOLEY,
Secretary.

TENTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 12, 1911.

The senate met pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll call.

All present except Messrs. Allen, Cashel, Ganssle, Johnson, Linde, Martin, McLean, Movius, Plain, Putnam, Steele, who were excused.

Mr. LaMoure presented the following statement prepared by Land Commissioner M'Donald, with the request that it be printed in the Journal.

Which request was granted.

STATEMENT SHOWING THE AREA AND CONDITION OF
THE COMMON SCHOOL AND INSTITUTIONAL LAND GRANT
ON JANUARY 1, 1911, ALSO THE CONDITION OF THE
PERMANENT FUNDS.

COMMON SCHOOL AND INDEMNITY LANDS.

Area of grant	2,543,319.41 acres
Sold to date	964,421.34 acres
Remaining unsold	1,578,898.07 acres
Total purchase price of land sold	\$ 15,351,767.38
Average price per acre	15.92

PERMANENT FUND RECEIPTS.

From contract payments	\$ 4,942,546.96
From rights of way	72,152.66
From other sources, 5 per cent on U. S. land sales, etc.	485,940.90
Total receipts	\$ 5,500,640.52

INVESTMENT OF PERMANENT FUND.

Bonds bearing 4 per cent interest	\$ 4,053,845.14	
Farm loans bearing 5 per cent interest ..	1,310,083.07	
Temporary transfer (Scientific)	5,000.00	
Refunds and miscellaneous	60.00	
Uninvested balance January 1	132,152.31	
Total		\$ 5,500,640.52

DEFERRED PAYMENTS ON CONTRACTS.

Total past due, delinquent	\$ 189,228.52	
Deferred payments due January 1st and all following years	9,409,578.47	
Total deferred and delinquent payments		\$ 9,598,806.99

INTEREST AND INCOME

Common School and Indemnity Lands, Estimated Per Year, 1911 and 1912, Probable Receipts from Interest Per Year.		
On land contracts	\$ 585,250.00	
From rent	71,900.00	
On bonds	165,000.00	
On farm loans	60,000.00	
Total		\$ 882,150.00
Cash balance on hand January 1st		\$ 39,116.86

AGRICULTURAL COLLEGE.

Area of grant	130,000.00 acres	
Sold to date	93,776.16 acres	
Unsold	36,223.84 acres	
Total purchase price		\$ 1,219,360.77
Average price per acre		13.03

PERMANENT FUND RECEIPTS.

Contract payments and right of way	\$ 316,816.67	
Miscellaneous sources	327.27	
Total receipts		\$ 317,143.94

INVESTMENT OF PERMANENT FUND.

Bonds bearing 4 per cent	\$ 311,253.59	
Transferred	320.00	
Uninvested balance January 1st	5,570.35	
Total		\$ 317,143.94

DEFERRED PAYMENTS ON CONTRACTS.

Past due, delinquent	\$ 22,877.83	
Due January 1st and all following years..	879,666.27	
Total delinquent and deferred		\$ 902,544.10

INTEREST AND INCOME

Estimated for the Years 1911 and 1912, Probable Collections Per Year.		
On land contracts	\$ 45,250.00	
From rent	2,200.00	
Interest on bonds	12,400.00	
Total		\$ 59,850.00
Cash balance on hand January 1st		\$ 2,886.56

BLIND ASYLUM.

Area of grant	30,000.00	acres
Acres sold to date	19,252.74	acres
Unsold	10,747.26	acres
Total purchase price	\$ 250,456.24	
Average price per acre	13.00	

PERMANENT FUND RECEIPTS.

From contracts and right of way	\$ 68,537.71	
Overpayments	6.60	
Total	\$ 68,544.31	

INVESTMENT OF PERMANENT FUND.

Bonds bearing 4 per cent	\$ 68,400.00	
Balance uninvested January 1st	144.31	
Total	\$ 68,544.31	

DEFERRED PAYMENTS ON CONTRACTS.

Past due, delinquent	\$ 3,456.46	
Due January 1, 1911 and following years ..	178,462.07	
Total delinquent and deferred	\$ 181,918.53	

INTEREST AND INCOME

Estimated Collections Per Year for 1911 and 1912.		
On contracts	\$ 10,000.00	
From rents	450.00	
Interest on bonds	2,700.00	
Total	\$ 13,150.00	
Cash balance on hand January 1st	\$ 103.40	

CAPITOL BUILDING.

Area of grant	82,000.00	acres
Acres sold to date	51,504.08	acres
Remaining unsold	30,495.92	acres
Total purchase price of land sold	\$ 646,582.99	
Average price per acre	12.55	

PERMANENT FUND RECEIPTS.

Contracts and rights of way	\$ 168,501.17	
Total	\$ 168,501.17	

DISBURSEMENTS OF PERMANENT FUND.

Miscellaneous on capitol building, etc.	\$ 52,879.04	
Capitol building bonds, redeemed	100,000.00	
Balance on hand January 1st	15,622.13	
Total	\$ 168,501.17	

DEFERRED PAYMENTS ON CONTRACTS.

Delinquent, past due	\$ 13,259.22	
Due January 1st and following years	464,822.60	
Total	\$ 478,081.82	

INTEREST AND INCOME

Estimated Collections Per Year, for 1911 and 1912.

On land contracts	\$	24,000.00	
From rent		1,500.00	
Total	\$		25,500.00
Cash balance on hand January 1st	\$		90,278.07

SCHOOL FOR DEAF.

Area of grant	40,000.00	acres
Acres sold to date	26,710.29	acres
Unsold	13,289.71	acres
Total purchase price	\$	334,969.90
Average price per acre		12.54

PERMANENT FUND RECEIPTS.

From contracts and right of way	\$	92,278.26
Miscellaneous		596.32
Total	\$	92,874.58

INVESTMENT OF PERMANENT FUND.

Bonds bearing 4 per cent	\$	90,319.51
Miscellaneous transfers and refunds		566.62
Balance on hand not invested		1,988.45
Total	\$	92,874.58

DEFERRED PAYMENTS ON CONTRACTS.

Past due, delinquent	\$	5,573.94
Due January 1st and following years		237,117.70
Total delinquent and deferred	\$	242,691.64

INTEREST AND INCOME

Estimated Collections Per Year for 1911 and 1912.

On contracts	\$	13,000.00
From rents		800.00
Interest on bonds		3,600.00
Total	\$	17,400.00
Cash balance on hand January 1st	\$	340.40

INSANE ASYLUM.

Area of grant	20,000.00	acres
Acres sold to date	13,203.79	acres
Unsold	6,796.21	acres
Total purchase price of land sold	\$	164,028.50
Average price per acre		12.42

PERMANENT FUND RECEIPTS.

From contracts and right of way	\$	44,117.13
Miscellaneous		6.00
Total	\$	44,123.13

INVESTMENT OF PERMANENT FUND.

Bonds bearing 4 per cent	\$	41,367.35
Uninvested balance January 1st		2,755.78
Total	\$	44,123.13

DEFERRED PAYMENTS ON LAND CONTRACTS.

Delinquent, past due	\$	4,626.70	
Due January 1st and following years		115,235.70	
Total delinquent and deferred	\$		119,862.40

INTEREST AND INCOME

Estimated Collections Per Year for 1911 and 1912.			
On land sales	\$	8,000.00	
On rent		400.00	
Interest on bonds		1,600.00	
Total	\$		10,000.00
Cash balance on hand January 1st	\$		28,677.82

INDUSTRIAL SCHOOL.

Area of grant	40,000.00	acres
Acres sold to date	28,100.67	acres
Remaining unsold	11,899.33	acres
Total purchase price of land sold	\$	364,403.03
Average price per acre		12.97

PERMANENT FUND RECEIPTS.

From contracts and right of way	\$	94,537.86
Transferred		192.00
Total	\$	94,729.86

INVESTMENT OF PERMANENT FUND.

Bonds bearing 4 per cent	\$	91,238.31
Balance uninvested		3,491.55
Total	\$	94,729.86

DEFERRED PAYMENTS ON LAND CONTRACTS.

Past due, delinquent	\$	7,219.02
Due January 1st and following years		262,646.15
Total delinquent and deferred	\$	269,865.17

INTEREST AND INCOME

Estimated Per Years 1911 and 1912, Probable Collections Per Year.			
On land contracts	\$	15,000.00	
From rent		600.00	
Interest on bonds		3,600.00	
Total	\$		19,200.00
Cash balance in interest and income fund January 1st	\$		215.20

NORMAL SCHOOLS.

Area of grant	80,000.00	acres.
Acres sold to date	57,833.93	acres.
Remaining unsold	22,166.07	acres.
Total purchase price	\$	743,185.25
Average price per acre		12.85
(All receipts from Normal School lands are divided 3-8 to Mayville and 5-8 to Valley City.)		

PERMANENT FUND RECEIPTS.

From contracts and right of way	\$	195,372.53	
Miscellaneous		80.70	
Total	\$		195,453.23

INVESTMENT OF PERMANENT FUND.

Bonds bearing 4 per cent, Valley City.....	\$	121,421.11	
Bonds bearing 4 per cent, Mayville		73,129.62	
Balance uninvested, Valley City		636.74	
Balance uninvested, Mayville		265.76	
Total	\$		195,453.23

DEFERRED PAYMENTS ON LAND CONTRACTS.

Past due, delinquent	\$	17,312.76	
Due January 1st and following years.....		530,430.46	
Total delinquent and deferred	\$		547,743.22
INTEREST AND INCOME (ESTIMATED) COLLECTIONS PER YEAR FOR 1911 AND 1912.			
On land contracts	\$	30,000.00	
From rent		1,450.00	
Interest on bonds		7,700.00	
Total	\$		39,150.00
Cash balance on hand January 1st	\$		922.77

REFORM SCHOOL.

Area of grant		40,000.00	
Acres sold to date		28,192.09	
Remaining unsold		11,807.91	
Total purchase price	\$		372,670.60
Average price per acre			13.21

PERMANENT FUND RECEIPTS.

From contracts and right of way	\$	95,997.39	
Total	\$		95,997.39

INVESTMENT OF PERMANENT FUND.

Bonds bearing 4 per cent	\$	95,741.22	
Uninvested balance, January 1st.....		256.17	
Total	\$		95,997.39

DEFERRED PAYMENTS ON LAND CONTRACTS.

Delinquent, past due	\$	6,607.00	
Due January 1st and following years		270,066.23	
Total delinquent and deferred	\$		276,673.23
INTEREST AND INCOME (ESTIMATED) COLLECTIONS PER YEAR FOR 1911 AND 1912.			
On land contracts	\$	14,500.00	
From rent		650.00	
Interest on bonds		3,800.00	
Total	\$		18,950.00
Cash balance on hand January 1st	\$		14,764.44

SCIENTIFIC SCHOOL.

Area of grant	40,000.00	acres.
Acres sold to date	29,118.82	acres.
Remaining unsold	10,881.18	acres.
Total purchase price	\$	374,345.80
Average price per acre	\$	12.85

PERMANENT FUND RECEIPTS.

From contracts and right of way	\$	97,765.82
From miscellaneous sources		414.20
Temporary transfer from common school..		5,000.00
Total	\$	103,180.02

INVESTMENT OF PERMANENT FUND.

In bonds bearing 4 per cent	\$	101,126.57
Uninvested balance January 1st		1,639.45
Transfers		414.00
Total	\$	103,180.02

DEFERRED PAYMENTS ON CONTRACTS.

Delinquent, past due	\$	7,089.50
Due January 1st and following years		269,490.48
Total delinquent and deferred	\$	276,579.98

INTEREST AND INCOME (ESTIMATED) PROBABLE COLLECTIONS FOR
YEARS 1911 AND 1912, PER YEAR.

On land contracts	\$	15,000.00
From rent		600.00
Interest on bonds		4,000.00
Total	\$	19,600.00
Cash balance on hand January 1st	\$	737.03

SCHOOL OF MINES.

Area of grant	40,000.00	acres.
Acres sold to date	27,163.45	acres.
Remaining unsold	12,836.55	acres.
Total purchase price	\$	354,901.05
Average price per acre		13.06

PERMANENT FUND RECEIPTS.

From contracts and right of way	\$	95,253.44
Total	\$	95,253.44

INVESTMENT OF PERMANENT FUND.

Bonds bearing 4 per cent	\$	92,042.79
Transferred		284.02
Uninvested balance January 1st		2,926.63
Total	\$	95,253.44

DEFERRED PAYMENTS ON CONTRACTS.

Delinquent, past due	\$	6,552.87	
Due January 1st and following years		253,378.74	
Total delinquent and deferred	\$		259,931.61

INTEREST AND INCOME (ESTIMATED) PROBABLE COLLECTIONS PER YEAR FOR
YEARS 1911 AND 1912.

On land contracts	\$	14,000.00	
From rent		700.00	
Interest on bonds		3,600.00	
Total	\$		18,300.00
Cash balance on hand January 1st	\$		238.87

SOLDIERS' HOME.

Area of grant	40,000.00	acres.
Acres sold to date	27,641.71	acres.
Remaining unsold	12,358.29	acres.
Total purchase price of land sold	\$	370,271.70
Average price per acre		13.39

PERMANENT FUND RECEIPTS.

From contracts and right of way	\$	96,274.20	
Total	\$		96,274.20

INVESTMENT OF PERMANENT FUND.

In bonds bearing 4 per cent	\$	92,563.60	
Uninvested balance		3,710.60	
Total	\$		96,274.20

DEFERRED PAYMENTS ON CONTRACTS.

Delinquent, past due	\$	6,697.07	
Due January 1st and following years		267,300.42	
Total delinquent and deferred	\$		273,997.49

INTEREST AND INCOME (ESTIMATED) PROBABLE COLLECTIONS PER YEAR FOR
YEARS 1911 AND 1912.

Interest on land contracts	\$	15,000.00	
From rent		700.00	
Interest on bonds		3,700.00	
Total	\$		19,400.00
Cash balance on hand January 1st			537.95

STATE UNIVERSITY.

Area of grant	86,080.00	acres.
Acres sold to date	62,403.37	acres.
Remaining unsold	23,676.63	acres.
Total purchase price	\$	808,423.21
Average price per acre		12.95

PERMANENT FUND RECEIPTS.

From contracts and right of way	\$ 210,384.28	
Total receipts		\$ 210,384.28

INVESTMENT OF PERMANENT FUND.

In bonds bearing 4 per cent	\$ 210,272.68	
Uninvested balance	111.60	
Total		\$ 210,384.28

DEFERRED PAYMENTS.

Delinquent, past due	\$ 18,839.68	
Due January 1st and following years	579,199.83	
Total delinquent and deferred		\$ 598,039.51

INTEREST AND INCOME (ESTIMATED) PROBABLE COLLECTIONS PER YEAR FOR YEARS 1911 AND 1912.

From land contracts	\$ 35,000.00	
From rent	1,350.00	
Interest on bonds	8,500.00	
Total		\$ 44,850.00
Cash balance on hand January 1st		\$ 1,015.44

RECAPITULATION.

Statement of All Land Grants on January 1st, 1911.

Area of all lands grants	3,211,399.41	
Acres sold to date	1,429,322.44	
Remaining unsold	1,782,076.97	
Total purchase price of lands sold	\$ 21,355,366.42	
Average price per acre		14.92

PERMANENT FUND RECEIPTS.

From all contract payments	\$ 6,506,881.03	
From right of way	87,427.84	
From other sources, being 5 per cent on U. S. land sales, etc.	488,791.20	
Total receipts from all sources		\$ 7,083,100.07

INVESTMENT OF ALL PERMANENT FUNDS.

Expended on Capitol building, etc.....	\$ 52,879.04	
Capitol building bonds paid	100,000.00	
Invested in bonds	5,442,221.49	
Invested in farm loans	1,310,083.07	
Miscellaneous, transfers, refunds, etc....	6,644.64	
*Uninvested balances	171,271.83	
Total		\$ 7,083,100.07

*Out of the "uninvested balance" shown above, School District bonds in the amount of \$67,350 have been authorized purchased, and payment will be made on delivery of bonds by school districts.

DEFERRED PAYMENTS ON LAND CONTRACTS.

Delinquent payments past due	\$ 309,340.57
Due January 1st, 1911, and all subsequent years	13,717,395.12

Total delinquent and deferred payments \$ 14,026,735.69

INTEREST AND INCOME (ESTIMATED) PROBABLE RECEIPTS PER YEAR FOR
1911 AND 1912.

On land contracts	\$ 824,000.00
Interest on farm loans	60,000.00
From rent	83,300.00
Interest on bonds	220,200.00

Total (estimated) receipts per year
from all sources (interest and in-
come) \$ 1,187,500.00

Cash balance on hand January 1st (interest and income).. \$ 179,834.81

Respectfully submitted,

MOTIONS AND RESOLUTIONS.

The following resolution was laid before the senate:

RESOLUTION.

A concurrent resolution providing for a committee to examine the report of the North Dakota Game and Fish Board of Control, now on file in the state auditor's office.

WHEREAS, the governor of the state did duly appoint a Game and Fish Board of Control in accordance with House Bill numbered 156, approved March 5th, 1909, and

WHEREAS, the report of said board of control up to December 31st, 1910, shows a total expenditure of \$42,630.18, and

WHEREAS, this amount seems extravagant and unreasonable, and

WHEREAS, the strictest economy should be practiced in all departments of state and public institutions,

Be it therefore Resolved:

That the president of the Senate is hereby authorized to appoint a committee of three to act with a like committee of four to be appointed by the Speaker of the House of Representatives, for the purpose of examining the above mentioned report and to ascertain as far as possible if the game of the state is receiving proper attention under the present law, and to make a report of its findings and conclusions to this assembly, on or before the twentieth day of its session; also to make such other reports and recommendations in connection with this subject matter as it may deem proper and for the best interest of the state, and to call for any legislative power from this assembly that it may consider necessary and expedient for the carrying out of its duties.

Be it further Resolved:

That the committee shall organize by electing one of its members chairman and a stenographer from either branch of the assembly to act as secretary thereof.

Mr. Gunderson moved

That the resolution be adopted.

Mr. Duis moved

That the consideration of this resolution be indefinitely postponed.

Mr. Stevens moved

That the further consideration of this motion be made a special order for 3 o'clock Saturday.

Which motion prevailed.

Mr. Gunderson introduced the following resolution:

A concurrent resolution providing for a joint committee to examine the records and economical methods of the state auditing board.

WHEREAS, We believe in the fullest publicity of public affairs and deem it obligatory on our part to fully inform ourselves and the public as to the business methods employed and economy practiced in auditing and allowing the expenses of government; and

WHEREAS, The laws of our state impose the duty of auditing and allowing the expenses of government on the State Auditing Board,

Be it Therefore Resolved:

That a joint committee of six be appointed, three by the president of the Senate and three by the speaker of the House of Representatives, for the purpose of examining the records of said board, in order to ascertain the business methods used, economy practiced and adherence to law by it in the auditing and allowing of bills and expenses of government, and to make a report thereof to this assembly, together with such other suggestions and recommendations as it may deem for the best interest of the state.

Be it Further Resolved:

That the committee shall organize as it deems best for the carrying out of its duties and it may select some member of the clerical force of the assembly as its secretary.

Mr. Duis objected to the consideration of the resolution.

Which went over one day.

Mr. Gunderson introduced the following resolution:

A concurrent resolution providing for a committee to investigate the records and business methods of the Board of University and School Lands.

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

WHEREAS, Our public institutions of learning are the most essential factors in the betterment and development of our commonwealth; and

WHEREAS, The wisdom and kindness of those responsible for the creation of our great state, provided a most liberal asset for the organization, development and maintenance of our public school system and the encouragement of education; and

WHEREAS, We deem it of utmost importance that the business methods and financial transactions of the Board of University and School Lands and its general agent should be of the best, in order to insure the greatest conservative earning power of the permanent funds connected therewith;

Be it Therefore Resolved:

That the president of the Senate is hereby authorized to appoint a committee of three to act with a like committee to be appointed by the speaker of the House of Representatives, to compose an investigating committee relative to the affairs and methods of the Board of University and School Lands and its general agent, the Commissioner of University and School Lands, and to make a report thereof to this assembly in time to introduce legislation that may be recommended by it.

Be it Further Resolved:

That said committee shall have full power to require the production of all books, securities, papers and records relative to the subject matter of this investigation and to the possession thereof from time to time as it may deem necessary; and to the assistance of any member of the clerical force belonging thereto, as well as such assistance the members of the State Examiner's office may have time to give.

Be it Further Resolved:

That said committee shall give as far as possible, and that time will permit, a complete report of the following:

The amounts invested in different securities with the rate of interest same are drawing.

The amount of matured securities and investments that have not been paid.

The amount of past due interest.

The amount of insufficient or doubtful securities and investments, and investments made contrary to law.

Render an opinion as to the methods used in purchasing securities or making investments.

Render an opinion as to whether the fund could be invested more economically and at better rate of interest.

Suggest any amendment to present laws governing or relating to the permanent funds of the public schools and state educational institutions, or the enactment of any new laws in connection therewith.

To make any and all other reports or suggestions that may in its opinion be considered beneficial and proper.

Be it Further Resolved:

That the committee shall organize by electing one of its members chairman and a stenographer, to be assigned from the clerical force of the Senate or House of Representatives, as secretary thereof; and if it deems it necessary employ an accountant, whose charges, when approved by the chairman of the committee, shall be paid out of the state's general fund in the same manner as other expenses of government.

Mr. Simpson moved

That the resolution just read, and others of a similar nature, if any, be made a special order for Saturday at 2 o'clock.

Which motion prevailed.

FIRST READING OF SENATE BILLS.

Mr. Wallin introduced

Senate Bill No. 8.

A Concurrent Resolution, amending the constitution of the State of North Dakota, empowering the legislative as-

sembly to establish a department of hail insurance within the State of North Dakota.

Which was read the first time.

Mr. Gunderson introduced
Senate Bill No. 9.

A bill for an act to repeal House Bill numbered 156, enacted by the Eleventh legislative assembly.

Which was read the first time.

Mr. Gunderson introduced
Senate Bill No. 10.

A bill for an act to amend Sections 1031, 1034, 1035 and 1036, of the Revised Codes of 1905, relating to education.

Which was read the first time.

Mr. Gunderson introduced
Senate Bill No. 11.

For an act creating the office of Fire Marshal, describing his duties and providing for his compensation, and for the continuation of his office.

Which was read the first time.

Mr. Kennedy introduced
Senate Bill No. 12.

A bill for an act making appropriation to pay balance due on girls' dormitory and domestic science laboratory and for the equipment and furnishing of same; for the installation of a boiler and smokestack for the heating plant and for the purchase of additional land for the use of the government experiment station at Fargo.

Which was read the first time.

Mr. Kennedy introduced
Senate Bill No. 13.

A bill for an act to provide additional maintenance for the government experiment station and North Dakota agricultural college at Fargo.

Which was read the first time.

Mr. Pierce introduced
Senate Bill No. 14.

A bill for an act to provide a refuge or breeding ground for certain game birds and to protect the same.

Which was read the first time.

Mr. Pierce introduced
Senate Bill No. 15.

A bill for an act making Good Friday a legal holiday.

Which was read the first time.

Mr. Overson introduced
Senate Bill No. 16.

A bill for an act creating and defining the Eleventh judicial district, within the State of North Dakota, providing for the appointment and election of a judge therein and fixing the boundaries thereof, and fixing the terms of court therein.

Which was read the first time.

Mr. Overson introduced
Senate Bill No. 17.

A bill for an act to amend and re-enact Section 468 of the Revised Codes of North Dakota for the year, A. D., 1905, as amended by Chapter 159 of the Laws of 1907, relating to judicial districts within the state.

Which was read the first time.

Mr. Stevens introduced
Senate Bill No. 18.

A bill for the regulation and control of fraternal benefit societies.

Which was read the first time.

Mr. Gronvold introduced
Senate Bill No. 19.

A bill for an act to amend Section 7782 of the Revised Codes of 1905, relating to the priority of claims in insolvency proceedings.

Which was read the first time.

Mr. Ellingson introduced
Senate Bill No. 20.

A bill for an act prescribing the conditions by which the public examiner, his deputies and employes of the state public examiner's department, the stockholders, officers and employes of any banking association in this state may secure loans from banking associations with which they are in any way connected, and fixing the liability for non-compliance with the provisions of this act.

Which was read the first time.

Mr. Duncan introduced
Senate Bill No. 21.

A bill for an act to appropriate the sum of sixty thousand 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. Walton introduced

Senate Bill No. 22.

An act requiring railroad companies to provide suitable rooms in railroad station waiting rooms, or in places adjacent thereto.

Which was read the first time.

Mr. Steele of Renville introduced

Senate Bill No. 23.

A bill for an act to prohibit the granting to, or use of, by any person, a free pass or special privilege withheld from any other person, and fixing the penalty for the violation thereof.

Which was read the first time.

Mr. Stevens introduced

Senate Bill No. 24.

A bill for an act to appropriate money for maintenance, equipment and permanent improvements at the State university and School of Mines of North Dakota.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 1.

An act appropriating an annual sum of money for the use of the government experiment station at Fargo for conducting demonstration farms and for furnishing samples of seed grain and otherwise co-operating with farmers; 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 second time and referred to the committee on appropriations.

Senate Bill No. 2.

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. 3.

A bill for an act to prohibit the granting to or use by any person of any fee pass, frank or special privilege

withheld from any other person and to fix the penalty for violation thereof.

Was read the second time and referred to the committee on railroads.

Senate Bill No. 4.

A bill for an act prohibiting the granting to or using by any person of any free pass, frank, or special privileges withheld from any other person, and prohibiting railroads, railroad corporations and common carriers from carrying any passenger or person 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, providing a penalty therefor; and providing transportation for the board of railroad commissioners and its secretary.

Was read the second time and referred to the committee on railroads.

Senate Bill No. 5.

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

Was read the second time and referred to the committee on elections and privileges.

Senate Bill No. 6.

A bill for and act to create October 12th in each year a legal holiday to be known as "Columbus Day."

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

Senate Bill No. 7.

A joint resolution ratifying the sixteenth amendment to the constitution of the United States.

Was read the second time and referred to the committee on federal relations.

Mr. LaMoure moved

That the senate take an informal recess to listen to an address by Professor Hoverstad of the Agricultural college.

Which motion prevailed.

Professor Hoverstad addressed the senate.

The senate re-assembled.

The president of the senate administered the oath of office to the following employes:

H. B. Gray, Jan. 5th.

L. M. Rockne, on Jan. 5th.

F. H. Getchell on Jan. 4th.

Ethel Mangold on Jan. 5th.

Luella Pennebaker on Jan. 9th.

Jean Traynor on Jan. 9th.

Wm. Payne on Jan. 6th.

W. C. Mitchell, (John Jones), on Jan. 6th.

Ethel Newberry on Jan. 12th.

E. H. Gamble on Jan. 12th.

G. O. Haugen on Jan. 12th.

Helen Fauske on Jan. 12th.

G. G. Thompson, for Mrs. J. M. Wylie, on Jan. 12th.

Mr. Talcott moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

ELEVENTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 13, 1911.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All present except Messrs. Allen, Ganssle, Johnson, Martin, Movius and Putnam, who were excused.

REFERENCE TO THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the Journal of the second day, have carefully examined the same and find the same correct.

J. L. CASHEL, Chairman.
HENRY M'LEAN.

Mr. Cashel moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

PETITIONS AND COMMUNICATIONS.

Mr. McLean presented the following petition:

December 6, 1910.

To the Senate of the State of North Dakota:

We, the undersigned, patrons of the schools and residents of the county of Cavalier, and the state of North

Dakota, respectfully petition your honorable body to enact such legislation as will permit boards of directors of schools to include within the branches to be taught in the schools under their authority, when deemed advisable, one foreign language—not more than one period each day, to be devoted to such study, and only in such schools as shall be maintained at least six months in each school year.

K. J. DIEP,
and 120 others.

REPORTS OF STANDING COMMITTEES.

The committee on rules made the following report:

Mr. President:

Your temporary committee on rules beg leave to report as follows:

We recommend the adoption of the senate rules of the 11th legislative assembly with the following changes:

In Rule No. 35, change number of members on Committee on elections from 11 to 13.

Change number of members on Apportionment Committee from 17 to 23

Also the addition of Rule No. 46 to read as follows: "The Chairman of any committee to whom a bill or resolution has been referred, shall if so ordered, by a vote of the majority of the Senate present, report such bill or resolution back to the Senate forthwith.

Very respectfully,

E. L. GARDEN,
GEO. E. DUIS,
J. E. DAVIS,
J. E. STEVENS,
JAMES KENNEDY.

Mr. Garden moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Mr. Stevens moved

That the senate bills and journals be printed and that a copy thereof be mailed to each newspaper of this state, and that each member of the senate be allowed three copies.

Mr. Talcott moved, as amendment,

That the motion be amended to include public libraries, reading rooms and all educational institutions, but to omit the three copies proposed for each senator.

Mr. Gilbert moved

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

Mr. Simpson moved

That the committee appointed for this purpose ascertain at the same time from what fund and by what authority the expense involved be paid.

Which motion prevailed, and

The matter was 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,
January 13, 1911.

Mr. President:

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

Whereas, It shall be the duty of this 12th Legislative Assembly, now in session, to elect a United States senator to serve out the unexpired term of Senator M. N. Johnson, deceased, and

Whereas, A moment's reflection on the life and deeds of this distinguished senator would now seem to be in order,

Therefore, Be It Resolved, by the House of Representatives, the Senate concurring,

That a committee of three be appointed by the speaker of the House to, in conjunction with a committee of two from the Senate, draft a joint resolution in honor of the late Senator Johnson. Same committee also to arrange for appropriate memorial services in joint session to be held at a date agreed upon by said joint committee and reported to and ratified by the two houses of the legislature.

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

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Talcott moved

That the senate do now concur in the house resolution.

Which motion prevailed, and

The president named as such senate committee, Messrs. Linde and Kennedy.

FIRST READING OF SENATE BILLS.

Mr. Pierce introduced

Senate Bill No. 25.

A bill for an act to authorize boards of trustees of incorporated villages to regulate the use of streets, alleys and public grounds by automobiles, traction engines and other self propelled vehicles, and to provide for registration and identification of the same, at the expense of the owners or operators thereof.

Which was read the first time.

Mr. Duis introduced

Senate Bill No. 26.

A bill for an act entitled, an act to amend Section 2783, of the Revised Codes of the state of North Dakota, of 1905, relating to cities.

Which was read the first time.

Mr. Wallin introduced

Senate Bill No. 27.

A bill for an act making an appropriation for the normal school at Minot to meet the expenditure for the erection of buildings and permanent improvements necessary in connection therewith, and for furnishings, equipment and maintenance.

Which was read the first time.

Mr. Wallin introduced

Senate Bill No. 28.

A bill for an act establishing a normal school at the city of Minot and providing for the appointment of a board of management thereof.

Which was read the first time.

Mr. Welch introduced

Senate Bill No. 29.

A bill for an act to amend sections 240 and 241 of the Revised Codes of 1905, and section 242 of the same code as amended by Chapter 132, laws of 1907, relating to the State Historical society of North Dakota, and making it an appropriation.

Which was read the first time.

Mr. Gunderson introduced

Senate Bill No. 30.

A bill for an act creating a state text-book commission, and defining its duties and powers.

Which was read the first time.

Mr. Duncan introduced

Senate Bill No. 31.

A bill for an act defining and limiting the legal expenses of candidates for nomination and for election to any elective office in the state, and making the violation thereof unlawful, and prescribing penalties therefor.

Which was read the first time.

Mr. Baker introduced

Senate Bill No. 32.

A bill for an act to provide for the completion of a school building and making necessary improvements at the school for the deaf and dumb, at Devils Lake, North Dakota, and making an appropriation therefor.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 33.

A bill for an act to provide for calling caucuses of political parties, regulating the sale and providing suitable penalties for the violation thereof.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 34.

A bill for an act to provide for the nomination and election of candidates for judges of the supreme court, superintendent of public instruction, judges of the district courts, county superintendent of schools, whose election shall be non-partisan, and the selection of delegates to national conventions nominating presidential electors, electing a national committee man and promulgating party platforms for the respective parties.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 35.

A bill for an act amending sections 2, 3, 4, 9, 10, 12, 26 and 40 of Chapter 109, of the Laws of 1907, known as the Primary Election law.

Which was read the first time.

Mr. Cashel introduced
Senate Bill No. 36.

A bill for an act amending Section 616 of Article 6, Chapter 8 of the Revised Codes of 1905, titled Elections.
Which was read the first time.

Mr. Cashel introduced
Senate Bill No. 37.

A bill for an act to provide an appropriation for the current and contingent expenses, and for permanent improvement for the institution for feeble minded at Grafton.
Which was read the first time.

Mr. Trimble introduced
Senate Bill No. 38.

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 non-observance.

SECOND READING OF SENATE BILLS.

Senate Bill No. 8.

A Concurrent Resolution, amending the constitution of the State of North Dakota, empowering the legislative assembly to establish a department of hail insurance within the State of North Dakota.

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

Senate Bill No. 9.

A bill for an act to repeal House Bill numbered 156, enacted by the Eleventh legislative assembly.

Was read the second time and
Referred to the committee on ways and means.

Senate Bill No. 10.

A bill for an act to amend Sections 1031, 1034, 1035 and 1036, of the Revised Codes of 1905, relating to education.

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

Senate Bill No. 11.

For an act creating the office of Fire Marshal, describing his duties and providing for his compensation, and for the

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

Senate Bill No. 12.

A bill for an act making appropriation to pay balance due on girls' dormitory and domestic science laboratory and for the equipment and furnishing of same; for the installation of a boiler and smokestack for the heating plant and for the purchase of additional land for the use of the government experiment station at Fargo.

Was read the second time and

Referred to the committee on appropriations.

Senate Bill No. 13.

A bill for an act to provide additional maintenance for the government experiment station and North Dakota agricultural college at Fargo.

Was read the second time and

Referred to the committee on appropriations.

Senate Bill No. 14.

A bill for an act to provide a refuge or breeding ground for certain game birds and to protect the same.

Was read the second time and

Referred to the committee on game and fish.

Senate Bill No. 15.

A bill for an act making Good Friday a legal holiday.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 16.

A bill for an act creating and defining the Eleventh judicial district, within the State of North Dakota, providing for the appointment and election of a judge therein and fixing the boundaries thereof, and fixing the terms of court therein.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 17.

A bill for an act to amend and re-enact Section 468 of the Revised Codes of North Dakota for the year, A. D., 1905, as amended by Chapter 159 of the Laws of 1907, relating to judicial districts within the state.

Was read the second time and

Referred to the committee on judiciary.

The president of the senate administered the oath to the following:

Karten Magnossen, on Jan. 12.

Geo. W. Tilton, on Jan. 13.

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

J. W. FOLEY,
Secretary.

TWELFTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 14, 1911.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All present except Messrs. Allen and Ganssle, who were excused.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 14, 1911.

Mr. President:

I have the honor to inform you that

The speaker appointed Messrs. Williams, Hedalen and Moen of Benson, to confer with a like committee from the senate to draft resolutions of respect and arrange for appropriate memorial services in honor of the late Senator M. N. Johnson.

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

The president announced the appointment of the following standing committees:

SENATE COMMITTEES.

Agriculture.—Johnson, chairman; Plain, Whitcher, Wallin, Baker, Martin, Duncan, Syvertson, Gibbens, Ruzicka, Ganssle.

Apportionment.—Welch, chairman; LaMoire, Plain, Steele of Renville, Movius, Simpson, Overson, Steel of Stutsman, Wallin, Bessesen, Welo, Baker, Whitcher, Martin, Kennedy, Putnam, Gibbens, Jacobson, Young, McDonald, Duis, Elken, Allen.

Appropriations.—LaMoire, chairman; Plain, Simpson, Steele of Renville, Davis, Overson, Welo, Martin, Gunderson, Linde, Putnam, Duncan, Gibbens, Williams, Ellingson, Kretschmar, McDowell.

Banks and Banking.—Pierce, chairman; Movius, McDowell, Gronvold, Cashel, Kennedy, Stevens, Martin, Gunderson, Kretschmar, Putnam, Allen, Ellingson, Carter, Jacobson.

Cities and Municipal Corporations.—Kennedy, chairman; Pierce, Simpson, Wallin, Welch, Overson, Linde, Elken, Hookway, Duis, Turner.

Corporations Other Than Municipal.—Hookway, chairman; Gronvold, Whitcher, Gilbert, Kretschmar, Young, Ganssle, Carter, Garden.

Counties.—Linde, chairman; Movius, Welo, Gronvold, Martin, Syvertson, Thoreson, Ganssle, Williams, Hookway, Allen.

Education.—Talcott, chairman; Steel of Stutsman, Davis, Stevens, Gunderson, Walton, Elken, McDowell, Garden, Jacobson, Cashel.

Elections.—Bessesen, chairman; Davis, Kennedy, Welch, Overson, Martin, Gronvold, Garden, Linde, Gibbens, Carter, Turner, Ruzicka.

Engrossing and Enrolling Bills.—Plain, chairman; Movius, Davis, Whitcher, Gunderson.

Federal Relations.—Gibbens, chairman; Gilbert, Steel of Stutsman, Wallin, Stevens, Syvertson, Walton, Carter, McDowell.

Game and Fish.—McLean, chairman; Talcott, Pierce, Gilbert, Overson, Baker, Linde, Ganssle, Duis.

Highways, Bridges and Ferries.—Welo, chairman; McLean, Welch, Whitcher, Baker, Ganssle, Thoreson, Kretschmar, Allen, Jacobson, Ruzicka.

Indian Affairs.—Trimble, chairman; McLean, Gilbert, McDonald, Ruzicka.

Immigration.—Martin, chairman; Wallin, Whitcher, Walton, Jacobson, Linde, Ellingson, Turner, Cashel.

Insurance.—Simpson, chairman; Pierce, Welo, Gronvold, Johnson, Ellingson, Young, Trimble, McDonald, McDowell, Duis.

Irrigation and Drainage.—Cashel, chairman; Kennedy, Overson, Syvertson, Trimble, Wallin, Garden, Ganssle, Turner.

Judiciary.—Steele of Renville, chairman; Simpson, Talcott, Pierce, Plain, Movius, Bessesen, Overson, Gunderson, Gilbert, Williams, Linde, Hookway, Duis, Cashel.

Live Stock Animal Husbandry.—Whitcher, chairman; Plain, McLean, Steele of Renville, Johnson, Welo, Gronvold, Syvertson, Stevens, Baker, Trimble, Kretschmar, Allen, Young, McDonald.

Military Affairs.—Baker, chairman; Steele of Renville, Steel of Stutsman, Welch, Overson, Kennedy, Thoreson, McDonald, Turner.

Mines and Minerals.—Overson, chairman; Simpson, Davis, Welch, Martin, Young, McDonald, Williams, Jacobson.

Public Health.—Gronvold, chairman; Putnam, Martin, Johnson, Walton, Gibbens, McDonald, Hookway, Ruzicka.

Public Lands.—Movius, chairman; LaMoure, Simpson, Steele of Renville, Stevens, Baker, Syvertson, Carter, Allen, Young, Turner.

Public Printing.—Putnam, chairman; Steele of Renville, Gilbert, Steel of Stutsman, Trimble, Walton, Duncan, Allen, Turner.

Railroads.—Gilbert, chairman; McLean, Movius, Bessesen, Welo, Trimble, Whitcher, Williams, Young, Thoreson, Elken, Duncan, Carter, McDonald, Jacobson, Cashel, Duis.

Revision and Correction of the Journal.—Stevens, chairman; Bessesen, Cashel.

Rules.—Putnam, chairman; Talcott, Steele of Renville, Kennedy, Garden, Duis, Bessesen.

State Affairs.—Davis, chairman; LaMoure, Talcott, Simpson, Steel of Stutsman, Johnson, Syvertson, Kennedy, Welo, Elken, Wallin, Duncan, Garden, Kretschmar, Putnam, Gibbens, Duis.

Statistics.—Williams, chairman; LaMoure, McLean, Davis, Welch, Baker, Ruzicka.

Temperance.—Garden, chairman; Plain, Talcott, McLean, Steel of Stutsman, Welo, Johnson, Walton, Ganssle, Jacobson, McDowell.

Warehousing, Grain and Grain Grading.—Syvertson, chairman; Plain, Talcott, McLean, Davis, Johnson, Thoreson, Hookway, Allen, Ellingson, Baker, Duncan, McDowell, Cashel, Ruzicka.

Ways and Means.—Steel of Stutsman, chairman; Kennedy, Welch, Johnson, Walton, Stevens, Kretschmar, Thoreson, Elken, Williams, Wallin.

Woman Suffrage.—Ganssle, chairman; Gunderson, Duncan, Elken, Bessesen, Williams, Ruzicka.

JOINT COMMITTEES.

Charitable Institutions.—Duncan, chairman; LaMoure, Gilbert, Trimble, Ruzicka.

Educational Institutions.—Duis, chairman; Talcott, Pierce, Stevens, Ellingson, Hookway, McDowell.

Penal Institutions.—Turner, chairman; McLean, Pierce, Walton, Young.

Public Buildings.—Kretschmar, chairman; LaMoure, Gilbert, Whitcher, Young.

Rules.—Plain, chairman; LaMoure, Pierce, Gunderson, Bessesen, Putnam, Thoreson.

State Library.—Thoreson, chairman; Trimble, Linde, Ellingson, Carter.

REFERENCE OF THE JOURNAL.

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

Your committee on revision and correction of the Journal of the Tenth day, have carefully examined the same and find the same correct.

J. L. CASHEL,
Chairman.

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

SPECIAL ORDER.

The following resolution was laid before the senate:

A concurrent resolution providing for a committee to investigate the records and business methods of the Board of University and School Lands.

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

WHEREAS, Our public institutions of learning are the most essential factors in the betterment and development of our commonwealth; and

WHEREAS, The wisdom and kindness of those responsible for the creation of our great state, provided a most liberal asset for the organization, development and maintenance of our public school system and the encouragement of education; and

WHEREAS, We deem it of utmost importance that the business methods and financial transactions of the Board of University and School Lands and its general agent should be of the best, in order to insure the greatest conservative earning power of the permanent funds connected therewith;

Be it Therefore Resolved:

That the president of the Senate is hereby authorized to appoint a committee of three to act with a like committee to be appointed by the speaker of the House of Representatives, to compose an investigating committee relative to the affairs and methods of the Board of University and School Lands and its general agent, the Commissioner of University and School Lands, and to make a report thereof to this assembly in time to introduce legislation that may be recommended by it.

Be it Further Resolved:

That said committee shall have full power to require the production of all books, securities, papers and records relative to the subject matter of this investigation and to the possession thereof from time to time as it may deem necessary; and to the assistance of any member of the clerical force belonging thereto, as well as such assistance the members of the State Examiner's office may have time to give.

Be it Further Resolved:

That said committee shall give as far as possible, and that time will permit, a complete report of the following:

The amounts invested in different securities with the rate of interest same are drawing.

The amount of matured securities and investments that have not been paid.

The amount of past due interest.

The amount of insufficient or doubtful securities and investments, and investments made contrary to law.

Render an opinion as to the methods used in purchasing securities or making investments.

Render an opinion as to whether the fund could be invested more economically and at better rate of interest.

Suggest any amendment to present laws governing or relating to the permanent funds of the public schools and state educational institutions, or the enactment of any new laws in connection therewith.

To make any and all other reports or suggestions that may in its opinion be considered beneficial and proper.

Be it Further Resolved:

That the committee shall organize by electing one of its members chairman and a stenographer, to be assigned from the clerical force of the Senate or House of Representatives, as secretary thereof; and if it deems it necessary employ an accountant, whose charges, when approved by the chairman of the committee, shall be paid out of the state's general fund in the same manner as other expenses of government.

Mr. Gunderson moved

That the resolution be adopted.

Mr. Davis moved

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

Which motion prevailed, and

The resolution was so referred.

The following resolution was laid before the senate:

A concurrent resolution providing for a joint committee to examine the records and economical methods of the state auditing board.

WHEREAS, We believe in the fullest publicity of public affairs and deem it obligatory on our part to fully inform ourselves and the public as to the business methods employed and economy practiced in auditing and allowing the expenses of government; and

WHEREAS, The laws of our state impose the duty of auditing and allowing the expenses of government on the State Auditing Board,

Be it Therefore Resolved:

That a joint committee of six be appointed, three by the president of the Senate and three by the speaker of the House of Representatives, for the purpose of examining the records of said board, in order to ascertain the business methods used, economy practiced and adherence to law by it in the auditing and allowing of bills and expenses of government, and to make a report thereof to this assembly, together with such other suggestions and recommendations as it may deem for the best interest of the state.

Be it Further Resolved:

That the committee shall organize as it deems best for the carrying out of its duties and it may select some member of the clerical force of the assembly as its secretary.

Mr. Davis moved

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

Which motion prevailed.

 PETITIONS AND COMMUNICATIONS.

Mr. Movius presented the following communication:

To the Members of State Legislature from Richland County, N. Dak.

Dear Sir: This is to certify that the following is a true copy of the resolution, passed by the board of county commissioners of your county, passed on Wednesday, Dec. 28th, 1910.

Witness my hand and official seal this 4th day of January, 1911.

F. A. BURTON,
County Auditor.

(SEAL.)

(COPY.)

On motion, the following resolution was adopted, all members voting aye:
WHEREAS, Under the laws providing for payment of wolf bounties by the state of North Dakota, Richland county has actually paid into the state fund therefor the enormous sum of \$20,129.68, no substantial part of which has been repaid to citizens of this county; and

WHEREAS, Ample provision is made by law for the payment of such bounties by the several counties in the state; and

WHEREAS, The law providing for payment of such bounties by the state results in making the counties in which few, if any, wolves are killed, pay by far the larger share of the state tax for the payment of bounties to citizens of counties deriving the principal benefit therefrom;

Now, Therefore, Be It Resolved:

That we favor the repeal of the laws, known as state wolf bounty laws, and we urge upon our legislators immediate and concerted action to obtain such repeal.

On motion, the auditor was instructed to send a copy of the above wolf bounty resolution to each member of the state legislature from this county.

Mr. Movius moved

That the petitions and communications in regard to the wolf bounty law be printed in the senate Journal.

Which motion prevailed.

Mr. Martin presented the following resolution:

Resolved:

Be it the sense of this board that our representatives and our state senator at Bismarck be requested to use all honorable means to defeat the proposed repeal of the state wolf bounty law, as we believe that it would be an injustice to the taxpayers of Bowman county, as well as all other counties in the western and southwestern part of this state, and inasmuch as we paid this tax for years past without receiving any benefit therefrom, we believe that we are justified in asking that the said law be not repealed.

WHEREAS, We believe that if said law was repealed it would eliminate the only state money that is expended in this part of the state;

Therefore, Be It Further Resolved:

That the clerk of this board be instructed to cause a copy of this resolution to be served upon each member of the House and the Senate who are now representing this district.

By order of County Commissioners of Bowman County, N. Dak.
 OBERT A. OLSON,
 County Auditor.

Mr. Martin moved

That the resolution be printed in the Journal.

Which motion prevailed.

REPORT OF THE SELECT COMMITTEE.

Mr. President:

The committee on Johnson memorial made the following report:

Your committee appointed pursuant to the concurrent resolution providing for a joint committee of the house and senate, for the purpose of arranging for a memorial service for the late Senator M. N. Johnson, begs leave to report, that at a meeting of said joint committee, Wednesday, February 1st, 1911, at 3 o'clock p. m., was set for such memorial exercises, and that Judge Spalding will deliver the memorial address.

Respectfully,
 H. J. LINDE, Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Mr. Duncan asked

The unanimous consent to withdraw his motion in regard to furnishing supplies, etc.

Which consent was granted.

Mr. Steel moved

That the president appoint a committee of three to make arrangements for necessary committee rooms for the various committees.

Which motion prevailed, and

The president of the senate appointed Messrs. Steel of Stutsman, McDowell and Walton.

FIRST READING OF SENATE BILLS.

Mr. Duncan introduced

Senate Bill No. 39.

A joint resolution.

Which was read the first time.

Mr. Elken introduced

Senate Bill No. 40.

A bill for an act to confirm title to real estate sold by decedents in their lifetime under contract, conveyed pursuant to Article 8, of Chapter 6, of the Probate Code of North Dakota in estates now closed, and not approved by the county judge.

Which was read the first time.

Mr. Kennedy introduced

Senate Bill No. 41.

A bill for an act appropriating money for the purpose of building and equipping a chemistry building and laboratories for the North Dakota Agricultural college at Fargo, North Dakota.

Which was read the first time.

Mr. Elken introduced

Senate Bill No. 42.

A bill for an act to amend Section 8157 of the Revised Codes of North Dakota, 1905, relating to conveyance of real estate sold by decedents upon contract.

Which was read the first time.

Mr. Walton introduced

Senate Bill No. 43.

A bill for an act appropriating money for the purpose of parking and otherwise improving the grounds of the White Stone Hills Memorial Park in the state of North Dakota, and to pay for labor and improvements heretofore made thereon.

Which was read the first time.

Mr. Plain in the chair.

Mr. Pierce introduced

Senate Bill No. 44.

A bill for an act to amend Section 6237 of the Revised Codes, as amended by Chapter 158 of the Session Laws of 1909, relating to mechanic's liens.

Which was read the first time.

Mr. Pierce introduced

Senate Bill No. 45.

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. Plain introduced

Senate Bill No. 46.

A bill for an act establishing a hail insurance department and making the commissioner of agriculture and labor also the commissioner of hail insurance; prescribing rules, regulations and duties of all officers and persons connected therewith; prescribing how premiums, expenses and indemnity for losses by hail shall be paid.

Which was read the first time.

Mr. Gronvold introduced

Senate Bill No. 47.

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

Which was read the first time.

Mr. Gronvold introduced

Senate Bill No. 48.

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. McLean introduced

Senate Bill No. 49.

A bill for an act providing for the further protection of wild geese of any variety, and wild brant.

Which was read the first time.

Mr. Wallin introduced

Senate Bill No. 50.

A bill for an act to amend and re-enact Section 1576 of the Revised Codes of North Dakota of 1905, relating to the sale of real property for delinquent taxes and reducing the rate of interest on the purchase price of the lands so sold for delinquent taxes.

Which was read the first time.

Mr. Jacobson introduced

Senate Bill No. 51.

A bill for an act amending and re-enacting Section 2613 of the Revised Codes of 1905, relating to the compensation of county commissioners.

Which was read the first time.

Mr. Jacobson introduced

Senate Bill No. 52.

A bill for an act providing for deducting debts from money and credits listed for taxation.

Which was read the first time.

Mr. Movius introduced

Senate Bill No. 53.

A bill for an act entitled, an act to amend Section 4049 of the Civil Code of North Dakota, relating to causes for divorce.

Which was read the first time.

Mr. Welch introduced

Senate Bill No. 54.

A bill for an act providing for the attendance of certain persons upon certain schools.

Which was read the first time.

Mr. LaMoure introduced

Senate Bill No. 55.

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. Bessesen introduced

Senate Bill No. 56.

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. Trimble introduced

Senate Bill No. 57.

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.

Which was read the first time.

Mr. Jacobson introduced

Senate Bill No. 58.

A bill for an act amending and re-enacting Section 2597 of the Revised Codes of 1905, relating to the fees in the office of the register of deeds.

Which was read the first time.

Mr. Davis introduced.

Senate Bill No. 59.

A bill for an act prohibiting ball games and other sports until 3 o'clock p. m.

Which was read the first time.

Mr. Talcott introduced

Senate Bill No. 60.

A bill for an act to provide a system of free public schools for the state of North Dakota and to repeal Sections 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, and section 1038 of the Revised Codes of 1905, with any and all amendments thereto, and also Chapters 49, 98, 100, 103, 124, 153, and 201 of the Session Laws of 1909.

Which was read the first time.

Mr. Cashel introduced
Senate Bill No. 61.

A bill for an act to amend Section 2 of Chapter 220 of the Session Laws of 1909, relating to evidence regarding the chain of title to real estate.

Which was read the first time.

Mr. Cashel introduced
Senate Bill No. 62.

A bill for an act to amend Sections 8040, 8041, 8042 and 8043 of the Revised Codes of the state of North Dakota, for the year 1905, relating to proceedings for probate of heirship.

Which was read the first time.

Mr. Pierce moved

That the rules be suspended and that bills having their first reading be placed upon their second reading.

Which motion prevailed.

SECOND READING OF SENATE BILLS.

Senate Bill No. 25.

A bill for an act to authorize boards of trustees of incorporated villages to regulate the use of streets, alleys and public grounds by automobiles, traction engines and other self propelled vehicles, and to provide for registration and identification of the same, at the expense of the owners or operators thereof.

Was read the second time and

Referred to the committee on municipal corporations.

Senate Bill No. 26.

A bill for an act entitled, an act to amend Section 2783, of the Revised Codes of the state of North Dakota, of 1905, relating to cities.

Was read the second time and

Referred to the committee on municipal corporations.

Senate Bill No. 27.

A bill for an act making an appropriation for the normal school at Minot to meet the expenditure for the erection of buildings and permanent improvements necessary in connection therewith, and for furnishings, equipment and maintenance.

Was read the second time and

Referred to the committee on appropriations.

Senate Bill No. 28.

A bill for an act establishing a normal school at the city of Minot and providing for the appointment of a board of management thereof.

Was read the second time and

Referred to the committee on education.

Senate Bill No. 29.

A bill for an act to amend sections 240 and 241 of the Revised Codes of 1905, and section 242 of the same code as amended by Chapter 132, laws of 1907, relating to the State Historical society of North Dakota, and making it an

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 30.

A bill for an act creating a state text-book commission, and defining its duties and powers.

Was read the second time and

Referred to the committee on education.

Senate Bill No. 31.

A bill for an act defining and limiting the legal expenses of candidates for nomination and, for election to any elective office in the state, and making the violation thereof unlawful, and prescribing penalties therefor.

Was read the second time and

Referred to the committee on elections and privileges.

Senate Bill No. 32.

A bill for an act to provide for the completion of a school building and making necessary improvements at the school for the deaf and dumb, 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. 33.

A bill for an act to provide for calling caucuses of political parties, regulating the sale and providing suitable penalties for the violation thereof.

Was read the second time and

Referred to the committee on elections and privileges.

Senate Bill No. 34.

A bill for an act to provide for the nomination and election of candidates for judges of the supreme court, superintendent of public instruction, judges of the district courts, county superintendent of schools, whose election

shall be non-partisian, and the selection of delegates to national conventions nominating presidential electors, electing a national committee man and promulgating party platforms for the respective parties.

Was read the second time and

Referred to the committee on elections and privileges.

Senate Bill No. 35.

A bill for an act amending sections 2, 3, 4, 9, 10, 12, 26 and 40 of Chapter 109, of the Laws of 1907, known as the Primary Election law.

Was read the second time and

Referred to the committee on elections and privileges.

Senate Bill No. 36.

A bill for an act amending Section 616 of Article 6, Chapter 8 of the Revised Codes of 1905, titled Elections.

Was read the second time and

Referred to the committee on elections and privileges.

Senate Bill No. 37.

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

Was read the second time and

Referred to the committee on appropriations.

Senate Bill No. 38.

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 non-observance.

Was read the second time and

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

Senate Bill No. 39.

A joint resolution.

Was read the second time and

Referred to the committee on ways and means.

Senate Bill No. 40.

A bill for an act to confirm title to real estate sold by decedents in their lifetime under contract, conveyed pursuant to Article 8, of Chapter 6, of the Probate Code of North Dakota in estates now closed, and not approved by the county judge.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 41.

A bill for an act appropriating money for the purpose of building and equipping a chemistry building and laboratories for the North Dakota Agricultural college at Fargo, North Dakota.

Was read the second time and

Referred to the committee on appropriations.

Senate Bill No. 42.

A bill for an act to amend Section 8157 of the Revised Codes of North Dakota, 1905, relating to conveyance of real estate sold by decedents upon contract.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 43.

A bill for an act appropriating money for the purpose of parking and otherwise improving the grounds of the White Stone Hills Memorial Park in the state of North Dakota, and to pay for labor and improvements heretofore made thereon.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 44.

A bill for an act to amend Section 6237 of the Revised Codes, as amended by Chapter 158 of the Session Laws of 1909, relating to mechanic's liens.

Was read the second time and

Referred to the committee on ways and means.

Senate Bill No. 45.

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. 46.

A bill for an act establishing a hail insurance department and making the commissioner of agriculture and labor also the commissioner of hail insurance; prescribing rules, regulations and duties of all officers and persons connected therewith; prescribing how premiums, 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. 47.

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

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 48.

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. 49.

A bill for an act providing for the further protection of wild geese of any variety, and wild brant.

Was read the second time and

Referred to the committee on fish and game.

Senate Bill No. 50.

A bill for an act to amend and re-enact Section 1576 of the Revised Codes of North Dakota of 1905, relating to the sale of real property for delinquent taxes and reducing the rate of interest on the purchase price of the lands so sold for delinquent taxes.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 51.

A bill for an act amending and re-enacting Section 2613 of the Revised Codes of 1905, relating to the compensation of county commissioners.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 52.

A bill for an act providing for deducting debts from money and credits listed for taxation.

Was read the second time and

Referred to the committee on taxation and tax laws.

Senate Bill No. 53.

A bill for an act entitled, an act to amend Section 4049 of the Civil Code of North Dakota, relating to causes for divorce.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 54.

A bill for an act providing for the attendance of certain persons upon certain schools.

Was read the second time and
Referred to the committee on education.
Senate Bill No. 55.

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 the committee on judiciary.
Senate Bill No. 56.

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 civil and municipal corporations.

Senate Bill No. 57.

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.

Was read the second time and
Referred to the committee on insurance.
Senate Bill No. 58.

A bill for an act amending and re-enacting Section 2597 of the Revised Codes of 1905, relating to the fees in the office of the register of deeds.

Was read the second time and
Referred to the committee on judiciary.
Senate Bill No. 59.

A bill for an act prohibiting ball games and other sports until 3 o'clock p. m.

Was read the second time and
Referred to the committee on state affairs.
Senate Bill No. 60.

A bill for an act to provide a system of free public schools for the state of North Dakota and to repeal Sections 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757,

758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, and section 1038 of the Revised Codes of 1905, with any and all amendments thereto, and also Chapters 49, 98, 100, 103, 124, 153, and 201 of the Session Laws of 1909.

Was read the second time and

Referred to the committee on education.

Senate Bill No. 61.

A bill for an act to amend Section 2 of Chapter 220 of the Session Laws of 1909, relating to evidence regarding the chain of title to real estate.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 62.

A bill for an act to amend Sections 8040, 8041, 8042 and 8043 of the Revised Codes of the state of North Dakota, for the year 1905, relating to proceedings for probate of heirship.

Was read the second time and

Referred to the committee on judiciary.

SPECIAL ORDER.

The following resolution was laid before the senate.

RESOLUTION.

A concurrent resolution providing for a committee to examine the report of the North Dakota Game and Fish Board of Control, now on file in the state auditor's office.

WHEREAS, the governor of the state did duly appoint a Game and Fish Board of Control in accordance with House Bill numbered 156, approved March 5th, 1909, and

WHEREAS, the report of said board of control up to December 31st, 1910, shows a total expenditure of \$42,630.18, and

WHEREAS, this amount seems extravagant and unreasonable, and

WHEREAS, the strictest economy should be practiced in all departments of state and public institutions,

Be it therefore Resolved:

That the president of the Senate is hereby authorized to appoint a committee of three to act with a like committee of four to be appointed by the Speaker of the House of Representatives, for the purpose of examining the above mentioned report and to ascertain as far as possible if the game of the state is receiving proper attention under the present law, and to make a report of its findings and conclusions to this assembly, on or before the twentieth day of its session; also to make such other reports and recommendations in connection with this subject matter as it may deem proper and for the best interest of the state, and to call for any legislative power from this assembly that it may consider necessary and expedient for the carrying out of its duties.

Be it further Resolved:

That the committee shall organize by electing one of its members chairman and a stenographer from either branch of the assembly to act as secretary thereof.

Mr. Gunderson rose to a question of personal privilege.

Mr. Gunderson requested permission to file with the secretary of the senate, certain papers in support of his resolution.

Mr. Cashel moved

That the resolution be adopted.

Mr. Duis moved

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

Roll call demanded.

The roll was called and there were 20 ayes, 26 nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Bessesen
Davis
Duis
Duncan
Garden
Gibbins
Hookway

Messrs.—

Johnson
Kennedy
McDonald
McDowell
Ruzicka
Steel of Stutsman
Steele of Renville

Messrs.—

Syverson
Turner
Welch
Whitche
Williams
Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Kretschmar	Simpson
Carter	LaMoure	Stevens
Cashel	Linde	Talcott
Elken	Martin	Thoreson
Elungson	McLean	Trimble
Gilbert	Movius	Wallin
Gronvold	Overson	Walton
Gunderson	Pierce	Welo
Jacobson	Plain	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Ganssle	Putnam

Mr. Bessesen asked permission to explain his vote. Permission being granted, he stated: I vote "aye" upon this motion for the reason that every resolution should be referred to a committee of the senate first before being passed upon, especially when of an important nature, and for the further reason that a request has been made upon this body to wait until the report of the game board has been placed before us, which they have promised will be here in a few days. I wish to state further that if these facts are true, or one tenth of them true, as alleged, that I shall most heartily be in favor of a most thorough and sweeping investigation of this board and their methods and manner of doing business.

So the motion to refer was lost, and
The original motion prevailed, and
The resolution was adopted.

Mr. Talcott asked permission to return to the eighth order of business.

Which permission was granted.

Mr. Talcott moved

That 1,000 copies of senate bill No. 60, be printed.

Which motion prevailed.

The courtesies of the floor were extended to ex-Senator A. G. Kraabal, A. L. Arnold of Beach, and Chas. Simpson of McVile.

Mr. Duis moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

FOURTEENTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 16, 1911. .

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All present except Messrs. Allen, Ganssle and Putnam,
who were excused.

REFERENCE TO THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the Journal
of the 11th and 12th days, have carefully examined the same
and find same to be correct.

J. E. STEVENS,
Chairman.

Mr. Stevens moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

REPORT OF COMMITTEE ON JOINT RULES.

The committee on joint rules made the following report:

Mr. President:

Your committee on joint rules beg leave to report the same joint rules for the government of the senate and the house as were adopted by the Legislative Assembly of 1909, and recommend that the secretary of state be authorized to incorporate them in proper form in the Legislative Manual for 1911, 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 12th 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 13th 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,

C. W. PLAIN,
Chairman of the Senate Committee.

E. A. WILLIAMS,
Chairman of the House Committee.

Mr. Plain 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 16, 1911.

Mr. President:

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

WHEREAS, The governor has, in his message to the 12th Legislature, called attention to the necessity for certain improvements and repairs in the capitol building; and

WHEREAS, It will be necessary to make some appropriation for the maintenance and repairs of the capitol building;

Therefore, be it Resolved by the House of Representatives, the Senate Concurring:

That a committee of two members of each branch of this legislature be appointed by the respective presiding officers thereof to inspect the capitol

building, power house and electric car line, and investigate the condition thereof for the purpose of ascertaining what improvements may be needed; and

Be it Further Resolved:

That said committee report its findings and recommendations to the two branches of the legislature not later than the 25th day of this session.

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

And the speaker appointed as house members on such committee, Messrs Homnes and Price.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

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, Warehouses, Grain Grading, Game and Fish, will meet in the agricultural exhibit rooms, basement floor.

The committees on Ways and Means, Engrossing and Enrolling Bills 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 and retiring room.

Committee on Insurance will meet in the private office of the educational department.

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 for two stenographers' rooms, one at the Grand Pacific hotel and one at the Northwest hotel; 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 also that he detail an efficient janitor from the present force to take proper care of said committee rooms.

Respectfully submitted,

ALFRED STEEL,
WESLEY C. McDOWELL,
F. M. WALTON.

Mr. Steel moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Mr. Pierce moved

That the senate do now concur in the resolution of the house, with reference to inspection and necessary appropriation for maintenance and repairs of the capitol building.

Which motion prevailed.

The president announced the appointment of Messrs. Kennedy and Turner as members of such joint committee.

Mr. Bessesen moved

That Senate Bill No. 56, referred to the committee on municipal corporations, regarding primary elections in cities, be re-referred to the committee on elections and privileges.

Which motion prevailed.

Mr. Plain moved

That the vote by which the motion to refer the resolution of an investigation of the game and fish commission was lost, be reconsidered.

Which motion was lost.

MOTIONS AND RESOLUTIONS.

Mr. Gilbert introduced the following concurrent resolution:

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

WHEREAS, It is proper that this occasion should be observed, and

WHEREAS, Hon. Smith Stimmel of Casselton, North Dakota, the only surviving member of Abraham Lincoln's bodyguard, and now a famous lecturer upon the subject of Abraham Lincoln, has offered to give his address before both houses of the legislature upon the occasion of Lincoln's birthday;

Now, Therefore, Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

That the birthday of Abraham Lincoln be observed by proper memorial exercises by the Legislature, that the state officials be invited to attend thereon, and that Hon. Smith Stimmel of Casselton, North Dakota, be invited by the legislature to give the address of the day upon the subject of Abraham Lincoln, and that a joint committee of six, three from each house, including the lieutenant governor and the speaker, be appointed to make arrangements for and take charge of such memorial exercises, to be jointly participated in by both houses of the Legislative Assembly and the state officers,

in honor of Abraham Lincoln, and to send an invitation to Hon. Smith Stimmel of Casselton, North Dakota, to make the address on that day and to provide for the proper program of music and exercises on that day.

Mr. Gilbert moved the adoption of the resolution.

Which motion prevailed, and

The resolution was adopted.

Mr. Overson introduced the following concurrent resolution:

WHEREAS, Professor W. E. Larson, inspector of the rural schools for the state of Wisconsin, will be at Fargo to address the Grain Growers' convention on Thursday, January 19, 1911; and

WHEREAS, Professor Larson has made a special study of the rural school problem, has been actively engaged in his work, and has achieved an enviable reputation therein; and

WHEREAS, The rural school system of the state of North Dakota is in a formative state, and good legislation on this subject would be a great benefit to the children of this state and eventually to the whole state,

Therefore, Be It Resolved by the Senate, the House of Representatives concurring:

That an invitation be extended to Professor Larson to address the legislature in joint session on the 20th day of January, or some other day more convenient, to be arranged by the Senate and the speaker of the House of Representatives.

Mr. Overson moved the adoption of the resolution.

Which motion prevailed, and

The resolution was adopted.

FIRST READING OF SENATE BILLS.

Mr. LaMoure introduced

Senate Bill No. 63.

A bill for an act to prohibit the importation, manufacture, distribution, transportation, sale, or use of snuff; and providing a penalty therefor.

Which was read the first time.

Mr. Stevens introduced

Senate Bill No. 64.

A bill for an act entitled, an act amending Section 1546 of the Revised Codes of the State of North Dakota of the year 1905, relating to the county treasurer and his duties.

Which was read the first time.

Mr. Welo introduced

Senate Bill No. 65.

A bill for an act to authorize cities to levy and collect a tax to pay judgments obtained against such cities.

Which was read the first time.

Mr. Welo introduced

Senate Bill No. 66.

A bill for an act to amend and re-enact Section 437 of the Revised Codes of the State of North Dakota, for 1905, relating to the qualifications of deputies, clerks and employes of the state, county and municipal governments of and within the State of North Dakota, and members of the official boards.

Which was read the first time.

Mr. Hookway introduced

Senate Bill No. 67.

A bill for an act to repeal sections 6237, 6238, 6239, 6240, 6241, 6242, 6243, 6244, 6245, 6246, 6247, 6248, 6249, 6250 and 6251 of the Revised Codes of the State of North Dakota for A. D., 1905, and Chapter 167 of the Session Laws of 1907 and Chapter 158 of the Session Laws of 1909, relating to mechanic's liens, and the filing of mechanic's liens, the giving of notice to contractors and sub-contractors, and the record and priority of liens, and all matters appertaining to the creation, existence and enforcement of mechanic's liens.

Which was read the first time.

Mr. McDowell introduced

Senate Bill No. 68.

A bill for an act making an appropriation to determine the milling value of cereals, the baking and other economic properties, to provide for experiments and for the publication of the information obtained.

Which was read the first time.

Mr. Martin introduced

Senate Bill No. 69.

A bill for an act to amend Section 2592 of the Revised Codes of North Dakota for 1905, as amended by Chapter 70 of the Laws of the State of North Dakota for 1907, relating to the salary of county auditors.

Which was read the first time.

Mr. Martin introduced

Senate Bill No. 70.

A bill for an act regulating and governing contracts relative to the shipment of live stock, and the giving of notice or claim for loss or damage thereto.

Which was read the first time.

Mr. Witcher introduced

Senate Bill No. 71.

A bill for an act amending Section 8519 of the Revised Codes of 1905, relating to reports of justices of the peace.

Which was read the first time.

Mr. Wallin introduced

Senate Bill No. 72.

A bill for an act to amend Section 1582 of the Revised Codes of North Dakota for 1905, as amended by Chapter 199 of the Session Laws of North Dakota for 1909, relating to the redemption of real estate.

Which was read the first time.

Mr. Steele of Renville, (by request), introduced

Senate Bill No. 73.

A concurrent resolution amending the constitution of the State of North Dakota, relating to the elective franchise, defining who are qualified electors.

Which was read the first time.

Mr. Steele of Renville introduced

Senate Bill No. 74.

A bill for an act to amend Section 1608 of the Revised Codes of 1905, relating to revenue and taxation.

Which was read the first time.

Mr. Thoreson introduced

Senate Bill No. 75.

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

Which was read the first time.

Mr. Jacobson introduced
Senate Bill No. 76.

A bill for an act to amend and re-enact Sections 6 and 9 of Chapter 174 of the Laws of North Dakota of 1909, being an act to provide for probation of persons convicted of felonies and misdemeanors.

Which was read the first time.

Mr. Jacobson introduced
Senate Bill No. 77.

A bill for an act to amend and re-enact Section 3 of Chapter 175 of the Laws of North Dakota for 1909, being 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.

Which was read the first time.

Mr. Talcott introduced
Senate Bill No. 78.

A bill for an act to amend Section 1484 of the Revised Codes of 1905, relating to property exempt from taxation.

Which was read the first time.

Mr. Bessesen moved

That the rules be suspended and that bills receiving their first reading be given their second reading and reference.

Which motion prevailed.

SECOND READING OF SENATE BILLS.

Senate Bill No. 18.

A bill for the regulation and control of fraternal benefit societies.

Was read the second time and

Referred to the committee on insurance.

Senate Bill No. 19.

A bill for an act to amend Section 7782 of the Revised Codes of 1905, relating to the priority of claims in insolvency proceedings.

Was read the second time and

Referred to the committee on ways and means.

Senate Bill No. 20.

A bill for an act prescribing the conditions by which the public examiner, his deputies and employes of the state public examiner's department, the stockholders, officers and employes of any banking association in this state may secure loans from banking associations with which they are in any way connected, and fixing the liability for non-compliance with the provisions of this act.

Was read the second time and

Referred to the committee on banking.

Senate Bill No. 21.

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

Was read the second time and

Referred to the committee on appropriations.

Senate Bill No. 22.

An act requiring railroad companies to provide suitable rooms in railroad station waiting rooms, or in places adjacent thereto.

Was read the second time and

Referred to the committee on railroads.

Senate Bill No. 23.

A bill for an act to prohibit the granting to, or use of, by any person, a free pass or special privilege withheld from any other person, and fixing the penalty for the violation thereof.

Was read the second time and

Referred to the committee on railroads.

Senate Bill No. 24.

A bill for an act to appropriate money for maintenance, equipment and permanent improvements at the State university and School of Mines of North Dakota.

Was read the second time and

Referred to the the committee on appropriations.

Senate Bill No. 63.

A bill for an act to prohibit the importation, manufacture, distribution, transportation, sale, or use of snuff, and providing a penalty therefor.

Was read the second time and

Referred to the committee on public health.

Senate Bill No. 64.

A bill for an act entitled, an act amending Section 1546 of the Revised Codes of the State of North Dakota of the year 1905, relating to the county treasurer and his duties.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 65.

A bill for an act to authorize cities to levy and collect a tax to pay judgments obtained against such cities.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 66.

A bill for an act to amend and re-enact Section 437 of the Revised Codes of the State of North Dakota, for 1905, relating to the qualifications of deputies, clerks and employes of the state, county and municipal governments of and within the State of North Dakota, and members of the official boards.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 67.

A bill for an act to repeal sections 6237, 6238, 6239, 6240, 6241, 6242, 6243, 6244, 6245, 6246, 6247, 6248, 6249, 6250 and 6251 of the Revised Codes of the State of North Dakota for A. D., 1905, and Chapter 167 of the Session Laws of 1907 and Chapter 158 of the Session Laws of 1909, relating to mechanic's liens, and the filing of mechanic's liens, the giving of notice to contractors and sub-contractors, and the record and priority of

JOURNAL OF THE SENATE

liens, and all matters appertaining to the creation, existence and enforcement of mechanic's liens.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 68.

A bill for an act making an appropriation to determine the milling value of cereals, the baking and other economic properties, to provide for experiments and for the publication of the information obtained.

Was read the second time and

Referred to the committee on appropriations.

Senate Bill No. 69.

A bill for an act to amend Section 2592 of the Revised Codes of North Dakota for 1905, as amended by Chapter 70 of the Laws of the State of North Dakota for 1907, relating to the salary of county auditors.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 70.

A bill for an act regulating and governing contracts relative to the shipment of live stock, and the giving of notice or claim for loss or damage thereto.

Was read the second time and

Referred to the committee on railroads.

Senate Bill No. 71.

A bill for an act amending Section 8519 of the Revised Codes of 1905, relating to reports of justices of the peace.

Was read the second time and

Referred to to the committee on judiciary.

Senate Bill No. 72.

A bill for an act to amend Section 1582 of the Revised Codes of North Dakota for 1905, as amended by Chapter 199 of the Session Laws of North Dakota for 1909, relating to the redemption of real estate.

Was read the second time and

Referred to the committee on ways and means.

Senate Bill No. 73.

A concurrent resolution amending the constitution of the State of North Dakota, relating to the elective franchise, defining who are qualified electors.

Was read the second time and

Referred to the committee on elections and privileges.

Senate Bill No. 74.

A bill for an act to amend Section 1608 of the Revised Codes of 1905, relating to revenue and taxation.

Was read the second time and

Referred to the committee on taxation and tax laws.

Senate Bill No. 75.

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

Was read the second time and

Referred to the committee on agriculture.

Senate Bill No. 76.

A bill for an act to amend and re-enact Sections 6 and 9 of Chapter 174 of the Laws of North Dakota of 1909, being an act to provide for probation of persons convicted of felonies and misdemeanors.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 77.

A bill for an act to amend and re-enact Section 3 of Chapter 175 of the Laws of North Dakota for 1909, being 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.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 78.

A bill for an act to amend Section 1484 of the Revised Codes of 1905, relating to property exempt from taxation.

Was read the second time and

Referred to the committee on judiciary.

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended, upon motion, to John Brugger, Henry Boyle, Herman Landbloom, J. L. Killion and H. C. Stensdal.

Mr. Movius moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

FIFTEENTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 17, 1911.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All present except Messrs. Ganssle and Putnam, who were excused.

Mr. Pierce moved

That the senate proceed to nominate two candidates for United States senator, one for the long term, ending March 3, 1917, and one for the short term, ending March 3, 1915.

Which motion prevailed.

The following certificate was filed:

OFFICE OF THE SECRETARY OF STATE,
BISMARCK, NORTH DAKOTA,
January 16, 1911.

*To the Senate of the Twelfth Legislative Assembly of the
State of North Dakota:*

Sirs: I, P. D. Norton, secretary of state, do hereby certify that the following named persons are the duly nom-

inated candidates of their respective parties, for the office of United States senator from this state, as certified to by the canvassing board:

LONG TERM, ENDING MARCH 3RD, 1917.

Republican—Porter J. McCumber, of Richland County.

Democrat—John Bruegger, of Williams County.

SHORT TERM, ENDING MARCH 3RD, 1915.

Republican—Asle J. Gronna, of Nelson County.

Democrat—W. E. Purcell, of Richland County.

In witness whereof I have hereunto set my hand and affixed the Great Seal of the state, at the capitol, in Bismarck, this 16th day of January, 1911.

(SEAL.)

Very respectfully,

P. D. NORTON,
Secretary of State.
By JOHN ANDREWS,
Deputy.

Mr. Carter nominated Porter J. McCumber for United States senator, for the term ending March 3rd, 1917.

Mr. Gronvold seconded on behalf of Pierce county.

Mr. Gunderson seconded on behalf of Nelson county.

Mr. Allen seconded on behalf of Emmons and Kidder counties.

Mr. Talcott seconded on behalf of Cass county.

Mr. Plain seconded on behalf of Cavalier county.

Mr. Welo seconded on behalf of McHenry county.

Mr. Stevens seconded on behalf of Grand Forks county.

Mr. Martin seconded on behalf of Billings county—39th district.

Mr. Wallin seconded on behalf of Ward county.

Mr. Duncan seconded on behalf of Benson county.

Mr. Overson seconded on behalf of Williams county.

Mr. McLean seconded on behalf of Cavalier county.

Mr. Thoresen seconded on behalf of Barnes county.

Mr. Simpson seconded on behalf of Stark county.

Mr. Bessesen seconded on behalf of Wells county.

Mr. McDowell nominated John Brugger of Williams county for the office of United States senator for the term ending March 3rd, 1917.

Mr. Cashel seconded on behalf of Walsh county.

Mr. Duis seconded on behalf of Grand Forks county.

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

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steel of Stutsman
Baker	Johnson	Steele of Renville
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syverson
Davis	LaMoure	Talcott
Duncan	Linde	Thoreson
Elken	Martin	Trimble
Ellingson	McDonald	Wallin
Garden	McLean	Walton
Gibbins	Movius	Welo
Gilbert	Overson	Welch
Gronvold	Pierce	Whitcher
Gunderson	Plain	Williams
Hookway	Simpson	Young

Those who voted for Mr. Brugger were:

Messrs.—	Messrs.—	Messrs.—
Cashel	McDowell	Turner
Duis	Ruzicka	

Absent and not voting, Messrs. Ganssle and Putnam, who were excused on account of sickness.

The president of the senate announced that Porter J. McCumber had received 42 votes, and Mr. John Brugger 5 votes for the office of United States senator, for the term ending March 3, 1917.

Mr. Gunderson nominated A. J. Gronna for United States senator for the short term, ending March 3, 1915.

Mr. Elken seconded on behalf of Traill county.

Mr. Welo seconded on behalf of McHenry county.

Mr. Plain seconded on behalf of Cavalier county.

Mr. Bessesen seconded on behalf of Wells county.

Mr. Wallin seconded on behalf of Ward county.

Mr. Garden seconded on behalf of Bottineau county.

Mr. Gronvold seconded on behalf of Pierce county.

Mr. Thoreson seconded on behalf of Barnes county.

Mr. Kennedy seconded on behalf of Cass county.

Mr. Martin seconded on behalf of Billings county.

Mr. Movius seconded on behalf of Richland county.

Mr. Talcott seconded on behalf of Cass county.

Mr. Simpson seconded on behalf of Stark county.

Mr. Duis nominated W. E. Purcell of Richland county for the office of United States senator for the term ending March 3rd, 1915.

Mr. Ruzicka seconded on behalf of Walsh county.

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

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steel of Stutsman
Baker	Johnson	Steele of Renville
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syverson
Davis	LaMoure	Talcott
Duncan	Linde	Thoreson
Elken	Martin	Trimble
Ellingson	McDonald	Wallin
Garden	McLean	Walton
Gibbins	Movius	Welo
Gilbert	Overson	Welch
Gronvold	Pierce	Whitcher
Gunderson	Plain	Williams
Hookway	Simpson	Young

Those who voted for Mr. Purcell were:

Messrs.—	Messrs.—	Messrs.—
Cashel	McDowell	Turner
Duis	Ruzicka	

Absent and not voting: Messrs. Ganssle and Putnam, who were excused on account of sickness.

The president of the senate announced that Asle J. Gronna had received 42 votes, and W. E. Purcell 5 votes, for the office of United States senator, for the term ending March 3rd, 1915.

REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the Journal of the 14th day, have carefully examined the same and find the same correct.

J. E. STEVENS,
Chairman.

Mr. Stevens moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

PETITIONS AND COMMUNICATIONS.

The following communication was received from the secretary of state:

OFFICE OF SECRETARY OF STATE,
BISMARCK, NORTH DAKOTA.
January 16, 1911.

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

Sirs: I, P. D. Norton, secretary of state, of the State of North Dakota, do hereby certify that the following proposed constitutional amendments were passed by the 11th legislative assembly and are hereby respectfully submitted to the Twelfth legislative assembly, for your approval or rejection.

(SEAL.)

Very respectfully,
P. D. NORTON.
Secretary of State.
By JOHN ANDREWS,
Deputy.

PROPOSED CONSTITUTIONAL AMENDMENT.

Sale of Public Lands to Railroads.

That Article 9, Section 158 of the Constitution of the State of North Dakota is amended so as to read as follows:

Sec. 158. Amendment.) 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 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 land to be sold, and one at the seat of government. Such lands as shall not have been especially sub-divided shall be offered in tracts of one-quarter section, and those sub-divided in the smallest sub-division. All lands designated for sale and not sold within two years after appraisal shall be re-appraised 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; 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 the sale, or at any time thereafter, and patent issued therefor, when principal and interest are paid.

Filed in the office of the secretary of state, March 11, 1909.

PROPOSED CONSTITUTIONAL AMENDMENT.

Terminal Elevator.

Amendment.) The legislative assembly is hereby authorized and empowered to provide by law for the erection, purchasing or leasing and operation of one or more terminal grain elevators in the states of Minnesota or Wisconsin, or both, to be maintained and operated in such manner as the legislative assembly shall prescribe, and provide for inspection, weighing, and grading of all grain received in such elevator or elevators.

Filed in the office of the secretary of state, March 11, 1909.

Which communication was referred to the committee on judiciary.

SENATE COMMITTEE REPORT.

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. 39.

A joint resolution.

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

ALFRED STEEL,
Chairman.

Mr. Steel moved

The adoption of the resolution.

Which motion prevailed, and

The resolution was adopted.

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 Mr. Pierce's resolution regarding the matter of adjournment, sine die, of the 12th legislative assembly, not later than the 45th day,

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

J. E. DAVIS,
Chairman.

Mr. Davis moved

That the report be adopted.

Mr. Pierce objected to the consideration of the report.

Which went over one day.

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 motions and amendments thereto, relating to the printing and mailing of senate bills and journals,

Have had the same under consideration and recommend that there shall be printed each day 1,000 copies of the Senate Journal, and 700 copies of each bill introduced in the senate. There shall be mailed, one copy of the Journal and one copy of each senate bill to the following state educational institutions, viz: The State University, Agricultural College, School of Science, School of Forestry, Manual Training School at Ellendale, and the Normal School; to each public library and Commercial club. Said Journal and bills shall be mailed at the expense of the state of North Dakota. Each senator shall be entitled to five copies of the Journal, which he may have mailed to his constituents at the expense of the state of North Dakota.

Mailing clerks shall be designated from such clerks now on the senate payroll as are not otherwise employed.

The senate shall appoint a committee of three (3) senators to have supervision and control over the mailing clerks and if such committee find any members of the mailing force incompetent or not attending to his or her duties, they shall recommend to the senate the discharge of same and have him or them replaced by others.

The secretary of the senate, or one of his assistants, shall call the roll of all the senate employes each work day and if any employee is found absent and can not furnish satisfactory excuse for such absence, he or she shall receive no pay for such day or days he or she shall be found absent from duty.

J. E. DAVIS,
Chairman.

Mr. Davis moved

The adoption of the resolution.

Which motion prevailed, and

The resolution was adopted.

The president announced the appointment of Messrs. Bessesen, Gunderon and Elken as such committee.

MOTIONS AND RESOLUTIONS.

Mr. Overson introduced the following concurrent resolution:

WHEREAS, There are in Williams and McKenzie counties three irrigation projects known as the Williston-Buford-Trenton and Lower Yellowstone 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 get the benefit of irrigation are compelled to repay to the United States the actual cost of construction, operation and maintenance; and

WHEREAS, The cost of construction, operation and maintenance of said irrigation projects was much greater than was estimated at the time that the land owners entered into a contract with the United States government for the reclamation of said land; and

WHEREAS, Practically all of the said owners of land in said projects are new settlers who came to North Dakota with little or no money and have been gradually improving their land as fast as possible; and

WHEREAS, The expenses of breaking and cultivating said land, digging ditches and leveling said land has been so large, that if the payments of the government charges for irrigation are insisted upon at this time, as provided by law, a great hardship will be worked on said land owners; and

WHEREAS, A bill has passed the Senate of the United States, known as Senate Bill No. 6842, providing that the secretary of the interior may modify the time of payments or the annual amount of payments for irrigation until such time as the said land owners have been able to so prepare their land as to get the benefits of irrigation and returns for the additional money invested; and

WHEREAS, We believe that the passage of the said bill by Congress would result in a great benefit to the said land owners and to the cause of irrigation in said projects, and in the state of North Dakota;

Therefore, Be it Resolved by the Senate, the House of Representatives Concurring:

That our members of Congress be requested to use their best efforts to secure the passage of said Senate Bill No. 6842; and

Be it Further Resolved:

That a duly certified copy of this resolution be by the secretary of the Senate forwarded to each member of the North Dakota delegates in Congress.

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

Mr. Gilbert introduced the following resolution:

Be it Resolved:

That the salary of the assistant sergeant of arms, bill room clerk, assistant bill room clerk, mailing clerk, and attendant, created by this Senate be four dollars a day in each case.

Be it Further Resolved:

That the name of G. G. Thompson be substituted for that of Mrs. J. M. Wiley, the name of G. W. Tilton for that of Theodore Koffel, and the name of W. G. Mitchell for that of John Jones, in the Senate Journal of the first day, and the name of John L. Cashel, Jr., for that of Lizzie Sullivan, in the Journal of the second day.

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

Mr. Stevens introduced the following concurrent resolution:

Be it Resolved by the Senate of the Twelfth Legislative Assembly, the House Concurring:

That the necessary expenses in connection with printing and mailing of the Senate and House journals and bills be paid out of the general fund of the state on proper vouchers as other legislative expenses.

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

FIRST READING OF SENATE BILLS.

Mr. Steele introduced
Senate Bill No. 79.

A bill for an act to amend and re-enact Section 2323 of the Revised Codes for the year 1905, of the State of North Dakota.

Which was read the first time.

The committee on cities and municipal corporations introduced

Senate Bill No. 80.

A bill for an act to amend Section 2869 of the Revised Codes of 1905, as amended by Chapter 265 of the Session Laws of 1907, relating to the contracting of loans for the payment of corporate indebtedness and providing for the levy of taxes to pay final judgments rendered against villages and providing for the manner of collecting the same.

Which was read the first time.

The committee on cities and municipal corporations introduced

Senate Bill No. 81.

A bill for an act to amend Section 1564 of the Revised Codes, relating to fees of sheriffs for the collection of delinquent personal property taxes.

Which was read the first time.

Mr. Steel of Stutsman introduced

Senate Bill No. 82.

A bill for an act to provide an appropriation for the erection of new buildings and other necessary improvements at the state hospital for the insane of North Dakota, at Jamestown.

Which was read the first time.

Mr. Steele introduced

Senate Bill No. 83.

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. Plain introduced

Senate Bill No. 84.

A concurrent resolution, amending the Constitution of the State of North Dakota, relating to the legislative department and providing for direct legislation, the proposing of constitutional amendments, reference of laws and recall of officers.

Which was read the first time.

Mr. Whicher introduced

Senate Bill No. 85.

A bill for an act to place the office of sheriff upon a salary basis, and to provide for the salary thereof and the appointment of deputies and prescribing penalties for the violation of the provisions of said act.

Which was read the first time.

Mr. Gunderson introduced

Senate Bill No. 86.

A bill for an act to provide a judicial procedure to determine the identity of the grantees and the shares of each in cases where lands have been or may be patented, granted or conveyed by the United States to the heirs or devisees of a deceased person without naming therein the persons so designated as grantees.

Which was read the first time.

Mr. Elken introduced

Senate Bill No. 87.

A bill for an act to amend Section 2767 of the Revised Codes of North Dakota for 1905, relating to the letting of contracts for sidewalks in cities.

Which was read the first time.

Mr. Elken introduced

Senate Bill No. 88.

A bill for an act to amend Section 2768 of the Revised Codes of North Dakota for 1905, relating to the repairs of city sidewalks.

Which was read the first time.

Mr. Plain introduced

Senate Bill No. 89.

A bill for an act to amend Section 4 of Chapter 172 of the Laws of 1901, entitled, an act to create a State Farmers' institute board of directors and prescribing its powers and duties, and making an appropriation for conducting farmers' institutes, as the same was amended by Chapter 11 of the laws of 1903, and Chapter 23 of the Laws of 1905.

Which was read the first time.

Mr. Gronvold introduced

Senate Bill No. 90.

A bill for an act to provide for the ascertaining and giving notice of the title of lands to the heirs of deceased per-

sons and establishing the right of heirship to real property and to provide a method of procedure therefor.

Which was read the first time.

Mr. Turner introduced

Senate Bill No. 91.

A bill for an act entitled, an act specifying who may sue for divorce in this state, and amending Section 4067, Revised Codes of North Dakota of 1905.

Which was read the first time.

Mr. Duis introduced

Senate Bill No. 92.

A bill for an act relating to children who are now or may hereafter become dependent, neglected or delinquent; to define these terms, and to provide for the treatment, control, maintenance, protection, adoption and guardianship of the persons of such children.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 93.

A bill for an act to amend and re-enact Sections 1031, 1033, 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. Simpson introduced

Senate Bill No. 94.

A bill for an act regulating inheritance in case of unlawful killing.

Which was read the first time.

Mr. Gunderson introduced

Senate Bill No. 95.

A bill for an act regulating the conditions and provisions to be contained in policies of health or accident insurance issued in this state.

Which was read the first time.

Mr. Steele moved

That the bills having received their first reading be placed on their second reading and reference.

Which motion prevailed.

SECOND READING OF SENATE BILLS.

Senate Bill No. 79.

A bill for an act to amend and re-enact Section 2323 of the Revised Codes for the year 1905, of the State of North Dakota.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 80.

A bill for an act to amend Section 2869 of the Revised Codes of 1905, as amended by Chapter 265 of the Session Laws of 1907, relating to the contracting of loans for the payment of corporate indebtedness and providing for the levy of taxes to pay final judgments rendered against villages and providing for the manner of collecting the same.

Was read the second time and

Referred to the committee on municipal corporations.

Senate Bill No. 81.

A bill for an act to amend Section 1564 of the Revised Codes, relating to fees of sheriffs for the collection of delinquent personal property taxes.

Was read the second time and

Referred to the committee on municipal corporations.

Senate Bill No. 82.

A bill for an act to provide an appropriation for the erection of new buildings and other necessary improvements at the state hospital for the insane of North Dakota, at Jamestown.

Was read the second time and

Referred to the committee on appropriations.

Senate Bill No. 83.

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 second time and

Referred to the committee on appropriations.

Senate Bill No. 84.

A concurrent resolution, amending the Constitution of the State of North Dakota, relating to the legislative department and providing for direct legislation, the proposing of constitutional amendments, reference of laws and recall of officers.

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

Senate Bill No. 85.

A bill for an act to place the office of sheriff upon a salary basis, and to provide for the salary thereof and the appointment of deputies and prescribing penalties for the violation of the provisions of said act.

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

Senate Bill No. 86.

A bill for an act to provide a judicial procedure to determine the identity of the grantees and the shares of each in cases where lands have been or may be patented, granted or conveyed by the United States to the heirs or devisees of a deceased person without naming therein the persons so designated as grantees.

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

Senate Bill No. 87.

A bill for an act to amend Section 2767 of the Revised Codes of North Dakota for 1905, relating to the letting of contracts for sidewalks in cities.

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

Senate Bill No. 88.

A bill for an act to amend Section 2768 of the Revised Codes of North Dakota for 1905, relating to the repairs of city sidewalks.

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

Senate Bill No. 89.

A bill for an act to amend Section 4 of Chapter 172 of the Laws of 1901, entitled, an act to create a State Farmers' institute board of directors and prescribing its powers and duties, and making an appropriation for conducting farmers' institutes, as the same was amended by Chapter 11 of the laws of 1903, and Chapter 23 of the Laws of 1905.

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

Senate Bill No. 90.

A bill for an act to provide for the ascertaining and giving notice of the title of 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. 91.

A bill for an act entitled, an act specifying who may sue for divorce in this state, and amending Section 4067, Revised Codes of North Dakota of 1905.

Was read the second time and

Referred to the committee on ways and means.

Senate Bill No. 92.

A bill for an act relating to children who are now or may hereafter become dependent, neglected or delinquent; to define these terms, and to provide for the treatment, control, maintenance, protection, adoption and guardianship of the persons of such children.

Was read the second time and

Referred to the committee on ways and means.

Senate Bill No. 93.

A bill for an act to amend and re-enact Sections 1031, 1033, 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. 94.

A bill for an act regulating inheritance in case of unlawful killing.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 95.

A bill for an act regulating the conditions and provisions to be contained in policies of health or accident insurance issued in this state.

Was read the second time and

Referred to the committee on insurance.

The courtesies of the floor was extended to the following gentlemen:

Judge Liles, Mr. S. Carstens, Mr. Talley, Minnewaukan.
Prof. W. N. Kern, Walton.
O. J. Thomas, Fargo.
Ralph Ward, Garrison.
F. J. Callahan, McClusky.
Alexander Reid, Hanna.
Samuel Torgeson.
Rev. John Dignam, Dickinson.
Walter Reid, Amenia.
Hon. M. B. Cassell, Hope.
S. H. Taylor.
Pres. T. A. Hillyer.
D. A. Dinnie, Minot.
Olaf Sorum.
Theo. Thompson, Cooperstown.
H. Long, Finley.
S. W. Bond, E. H. Stenvick, H. Midtbo, John Green,
Minot.
Pres. Geo. A. McFarland, Mr. McDonald, F. E. Packard,
Valley City.
Mr. Talcott moved
That the senate do now adjourn to meet at 12 o'clock,
noon, on Wednesday.
Which motion prevailed, and
The senate adjourned.

J. W. FOLEY,
Secretary.

FIFTEENTH DAY AFTER RECESS AND
SIXTEENTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 18, 1911.

The senate met at 12 o'clock, pursuant to recess taken.
The president presiding.

PETITIONS AND COMMUNICATIONS.

The following telegrams were read:

Washington, D. C., Jan. 17, 1911.

HON. U. L. BURDICK, Lieutenant Governor,
Bismarck, N. D.

Please extend to the Senate my thanks and assurance of my deep appreciation of the vote given me today.

P. J. McCUMBER.

Washington, D. C., Jan. 17, 1911.

HON. U. L. BURDICK, Lieutenant Governor,
Bismarck, N. D.

Please extend to the members of the Senate my sincere thanks and assurance of deep appreciation for the vote given me today.

A. J. GRONNA.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 18, 1911.

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 senators, 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,
E. H. GRIFFIN,
Chief Clerk.

Mr. Bessesen moved

That the senate do now proceed to the house for the joint session.

Which motion prevailed.

The senate re-assembled.

The following certificates were filed:

STATE OF NORTH DAKOTA,
CHAMBER OF THE HOUSE OF REPRESENTATIVES,
TWELFTH LEGISLATIVE SESSION.

Bismarck, North Dakota,
January 18, 1911.

This is to certify that at a meeting of the Twelfth Legislative Assembly of the state of North Dakota, in joint session held on Wednesday, the 18th day of January, A. D. 1911, 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 vive voce vote of the members present, a majority of all senators and representatives elect being present and voting, named Porter J. McCumber of Wahpeton, Richland county, state of North Dakota, for senator in the congress of the United States, for the state of North Dakota, for the term beginning March 4, A. D. 1911. Whereupon the joint assembly in session, as aforesaid, formally declared Porter J. McCumber of Richland county, North Dakota, duly elected sen-

ator to represent the state of North Dakota in the congress of the United States for the term beginning March 4, A. D. 1911, and for the full term of six years.

USHER L. BURDICK,
President of the Senate and Joint Assembly.
J. M. HANLEY,
Speaker of the House of Representatives.
JAMES W. FOLEY,
Secretary of the Senate.
E. H. GRIFFIN,
Chief Clerk of the House of Representatives.

STATE OF NORTH DAKOTA,
CHAMBER OF THE HOUSE OF REPRESENTATIVES,
TWELFTH LEGISLATIVE SESSION.

Bismarck, North Dakota,
January 18, 1911.

This is to certify that at a meeting of the Twelfth Legislative Assembly of the state of North Dakota, in joint session held on Wednesday, the 18th day of January, A. D. 1911, 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 vive voce vote of the members present, a majority of all senators and representatives elect being present and voting, named Asle J. Gronna of Lakota, Nelson county, state of North Dakota, for senator in the congress of the United States, for the state of North Dakota, for the term ending March 4, A. D. 1915. Whereupon the joint assembly in session, as aforesaid, formally declared said Asle J. Gronna of Nelson county, North Dakota, duly elected senator to represent the state of North Dakota in the congress of the United States to fill the unexpired term of the late Martin N. Johnson, said term ending March 4, A. D. 1915.

USHER L. BURDICK,
President of the Senate and Joint Assembly.
J. M. HANLEY,
Speaker of the House of Representatives.
JAMES W. FOLEY,
Secretary of the Senate.
E. H. GRIFFIN,
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.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 18, 1911.

The senate convened at 2 o'clock.

The president pro tem presiding.

Prayer by the chaplain.

Roll call.

All present except Messrs. Davis, Ganssle and Putnam,
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
of the 15th day, have carefully examined the same and
recommend that the same be corrected as follows:

Page 3, third line from bottom, change name "Davis" to "Duis."
Page 7, eighth line, change name "Duis" to "Davis."

And when so amended, recommend that the same be
approved.

J. E. STEVENS,
Chairman.

Mr. Stevens moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

MESSAGE FROM THE HOUSE.

The following messages were received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 18, 1911.

Mr. President:

I have the honor to inform you that the house has adopted the senate concurrent resolution relating to invitation to Professor Larson to address the legislature in joint session.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 18, 1911.

Mr. President:

I have the honor to inform you that the house has adopted the senate concurrent resolution relating to Lincoln Memorial address.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

MOTIONS AND RESOLUTIONS.

The following was laid before the senate:

Mr. President:

Your committee on state affairs, to whom was referred Mr. Pierce's resolution regarding the matter of adjournment, sine die, of the 12th legislative assembly, not later than the 45th day,

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

J. E. DAVIS,
Chairman.

Mr. Pierce moved

That the consideration of this report go over one day.
Which motion prevailed.

Mr. Movius introduced the following resolution:

WHEREAS, No provision has been made for the supplying of postage for the members of the Senate, resulting in inconvenience in the dispatch of legislative business on behalf of the Senate,

Now, Therefore, Be it Resolved:

That the postmaster of the Senate be requested to obtain a supply of postage stamps for sale to the senators as they may desire to purchase.

Mr. Movius moved

The adoption of the resolution.

Which motion prevailed, and

The resolution was adopted.

Mr. McLean introduced the following concurrent resolution:

WHEREAS, The free distribution of garden seeds, flower seeds and bulbs has come to be looked upon as a vast expenditure of money annually without adequate recompense, seeds being distributed promiscuously by our senators and congressmen generally far removed from places where grown, hence are not suited to climate or soil conditions, and are therefore no material benefit, besides encumbering our senators and representatives with a vast amount of unnecessary trouble and labor;

Therefore, Be it Resolved by the Senate of the State of North Dakota, the House Concurring:

That it believes the expenditure of approximately the sum of five hundred thousand dollars annually for the free distribution of the various kinds of garden seeds is uncalled for and unnecessary and should be abolished, unless for the propagation and distribution of the various kinds of grasses and clover seed.

Be it Further Resolved:

That the secretary of the Senate and the chief clerk of the House be and they are hereby instructed to mail a copy of these resolutions to our senators and representatives in Congress.

Mr. McLean moved

The adoption of the resolution.

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 18, 1911.

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

WHEREAS, It is represented that a shortage of \$60,000 and upwards exists in the funds belonging to the state of North Dakota in the state treasurer's office, and

WHEREAS, Cognizance of said matter must be taken by this assembly; and

WHEREAS, If such condition exists or has existed, such action should be taken by this Legislative Assembly to prevent a recurrence thereof;

Be it Therefore Resolved by the House of Representatives, the Senate Concurring:

That a committee be appointed, consisting of three members from the House of Representatives and two members from the Senate, for the purpose of examining into such matter and ascertaining if any change in the law relating to state funds is necessary.

Be it Further Resolved:

That the committee shall organize by electing one of its members chairman and that the powers usually conferred upon committees of investigation be conferred upon this committee, and that the state examiner shall be subject to its orders during such investigation; and that said committee report its findings and recommendations on or before the thirtieth day of this session.

And the speaker named as such committee, Messrs. Norheim, Ployhar and Hawkinson.

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

Very respectfully,

E. H. GRIFFIN.

Chief Clerk.

Mr. Gunderson moved

That the resolution be adopted.

Mr. Duis objected to the consideration of the resolution.

Which objection was not sustained by the chair.

Mr. Duis moved

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

Roll call demanded.

The roll was called and there were 4 ayes; 41 nays; 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Duis	Turner	Williams
Garden		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Steel of Stutsman
Baker	Kennedy	Steele of Renville
Bessesen	Kretschmar	Stevens

Messrs.—	Messrs.—	Messrs.—
Carter	LaMoure	Syverson
Cashel	Linde	Talcott
Duncan	Martin	Thoreson
Elken	McDowell	Trimble
Ellingson	McLean	Wallin
Gibbins	Movius	Walton
Gilbert	Overson	Welo
Gronvold	Pierce	Welch
Gunderson	Plain	Whitcher
Hookway	Ruzicka	Young
Jacobsen	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	McDonald	Putnam
Ganssle		

So the motion to refer was lost.

The question being on the original motion.

The roll was called and there were 45 ayes; 1 nay; 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Steel of Stutsman
Baker	Kennedy	Steele of Renville
Bessesen	Kretschmar	Stevens
Carter	LaMoure	Syverson
Cashel	Linde	Talcott
Duncan	Martin	Thoreson
Elken	McDonald	Trimble
Ellingson	McDowell	Turner
Garden	McLean	Wallin
Gibbins	Movius	Walton
Gilbert	Overson	Welo
Gronvold	Pierce	Welch
Gunderson	Plain	Whitcher
Hookway	Ruzicka	Williams
Jacobsen	Simpson	Young

Mr. Duis voting in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Putnam	Ganssle

So the original motion prevailed, and

The resolution was adopted.

FIRST READING OF SENATE BILLS.

Mr. Baker introduced

Senate Bill No. 96.

A bill for an act to amend Section 3061 of the Revised Codes for 1905, relating to annual township meetings.

Which was read the first time.

Mr. Kretchmar introduced

Senate Bill No. 97.

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

Which was read the first time.

Mr. McDonald introduced

Senate Bill No. 98.

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.

Mr. Overson introduced

Senate Bill No. 99.

A bill for an act to amend and re-enact Section 1513 of Revised Codes of North Dakota, as amended by Chapter 41, of the laws of 1909, relating to the furnishing by the county auditor of assessment books and blanks, lists of real property, regulating the time of meeting of assessors, and providing for their compensation for attending such meeting.

Which was read the first time.

Mr. Overson introduced

Senate Bill No. 100.

A bill for an act to amend and re-enact Section 6828 of the Revised Codes of North Dakota, relating to the place of trial of civil actions.

Which was read the first time.

Mr. Overson introduced

Senate Bill No. 101.

A bill for an act to amend and re-enact Section 8356 of the Revised Codes of North Dakota for 1905, relating to the commencement and place of trial of civil actions in justice court.

Which was read the first time.

Mr. Martin introduced
Senate Bill No. 102.

A concurrent resolution amending the Constitution of the State of North Dakota, establishing and locating a state agricultural college at the city of Beach, county of Billings.

Which was read the first time.

The committee on temperance introduced
Senate Bill No. 103.

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.

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. 39, a joint resolution, by Mr. Duncan, providing for the payment of certain necessary legislative expenses.

And find same correctly engrossed.

C. W. PLAIN,
Chairman.

THIRD READING OF SENATE BILLS.

Senate Bill No. 39.

A joint resolution.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 45 ayes; 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Allen
Baker
Bessesen
Carter
Cashel
Duis
Duncan

Messrs.—

Jacobsen
Johnson
Kennedy
Kretschmar
LaMoure
Linde
Martin

Messrs.—

Steel of Stutsman
Steele of Renville
Stevens
Syvertson
Talcott
Thoreson
Trimble

Messrs.—	Messrs.—	Messrs.—
Elken	McDonald	Turner
Ellingson	McDowell	Wallin
Garden	McLean	Walton
Gibbins	Movius	Welo
Gilbert	Overson	Welch
Gronvold	Pierce	Whitcher
Gundersen	Plain	Williams
Hookway	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Putnam	Simpson
Ganssle		

So the bill passed and the title was agreed to.

Mr. Duncan moved

That the vote by which Senate Bill No. 39 passed, be reconsidered and the motion to consider be laid on the table. Which motion prevailed.

The president administered the oath to J. L. Cashel, Jr. The courtesies of the floor were extended to the following:

O. M. Roe, Valley City.

Judge A. G. Hanson.

Ole Walhood of Nelson county.

T. F. Murtha.

Mr. Judet of Finley.

Harvey Hoff of Rugby.

Frank Fish, E. R. Brownson, A. L. Butler of Williston.

W. S. Wickersham and Theo. Serr of Wilton.

O. H. Opland of Hettinger county.

E. C. Fritz.

State's Attorney Sinnes, of Benson county.

Mr. Talcott moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

JAMES W. FOLEY,
Secretary.

SEVENTEENTH DAY

BISMARCK, NORTH DAKOTA.

SENATE CHAMBER,

January 19, 1911.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All present except Messrs. Ganssle and Putnam, who were excused.

REFERENCE TO THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the Journal of the 15th day after recess, and 16th day, have carefully examined the same and recommend that the same be corrected as follows:

Page 2, line 24, change word "Eleventh" to "Twelfth."
 Page 3, line 14, change word "Eleventh" to "Twelfth."
 Page 10, line 22, change word "carefully" to "correctly."
 Page 10, line 30, change number "46" to "45."
 Page 11, line 14, should be omitted.

And when so amended recommend that the same be approved.

J. E. STEVENS,
 Chairman.

Mr. Stevens 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:

Ellendale, N. D.,
 January 17, 1911.

F. M. WALTON, Bismarck, N. D.

Dear Mr. Walton: It looks like the present legislature intended to pass an anti-pass bill, and I note that several bills have been introduced. I think this is all right, but I would like to see an amendment made to such a bill. Our boys' and girls' institute held at the Agricultural College recently was made the great success that it was by the railroads granting passes to the children. I have been informed that they granted 30,000 miles of free transportation for the occasion. As one very deeply interested in the permanency of this institute, I wish to ask you to use your best efforts to have incorporated an amendment similar to the following:

"Provided, however, that persons engaged in agricultural experiment work, rendering service on good farming special trains, or doing Agricultural College or University extension work, or the youth of the state under 18 years of age when in attendance at industrial contests or meetings, the purpose of which should be to teach industrial topics, are exempt from the provisions of this act."

Thanking you for whatever efforts you may put forth in this matter, I am,

Very truly yours,

MRS. G. M. LOVELL.

Mr. Thoreson presented the following communication:

The matter of the state wolf bounty laws now operative in the state of North Dakota, having been brought to the attention of the Board of County Commissioners of Barnes county in regular session, the following resolution was introduced by Commissioner J. F. Jaberg, and unanimously passed by the Board of County Commissioners, and is as follows:

WHEREAS, It appears to the County Commissioners of Barnes county, North Dakota:

First. That we have on our statute books laws authorizing county commissioners to pay a county bounty which provides for protection against wolves, and

Second. That the counties now bearing the greater part of the state wolf bounty burden receive the least benefit, and

Third. That only a part of the counties comply with the law providing for county bounty, nearly one-half of the counties not paying said bounty, and that under the present law the counties paying such county bounty are doubly taxed for protection against wolves; and

Fourth. That under the present law, the state board is compelled to levy a wolf bounty tax of 2-10 of a mill on all assessed property each year, and that there is in said fund after all such bounties have been paid a balance of \$35,563.87 in the state treasury, and that this balance will be largely increased from taxes to be collected in 1910; and

Fifth. Whereas, we believe that the settlement, growth and development of the state has been so great in every community, and especially in the western half of the state, during the past few years, that every county in the state is fully capable of providing its own wolf bounty in case it finds such protection necessary.

Now, Therefore, Be it Resolved:

That it is the opinion of the Board of County Commissioners of Barnes county, North Dakota, in regular session assembled; that the state wolf bounty law, being Article 11, Chapter 24, Revised Codes of 1905 for North Dakota, should be repealed, and that the balance on hand and the taxes to be collected from the 1910 levy for said fund should be transferred to the general fund of the state.

And be it Further Resolved:

That the matter of the repeal of the present law be brought to the attention of our senators and representatives at Bismarck, North Dakota, by forwarding to each of them a copy of this resolution, and that each of said members are hereby urged to use their best influence to securing the repeal of said law during the present session of the legislature.

And be it Further Resolved:

That each of said members, for the purpose of securing information as to the inequality and injustice of said wolf bounty tax, be referred to the report of the State Auditor, Bismarck, North Dakota, issued December 15, 1910.

Dated January 12, 1911.

G. MUDGETT,

Chairman of the Board of County Commissioners of
Barnes County, N. D.

Mr. Simpson moved

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

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 19, 1911.

Mr. President:

I have the honor to inform you that the House has concurred in the Senate concurrent resolution relating to expense of printing and mailing Senate and House Journals and bills.

Also,

Mr. President:

I have the honor to inform you that the House has concurred in the Senate concurrent resolution relating to irrigation.

Also,

Mr. President:

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

WHEREAS, Experience has demonstrated that the interests of the people would be best served by the election of United States senators by the direct vote of the people of the various states,

Therefore, Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That, under authority of Article V. of the Constitution of the United States, application is hereby made to Congress to forthwith call a constitutional convention for the purpose of submitting to the states for ratification an amendment to the Federal Constitution, providing for the election of United States senators by direct vote of the electors of the various states; and

Be it Further Resolved:

That this resolution be ordered enrolled, and that the chief clerk of this House be instructed to forthwith transmit duly authenticated copies thereof, one to the President of the United States, and one to the Speaker of the House of Representatives of the United States.

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

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

MOTIONS AND RESOLUTIONS.

The following was laid before the senate:

Mr. President:

Your committee on state affairs, to whom was referred Mr. Pierce's resolution regarding the matter of adjournment, sine die, of the 12th legislative assembly, not later than the 45th day,

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

J. E. DAVIS,
Chairman.

The question being upon the adoption of the report,
Roll call was demanded.

The roll was called and there were 32 ayes; 14 nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steele of Renville
Bessesen	Johnson	Syverson
Davis	Kennedy	Talcott
Duis	Kretschmar	Thoreson
Duncan	LaMoure	Turner
Elken	Linde	Wallin
Ellingson	McDowell	Welo
Garden	Overson	Welch
Gibbins	Plain	Whitcher
Gilbert	Ruzicka	Williams
Gronvold	Steel of Stutsman	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Martin	Stevens
Carter	McLean	Trimble
Cashel	Movius	Walton
Gunderson	Pierce	Young
Jacobsen	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	McDonald	Putnam

Mr. Plain explained his vote and said:

I am in favor of an early adjournment of the legislature, but I do not wish to go on record at this time as being in favor of this resolution, in case it would interfere with proper legislation. In case we find at a later period that

we can adjourn in less than sixty days, I think it perfectly all right to take proper action at that time. I therefore vote "aye" on the report of the committee.

So the report was adopted.

REPORT OF THE SELECT COMMITTEES.

The committee on committee rooms made the following report:

Mr. President:

Your committee on assignment of committee rooms, makes the following report:

Pursuant to authority given the committee, it has secured one room in the McKenzie hotel at a cost of \$3.00 per day, and one in the Grand Pacific hotel at a cost of \$2.00 per day, to be used for stenographers' rooms.

It has also secured as a meeting place for committees, the sample room of the Grand Pacific hotel, the consideration to be paid for the room, including light and heat, necessary furniture and janitor services, to be at the rate of \$2.00 per day.

It has also secured as a second committee room, the store on Main street (being the old office of the International Harvester Co.). The rent for the last mentioned room to be prorated at the rate of \$75.00 per month, which is to include light and heat, necessary furniture and janitor services.

ALFRED STEEL,
Chairman.

Mr. Steel moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

FIRST READING OF SENATE BILLS.

Mr. Duis introduced

Senate Bill No. 104.

A bill for an act providing for correcting errors and deficiencies in city plats.

Which was read the first time.

Mr. Duis introduced

Senate Bill No. 105.

A bill for an act providing for platting unplatted portions and parcels of ground within the corporate limits of any city.

Which was read the first time.

Mr. Pierce introduced (by request,)

Senate Bill No. 106.

A bill for an act to amend Sections 1985 and 1986 of the Revised Codes, relating to cruelty to animals, and to provide for the organization and operation of societies for the purpose of inculcating humane principles and the prevention of cruelty especially to animals and children.

Which was read the first time.

Mr. Elken introduced

Senate Bill No. 107.

A bill for an act to amend Section No. 2743 of the Revised Codes of North Dakota for 1905, relating to election districts and precincts.

Which was read the first time.

Mr. Elken introduced

Senate Bill No. 108.

A bill for an act to amend Section 2744 of the Revised Codes of North Dakota for 1905, relating to qualified voters and registration in cities.

Which was read the first time.

Mr. Elken introduced

Senate Bill No. 109.

A bill for an act making appropriation for the Mayville State Normal school, located at Mayville, North Dakota, for hospital, green house, fuel bin, library, museum, boiler, grounds, lecture course, manual training and domestic science and improvements on ventilating system, and for reimbursement of money transferred from local and interest and income funds.

Which was read the first time.

Mr. Gronvold introduced

Senate Bill No. 110.

A bill for an act to amend Section 4670 of the Revised Codes of 1905, relating to lists of shareholders kept by

banking associations and the manner of transferring shares, and providing for the enforcement thereof.

Which was read the first time.

Mr. Trimble introduced

Senate Bill No. 111.

A bill for an act amending Section 1070 of the Revised Codes of North Dakota for 1905, and making an appropriation to meet the necessary expenses of the state geological survey.

Which was read the first time.

Mr. Trimble introduced

Senate Bill No. 112.

A bill for an act amending Section 1064 of the Revised Codes of North Dakota for 1905.

Which was read the first time.

Mr. Welo introduced

Senate Bill No. 113.

A bill for an act defining and taxing the occupation of transient merchants, regulating the licensing of persons engaged in such occupation, increasing the state revenue by such taxation, and prescribing penalties for violation of its provisions.

Which was read the first time.

Mr. Gibbons introduced

Senate Bill No. 114.

A bill for an act to enlarge the powers and duties of the board of railroad commissioners, creating a public warehouse fund and making an appropriation.

Which was read the first time.

Mr. Witcher introduced

Senate Bill No. 115.

A bill for an act to provide furniture for the new dormitory, and to complete and make adequate the heating plant

of the State Normal school at Valley City, and making appropriations therefor.

Which was read the first time.

Mr. Whitcher introduced

Senate Bill No. 116.

A bill for an act to provide for making permanent improvements at the State Normal school at Valley City, to assist in the maintenance thereof, and for other purposes, and making appropriations therefor.

Which was read the first time.

Mr. Wallin introduced

Senate Bill No. 117.

A bill for an act providing for salary for sheriffs and providing for fees collected by sheriffs to be turned into the county treasurer of their respective counties and prescribing for a penalty for failing to do so.

Which was read the first time.

Mr. Talcott introduced

Senate Bill No. 118.

A bill for an act to amend and re-enact Section 4374 of the Revised Codes of 1905, relating to free transportation and reduced rates by common carriers.

Which was read the first time.

Mr. Garden introduced

Senate Bill No. 119.

A bill for an act for the inspection of fermented and spirituous liquors, malt liquors, wines, ciders, and all beverages manufactured, sold or offered for sale as a substitute for intoxicating liquors, and providing for the appointment of a state inspector and deputies, prescribing their duties, designating their fees and prescribing rules and regulations for such inspection, providing for the payment and disposition of such fees, providing penalties for the violation of the provisions of this act, designating

ports of entry where liquor shipped into this state shall be inspected.

Which was read the first time.

Mr. Movius introduced

Senate Bill No. 120.

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 the payment of the same.

Which was read the first time.

Mr. Plain introduced

Senate Bill No. 121.

A bill for an act to amend Section 1976 and Section 1979, relating to estrays.

Which was read the first time.

Mr. Trimble introduced

Senate Bill No. 122.

A bill for an act requiring natural gas to be confined, and prescribing penalty for the violation thereof.

Which was read the first time.

Mr. Plain introduced

Senate Bill No. 123.

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof, admissible in evidence.

Which was read the first time.

Mr. Davis introduced

Senate Bill No. 124.

A bill for an act to amend Section 2594 of the Revised Codes of North Dakota.

Which was read the first time.

Mr. Gunderson introduced

Senate Bill No. 125.

A bill for an act to create a legislative "committee on uniform methods for public accounts," prescribing its powers, duties and the service it shall render in creating and enforcing the use of standard and uniform accounting methods, for all state officers, state institutions, all public institutions under the control of the state, county officers, municipalities, and school districts, as hereinafter provided.

Which was read the first time.

Mr. Gilbert moved

That the rules be suspended and bills having their first reading be placed upon their second reading and reference.

Which motion prevailed.

SECOND READING OF SENATE BILLS.

Senate Bill No. 104.

A bill for an act providing for correcting errors and deficiencies in city plats.

Was read the second time and

Referred to the committee on cities and municipal corporations.

Senate Bill No. 105.

A bill for an act providing for platting unplatted portions and parcels of ground within the corporate limits of any city.

Was read the second time and

Referred to the committee on cities and municipal corporations.

Senate Bill No. 106.

A bill for an act to amend Sections 1985 and 1986 of the Revised Codes, relating to cruelty to animals, and to provide for the organization and operation of societies for the purpose of inculcating humane principles and the prevention of cruelty especially to animals and children.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 107.

A bill for an act to amend Section No. 2743 of the Revised Codes of North Dakota for 1905, relating to election districts and precincts.

Was read the second time and

Referred to the committee on election and privileges.

Senate Bill No. 108.

A bill for an act to amend Section 2744 of the Revised Codes of North Dakota for 1905, relating to qualified voters and registration in cities.

Was read the second time and

Referred to the committee on election and privileges.

Senate Bill No. 109.

A bill for an act making appropriation for the Mayville State Normal school, located at Mayville, North Dakota, for hospital, green house, fuel bin, library, museum, boiler, grounds, lecture course, manual training and domestic science and improvements on ventilating system, and for reimbursement of money transferred from local and interest and income funds.

Was read the second time and

Referred to the committee on appropriations.

Senate Bill No. 110.

A bill for an act to amend Section 4670 of the Revised Codes of 1905, relating to lists of shareholders kept by banking associations and the manner of transferring shares, and providing for the enforcement thereof.

Was read the second time and

Referred to the committee on banks and banking.

Senate Bill No. 111.

A bill for an act amending Section 1070 of the Revised Codes of North Dakota for 1905, and making an appropriation 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. 112.

A bill for an act amending Section 1064 of the Revised Codes of North Dakota for 1905.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 113.

A bill for an act defining and taxing the occupation of transient merchants, regulating the licensing of persons engaged in such occupation, increasing the state revenue by such taxation, and prescribing penalties for violation of its provisions.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 114.

A bill for an act to enlarge the powers and duties of the board of railroad commissioners, creating a public warehouse fund and making an appropriation.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 115.

A bill for an act to provide furniture for the new dormitory, and to complete and make adequate the heating plant of the State Normal school at Valley City, and making appropriations therefor.

Was read the second time and

Referred to the committee on appropriations.

Senate Bill No. 116.

A bill for an act to provide for making permanent improvements at the State Normal school at Valley City, 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.

Senate Bill No. 117.

A bill for an act providing for salary for sheriffs and providing for fees collected by sheriffs to be turned into the county treasurer of their respective counties and prescribing for a penalty for failing to do so.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 118.

A bill for an act to amend and re-enact Section 4374 of the Revised Codes of 1905, relating to free transportation and reduced rates by common carriers.

Was read the second time and

Referred to the committee on railroads.

Senate Bill No. 119.

A bill for an act for the inspection of fermented and spirituous liquors, malt liquors, wines, ciders, and all beverages manufactured, sold or offered for sale as a substitute for intoxicating liquors, and providing for the appointment of a state inspector and deputies, prescribing their duties, designating their fees and prescribing rules and regulations for such inspection, providing for the payment and disposition of such fees, providing penalties for the violation of the provisions of this act, designating ports of entry where liquor shipped into this state shall be inspected.

Was read the second time and

Referred to the committee on temperance.

Senate Bill No. 120.

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 the payment of the same.

Was read the second time and

Referred to the committee on banks and banking.

Senate Bill No. 121.

A bill for an act to amend Section 1976 and Section 1979, relating to estrays.

Was read the second time and

Referred to the committee on live stock.

Senate Bill No. 122.

A bill for an act requiring natural gas to be confined, and prescribing penalty for the violation thereof.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 123.

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof, admissible in evidence.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 124.

A bill for an act to amend Section 2594 of the Revised Codes of North Dakota.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 125.

A bill for an act to create a legislative "committee on uniform methods for public accounts," prescribing its powers, duties and the service it shall render in creating and enforcing the use of standard and uniform accounting methods, for all state officers, state institutions, all public institutions under the control of the state, county officers, municipalities, and school districts, as hereinafter provided.

Was read the second time and

Referred to the committee on judiciary.

The president announced the appointment of Messrs. Elken and Allen as Senate members of the joint committee for an investigation of the office of state treasurer.

Mr. Overson asked permission to return to the eighth order of business.

Which permission was granted.

Mr. Overson introduced the following resolution:

Be it Resolved by the Senate:

That the mailing force be directed to mail to each newspaper in this state, daily, one copy of the Senate journals and of each Senate bill, and that five hundred additional copies of the Senate journals and bills be authorized to be printed to cover this resolution.

Mr. Overson moved

The adoption of the resolution.

Which motion prevailed, and

The resolution was adopted.

The courtesies of the floor were extended to the following gentlemen:

John Ethington of Oliver county.

O. M. Roe of Barnes county.

H. H. Bergh.

Judge Bagley.

Jacob Sonderall of Adams county.

C. V. Carley.

Judge Kirk of Bottineau.

C. B. Little of Bismarck.

A. G. Divet of Wahpeton.

Thomas Thompson.

George Robinson.

W. E. Byerly and F. P. Stone of Sentinel Butte.

Mr. Plain moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

JAMES W. FOLEY,
Secretary.

EIGHTEENTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

January 20, 1911.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All present except Messrs. Ganssle and Putnam, 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 of the 17th day, have carefully examined the same and recommend that the same be corrected as follows:

Page 5, after roll call, insert "Mr. Plain explained his vote."

Page 6, after the word "chairman," change name "Steele" to "Steel."

Page 7, line four from the bottom, change name "Elken" to "Gronvold."

And when so amended, recommend that the same be approved.

J. E. STEVENS,
Chairman.

Mr. Stevens 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:

January 18, 1911.

HON. HENRY McLEAN, Bismarck, N. Dak.

Dear Senator: There will come up some time during the present session a bill for the allowance and payment of certain traveling expenses of the judges of the district courts throughout the state. The bill is a most meritorious one, and one that should pass. The judges have had passes to travel on in the past, but this privilege, I trust, will be taken away this winter, and the state should pay its judges either enough salary or pay their expenses, so that the best men at the bar can afford to take the positions as judges. The judges get but \$4,000.00 a year, and if they have to pay their expenses in traveling to different points in their district or throughout the state, and then pay their hotel bills, it is going to cut their salaries, so that the character of the men who hold the judgeships would soon deteriorate. I shall be pleased if you can see your way clear to not only vote for, but support the bill when it comes up in the Senate.

Yours very truly,

W. A. McINTYRE.

Mr. Price moved

That the communication from W. A. McIntyre to Senator McLean be printed in the Journal.

Which motion prevailed

Mr. Gunderson moved

That all communications and resolutions received with reference to the proposed anti-pass law, be printed in the Journal.

Mr. Garden moved, as a substitute,

That no such communications be printed except by a majority vote of the senate.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 20, 1911.

Mr. President:

I have the honor to inform you that the House has concurred in the Senate concurrent resolution relating to free distribution of garden seeds.

Also,

Mr. President:

I have the honor to inform you that the House has concurred in the Senate concurrent resolution relating to the investigation of the state game and fish board of control, and the Speaker has appointed as House members of the committee to investigate the state game and fish board of control, Messrs. Fraire, Olsgard of Nelson, Brusletten and Benson.

Also,

Mr. President:

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

WHEREAS, A concurring resolution passed the House of Representatives on January 16th, 1911, and concurred in by the Senate, provided for a committee to investigate the condition of the state treasurer's office, and

WHEREAS, The committee is about to begin its labors;

Now, Therefore, Be it Resolved by the House of Representatives, the Senate Concurring Therein

That the committee be instructed and authorized to extend its investigation to cover a period of at least eight years, and that the conditions under which the business of this office has been conducted during said period be thoroughly investigated and a complete report made, and such report to show the amounts of money deposited in the various banks of the state, also whether or not such deposits were authorized by law.

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

E. H. GRIFFIN,
Chief Clerk.

Mr. Steele moved

That the Senate do now concur in the House resolution with reference to a more extended examination into the office of the state treasurer.

Which motion prevailed.

Mr. Stevens moved

That the vote by which the motion prevailed be reconsidered.

Which motion was lost.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

The following concurrent resolution was laid before the Senate:

WHEREAS, Experience has demonstrated that the interests of the people would be best served by the election of United States senators by the direct vote of the people of the various states,

Therefore, Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That, under authority of Article V. of the Constitution of the United States, application is hereby made to Congress to forthwith call a constitutional convention for the purpose of submitting to the states for ratification an amendment to the Federal Constitution, providing for the election of United States senators by direct vote of the electors of the various states; and

Be it Further Resolved:

That this resolution be ordered enrolled, and that the chief clerk of this House be instructed to forthwith transmit duly authenticated copies thereof, one to the President of the United States, and one to the Speaker of the House of Representatives of the United States.

Mr. Duis moved

That the resolution be adopted.

Mr. Gunderson moved

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

Which motion prevailed.

The president announced the appointment of Messrs. Garden, McDonald and McDowell as Senate members of the joint committee for the investigation of the game and fish commission.

FIRST READING OF SENATE BILLS.

Mr. Stevens introduced

Senate Bill No. 126.

A bill for an act entitled, an act relative to deposits made in banks or other institutions, authorized to receive deposits under the laws of North Dakota, when such deposits are made in two or more names.

Which was read the first time.

Mr. Kennedy introduced

Senate Bill No. 127.

A bill for an act appropriating money for erecting and equipping a dairy laboratory, a recitation hall and a boys' dormitory at the North Dakota Agricultural college at Fargo.

Which was read the first time.

Mr. Overson introduced

Senate Bill No. 128.

A bill for an act regulating marriages and the issuance of marriage licenses, prohibiting marriages in certain cases, providing penalties for the violation of the provisions of this act and repealing all acts or parts of acts in conflict herewith.

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 129.

A bill for an act concerning insurance contracts and providing that contracts of insurance made by any company belonging to or member of or in any way connected with any tariff association or such like thing by whatever name called, shall be construed to add twenty-five per cent to the face of the policy or contract of insurance in addition to the actual loss or damage suffered; providing that the jury or court finding certain facts must add the amount of said penalty to the verdict, and providing for a liberal construction of this act.

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 130.

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 annual statements of insurance companies.

Which was read the first time.

Mr. Welo introduced

Senate Bill No. 131.

A bill for an act amending Sections 167, 169, 170, 171, 189 and 191 of the Revised Codes of North Dakota for 1905, relating to the appraisal and sale of school lands.

Which was read the first time.

Mr. Davis introduced

Senate Bill No. 132.

A bill for an act appropriating money for the maintenance of the public health laboratory in the medical department of the State University and School of Mines at Grand Forks, and its branches at Bismarck and at Minot, and to repeal Section 1, Chapter 26, Session Laws of 1907.

Which was read the first time.

Mr. Wallin introduced

Senate Bill No. 133.

A bill for an act to amend Section 1584 of the Revised Codes of the State of North Dakota, as amended by Chapter 220 of the Session Laws of 1907, relating to the rights of purchasers of land at sale for the non-payment of taxes.

Which was read the first time.

Mr. Overson introduced

Senate Bill No. 134.

A bill for an act making an appropriation for the Williston Experimental station, located at the city of Williston, Williams county.

Which was read the first time.

Mr. Plain introduced

Senate Bill No. 135.

A concurrent resolution amending the Constitution of the State of North Dakota, empowering the legislative assembly to provide by law for erection, leasing, purchasing and operating terminal elevators in the states of Minnesota and Wisconsin, or either.

Which was read the first time.

Mr. Linde introduced

Senate Bill No. 136.

A bill for an act to amend and re-enact Chapter 120 of the Laws of 1909, being an amendment to Section 2600 of the Revised Codes of North Dakota, 1905, and to repeal Section 2601 of the Revised Codes of 1905, relating to sheriff's fees.

Which was read the first time.

Mr. Davis introduced

Senate Bill No. 137.

A bill for an act making an appropriation to compensate F. C. Heffron for services as assistant attorney general, especially authorized to enforce the prohibitory law of this state.

Which was read the first time.

Mr. Cashel moved

That the rules be suspended and bills having their first reading be placed on their second reading and reference.

Which motion prevailed.

SECOND READING OF SENATE BILLS.

Senate Bill No. 126.

A bill for an act entitled, an act relative to deposits made in banks or other institutions, authorized to receive deposits under the laws of North Dakota, when such deposits are made in two or more names.

Was read the second time, and

Referred to the committee on banking.

Senate Bill No. 127.

A bill for an act appropriating money for erecting and equipping a dairy laboratory, a recitation hall and a boys' dormitory at the North Dakota Agricultural college at Fargo.

Was read the second time and

Referred to the committee on appropriations.

Senate Bill No. 128.

A bill for an act regulating marriages and the issuance of marriage licenses, prohibiting marriages in certain cases, providing penalties for the violation of the provisions of this act and repealing all acts or parts of acts in conflict herewith.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 129.

A bill for an act concerning insurance contracts and providing that contracts of insurance made by any company belonging to or member of or in any way connected with any tariff association or such like thing by whatever name called, shall be construed to add twenty-five per cent to the face of the policy or contract of insurance in addition to the actual loss or damage suffered; providing that the jury or court finding certain facts must add the amount of said penalty to the verdict, and providing for a liberal construction of this act.

Was read the second time and

Referred to the committee on insurance.

Senate Bill No. 130.

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 annual statements of insurance companies.

Was read the second time and

Referred to the committee on insurance.

Senate Bill No. 131.

A bill for an act amending Sections 167, 169, 170, 171, 189 and 191 of the Revised Codes of North Dakota for 1905, relating to the appraisal and sale of school lands.

Was read the second time and

Referred to the committee on education.

Senate Bill No. 132.

A bill for an act appropriating money for the maintenance of the public health laboratory in the medical department of the State University and School of Mines at Grand Forks, and its branches at Bismarck and at Minot, and to repeal Section 1, Chapter 26, Session Laws of 1907.

Was read the second time and

Referred to the committee on appropriations.

Senate Bill No. 133.

A bill for an act to amend Section 1584 of the Revised Codes of the State of North Dakota, as amended by Chapter 220 of the Session Laws of 1907, relating to the rights of purchasers of land at sale for the non-payment of taxes.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 134.

A bill for an act making an appropriation for the Williston Experimental station, located at the city of Williston, Williams county.

Was read the second time and

Referred to the committee on appropriations.

Senate Bill No. 135.

A concurrent resolution amending the Constitution of the State of North Dakota, empowering the legislative assembly to provide by law for 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 Warehouses, grain and grain grading.

Senate Bill No. 136.

A bill for an act to amend and re-enact Chapter 120 of the Laws of 1909, being an amendment to Section 2600 of the Revised Codes of North Dakota, 1905, and to repeal Section 2601 of the Revised Codes of 1905, relating to sheriff's fees.

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

Senate Bill No. 137.

A bill for an act making an appropriation to compensate F. C. Heffron for services as assistant attorney general, especially authorized to enforce the prohibitory law of this state.

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

A committee from the House announced that that body were now ready for the joint session to listen to the address of Prof. Larson of Wisconsin.

Mr. Gilbert moved

That the Senate do now take a recess for the joint session with the House.

Which motion prevailed.

The Senate re-assembled.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 20, 1911.

Mr. President:

I have the honor to return herewith,

Senate Bill No. 39.

A joint resolution.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN.
Chief Clerk.

Mr. Steele moved
That the Senate return to the sixth order of business.
Which motion prevailed.

REPORT OF SENATE JUDICIARY COMMITTEE.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary, to whom was referred
Senate Bill No. 40.

A bill for an act to confirm title to real estate sold by decedents in their lifetime under contract, conveyed pursuant to Article 8, of Chapter 6, of the Probate Code of North Dakota in estates now closed, and not approved by the county judge.

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

In line seven (7) of the printed bill strike out the word "sales" and insert the following: "conveyances have been otherwise legally made, but."

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 42.

A bill for an act to amend Section 8157 of the Revised Codes of North Dakota, 1905, relating to conveyance of real estate sold by decedents upon contract.

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 report was adopted.

And the further consideration of the bill was indefinitely postponed.

The courtesies of the floor were extended to the following gentlemen:

John Mahon of Langdon, and John Sailer, Christ Fuerst, John Bohrer and Wm. Haevischer of Mercer county.

Mr. Cashel moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

NINETEENTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 21, 1911.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All present except Messrs. Ganssle, LaMoure, Martin, McDonald, Putnam 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 of the 18th day, have carefully examined the same and find the same correct.

J. E. STEVENS,
Chairman.

Mr. Stevens moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on railroads made the following report :

Mr. President:

Your committee on railroads to whom was referred

Senate Bill No. 22.

An act requiring railroad companies to provide suitable rooms in railroad station waiting rooms, or in places adjacent thereto.

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

That the words "and sanitary" be inserted in the first line of the title following the word "suitable."

That the words "for each sex" be inserted in line 4, following the words "suitable toilet rooms."

That the words "closet, or privy," in line 9, be changed so as to read "closets, or privies."

That the words "for each sex" be inserted after word "privy" in line 9.

That the following words be inserted after the word "rooms" in line 11: "And that the said waiting room floors shall be washed or scrubbed at least once a week with some standard disinfectant and such waiting rooms shall at all times be maintained in a comfortable and sanitary condition."

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.

A majority of the committee on elections and privileges made the following report:

Mr. President:

A majority of your committee on elections and privileges to whom was referred

Senate Bill No. 73.

A concurrent resolution amending the constitution of the State of North Dakota, relating to the elective franchise, defining who are qualified electors.

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

H. J. BESSESEN,
Chairman.

The committee on elections made the following report:

Mr. President:

The minority of your committee on elections to whom was referred

Senate Bill No. 73.

A concurrent resolution amending the constitution of the State of North Dakota, relating to the elective franchise, defining who are qualified electors.

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

E. L. GARDEN,
A. S. GIBBENS.

Mr. Bessesen moved

That the majority report be adopted.

Mr. Garden moved

That the minority report be adopted.

The question being upon the adoption of the majority report,

Roll call was demanded.

The roll was called and there were 23 ayes; 16 nays; 10 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Carter	McLean	Thoreson
Cashel	Movius	Trimble
Elken	Overson	Turner
Ellingson	Pierce	Walton
Gronvold	Plain	Welch
Gunderson	Ruzicka	Whitcher
Jacobsen	Stevens	Young
Linde	Talcott	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gibbens	Steele of Renville
Baker	Hookway	Syverson
Bessezen	Johnson	Wallin
Davis	McDowell	Welo
Duis	Steel of Stutsman	Williams
Garden		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duncan	Kretschmar	McDonald
Ganssle	LaMoure	Putnam
Gilbert	Martin	Simpson
Kennedy		

So the majority report was adopted.

The committee on elections and privileges made the following report:

Mr. President:

Your committee on elections and privileges to whom was referred

Senate Bill No. 3C.

A bill for an act amending Section 616 of Article 6, Chapter 8 of the Revised Codes of 1905, titled Elections.

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

H. J. BESSESEN,
Chairman.

Mr. Cashel moved
That the bill be re-committed to the committee on elections and privileges.

Which motion was lost.

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

REPORT OF SENATE JUDICIARY COMMITTEE.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 79.

A bill for an act to amend and re-enact Section 2323 of the Revised Codes for the year 1905, of the State of North Dakota.

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 was adopted.

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. 15.

A bill for an act making Good Friday a legal holiday.
Have had the same under consideration and recommend that the same do pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted.
Which motion prevailed, and
The report 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. 39.

A joint resolution providing for the payment of certain necessary legislative expenses.

And find the same correctly enrolled.

C. W. PLAIN,
Pro-Chairman.

The Secretary announced that the President was about to sign

Senate Bill No. 39.

A joint resolution providing for the payment of certain necessary legislative expenses.

MOTIONS AND RESOLUTIONS.

Mr. Gunderson introduced the following concurrent resolution:

Be it Resolved by the Senate, the House of Representatives Concurring:

That the joint committee appointed to investigate the report of the state Game and Fish Board of Control be granted an extension of time until the fortieth day of the session, to perform its duties and make its report to the assembly.

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

FIRST READING OF SENATE BILLS.

Mr. Plain introduced

Senate Bill No. 138.

A concurrent resolution 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. Walton introduced

Senate Bill No. 139.

A bill for an act to provide for the maintenance of the State Normal Industrial school located at Ellendale, and for necessary improvements, and providing appropriations therefor.

Which was read the first time.

Mr. Young introduced

Senate Bill No. 140.

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. McLean introduced

Senate Bill No. 141.

A bill for an act appropriating money for the erection of a seed house and soil testing room, hog and chicken house and the purchase of brood mares, gasoline engine and other needed repairs at the Langdon sub-experiment station.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 142.

A bill for an act to amend Sections 1821 and 1828 of the Revised Codes of 1905, as amended in Chapter 93 of the

Session Laws of 1907, and also to amend Section 1825 of the Revised Codes of 1905, relating to drainage.

Which was read the first time.

Mr. Linde introduced

Senate Bill No. 143.

A bill for an act to amend and re-enact Section 2763 of the Revised Codes of the State of North Dakota, for the year 1905, relating to vacation of streets and alleys.

Which was read the first time.

Mr. Thoreson introduced

Senate Bill No. 144.

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

Which was read the first time.

Mr. McDonald introduced

Senate Bill No. 145.

A bill for an act making an appropriation for the experimental station of the School of Mines and the Mining substation at Hebron, Morton county.

Which was read the first time.

Mr. Witcher introduced

Senate Bill No. 146.

A bill for an act to amend Sections 1953, 1954, 1956 and 1960, providing for the granting of wolf bounties by the counties of the state and to repeal Sections 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970 and 1971, relating to state wolf bounty.

Which was read the first time.

Mr. Cashel moved

That the rules be suspended and bills having their first reading be placed upon their second reading and reference.

Which motion prevailed.

SECOND READING OF SENATE BILLS.

Senate Bill No. 138.

A concurrent resolution 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 judiciary.

Senate Bill No. 139.

A bill for an act to provide for the maintenance of the State Normal Industrial school located at Ellendale, and for necessary improvements, and providing appropriations therefor.

Was read the second time and

Referred to the committee on appropriations.

Senate Bill No. 140.

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 Indian affairs.

Senate Bill No. 141.

A bill for an act appropriating money for the erection of a seed house and soil testing room, hog and chicken house and the purchase of brood mares, gasoline engine and other needed repairs at the Langdon sub-experiment station.

Was read the second time and

Referred to the committee on appropriations.

Senate Bill No. 142.

A bill for an act to amend Sections 1821 and 1828 of the Revised Codes of 1905, as amended in Chapter 93 of the Session Laws of 1907, and also to amend Section 1825 of the Revised Codes of 1905, relating to drainage.

Was read the second time and

Referred to the committee on drainage.

Senate Bill No. 143.

A bill for an act to amend and re-enact Section 2763 of the Revised Codes of the State of North Dakota, for the year 1905, relating to vacation of streets and alleys.

Was read the second time and

Referred to the committee on cities and municipal corporations.

Senate Bill No. 144.

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 elections and privileges.

Senate Bill No. 145.

A bill for an act making an appropriation for the experimental station of the School of Mines and the Mining sub-station at Hebron, Morton county.

Was read the second time and

Referred to the committee on appropriations.

Senate Bill No. 146.

A bill for an act to amend Sections 1953, 1954, 1956 and 1960, providing for the granting of wolf bounties by the counties of the state and to repeal Sections 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970 and 1971, relating to state wolf bounty.

Was read the second time and

Referred to the committee on state affairs.

Mr. Davis asked unanimous consent to return to the sixth order of business.

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 the following concurrent resolution, introduced by J. G. Gunderson:

A concurrent resolution providing for a joint committee to examine the records and economical methods of the state auditing board.

WHEREAS, We believe in the fullest publicity of public affairs and deem it obligatory on our part to fully inform ourselves and the public as to the business methods employed and economy practiced in auditing and allowing the expenses of government; and

WHEREAS, The laws of our state impose the duty of auditing and allowing the expenses of government on the State Auditing Board,

Be it Therefore Resolved:

That a joint committee of six be appointed, three by the president of the Senate and three by the speaker of the House of Representatives, for the purpose of examining the records of said board in order to ascertain the business methods used, economy practiced and adherence to law by it in the auditing and allowing of bills and expenses of government, and to make a report thereof to this Assembly, together with such other suggestions and recommendations as it may deem for the best interest of the state.

Be it Further Resolved:

That the committee shall organize as it deems best for the carrying out of its duties and it may select some member of the clerical force of the Assembly as its secretary.

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

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted.
Which motion prevailed, and
The report 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. 40.

A bill for an act to confirm title to real estate sold by decedents in their lifetime under contract, conveyed pursuant to Article 8, of Chapter 6, of the Probate Code of North Dakota in estates now closed, and not approved by the county judge.

And find the same correctly engrossed.

C. W. PLAIN,
Pro-Chairman.

Senate Bill No. 40.

A bill for an act to confirm title to real estate sold by decedents in their lifetime under contract, conveyed pursuant to Article 8, of Chapter 6, of the Probate Code of North Dakota in estates now closed, and not approved by the county judge.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 41 ayes; no nays; 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	St vens
Baker	Jacobsen	Syvertson
Bessesen	Johnson	Talcott
Carter	Kennedy	Thoreson
Cashel	Linde	Trimble
Davis	McDowell	Turner
Duis	McLean	Wallin
Elken	Movius	Walton
Ellingson	Overson	Welo
Garden	Pierce	Welch
Gibbens	Plain	Whitcher
Gilbert	Ruzicka	Williams
Gronvold	Steel of Stutsman	Young
Gunderson	Steele of Renville	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duncan	LaMoure	Putnam
Ganssle	Martin	Simpson
Kretschmar	McDonald	

So the bill passed and the title was agreed to.

Mr. Talcott asked unanimous consent to return to the eighth order of business.

Mr. Bessesen moved

That the vote by which the report of the committee on Senate Bill No. 36 was adopted, be reconsidered.

Which motion prevailed.

Mr. Bessesen moved

That the bill be re-committed to the committee on elections and privileges.

Which motion prevailed.

The courtesies of the floor were extended to M. P. Smith and E. H. Wilson.

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

JAMES W. FOLEY,
Secretary.

TWENTY-FIRST DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

January 23, 1911.

Senate convened at 2 o'clock.

The president presiding.

Prayer by Rev. McCurdy.

Roll call.

All present except Messrs. Ganssle, McDonald, Simpson and Welch, 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 of the 19th day, have carefully examined the same and recommend that the same be corrected as follows:

That in the report of the committee on elections on Senate Bill No. 73, page 3, the word "majority" be changed so as to read "minority."

And when so amended recommend that the same be approved.

J. E. STEVENS,
Chairman.

Mr. Stevens 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:

Drayton, N. D., Jan. 21, 1911.

To the Hon. U. L. Bördick, president, and members of the Senate of the 12th session of the Legislative Assembly of North Dakota.

Gentlemen: On behalf of the state W. C. T. U., I beg to present the following memorial:

We, the Woman's Christian Temperance Union of North Dakota, respectfully request your honorable body to secure the appointment of women on the boards of all state institutions having women as inmates or employes.

Signed, on behalf of the state W. C. T. U.,

BARBARA H. WYLIE,
Cor. Sec.

Mr. Stevens moved
That the communication from Mrs. Wylie be printed in the Journal.
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. 43.

A bill for an act appropriating money for the purpose of parking and otherwise improving the grounds of the White Stone Hills Memorial Park in the state of North

Dakota, and to pay for labor and improvements heretofore made thereon.

Have had the same under consideration and recommend that the same be reported favorably and be re-referred to the committee on appropriations.

J. E. DAVIS,
Chairman.

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

Also,

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 59.

A bill for an act prohibiting ball games and other sports until 3 o'clock p. m.

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

In line 4 of the printed bill by striking out the word "three" and inserting the word "two" in lieu hereof.

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

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

MOTIONS AND RESOLUTIONS.

The following resolution was laid before the senate:

A concurrent resolution providing for a joint committee to examine the records and economical methods of the state auditing board.

WHEREAS, We believe in the fullest publicity of public affairs and deem it obligatory on our part to fully inform ourselves and the public as to the

business methods employed and economy practiced in auditing and allowing the expenses of government; and

WHEREAS, The laws of our state impose the duty of auditing and allowing the expenses of government on the State Auditing Board,

Be it Therefore Resolved:

That a joint committee of six be appointed, three by the president of the Senate and three by the speaker of the House of Representatives, for the purpose of examining the records of said board in order to ascertain the business methods used, economy practiced and adherence to law by it in the auditing and allowing of bills and expenses of government, and to make a report thereof to this Assembly, together with such other suggestions and recommendations as it may deem for the best interest of the state.

Be it Further Resolved:

That the committee shall organize as it deems best for the carrying out of its duties and it may select some member of the clerical force of the Assembly as its secretary.

Mr. Gunderson moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Pierce moved

That the vote by which Senate Bill No. 73 was indefinitely postponed, be reconsidered.

Which motion prevailed.

Mr. Pierce moved

That the bill be now referred to the committee on women's suffrage.

Which motion prevailed.

FIRST READING OF SENATE BILLS.

Mr. Williams introduced

Senate Bill No. 147.

A bill for an act to amend Section 4048 of the Revised Codes of 1905, providing for the dissolution of marriage; the effect thereof and the duty of the court to regulate the re-marriage of either or both parties.

Which was read the first time.

Mr. Kennedy introduced

Senate Bill No. 148.

A bill for an act to amend Section 12 of Chapter 182, the same being Senate Bill No. 128 of the Session Laws for

1907, relating to the qualifications for registration of pharmacists.

Which was read the first time.

Mr. Duncan introduced

Senate Bill No. 149.

A bill for an act to require sheriffs in all counties of the State of North Dakota to issue receipts and to file with the county auditor of their respective counties all duplicate receipts issued for the payment of delinquent taxes collected by them or their deputies during their term of office.

Which was read the first time.

Mr. Duncan introduced

Senate Bill No. 150.

A bill for an act to amend Section 1546 of the Revised Codes of North Dakota, 1905, relating to tax receipts, their contents, numbering and duplicates.

Which was read the first time.

Mr. Duncan introduced

Senate Bill No. 151.

A bill for an act to require county commissioners in all counties in the State of North Dakota, elected or appointed to the office of county commissioner, to furnish an official bond for the faithful performance of their duties, and providing for the approval of the bond.

Which was read the first time.

Mr. Duis introduced

Senate Bill No. 152.

A bill for an act to amend Section 6787 of the Revised Codes of the State of North Dakota, A. D., 1905, in regard to the limitations of actions.

Which was read the first time.

Mr. Gibbons introduced

Senate Bill No. 153.

A concurrent resolution amending the Constitution of the State of North Dakota, providing for the future amendment thereof.

Which was read the first time.

The judiciary committee introduced

Senate Bill No. 154.

A bill for an act authorizing and directing the secretary of the State of North Dakota to loan the plates of the North Dakota supreme court reports covering volumes one to nineteen inclusive, and for prescribing the manner and conditions on which the said loan is to be made.

Which was read the first time.

Mr. Duis moved

That the rules be suspended and bills having their first reading be placed on their second reading and reference.

Which motion prevailed.

SECOND READING OF SENATE BILLS.

Senate Bill No. 147.

A bill for an act to amend Section 4048 of the Revised Codes of 1905, providing for the dissolution of marriage; the effect thereof and the duty of the court to regulate the re-marriage of either or both parties.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 148.

A bill for an act to amend Section 12 of Chapter 182, the same being Senate Bill No. 128 of the Session Laws for 1907, relating to the qualifications for registration of pharmacists.

Was read the second time and

Referred to the committee on public health.

Senate Bill No. 149.

A bill for an act to require sheriffs in all counties of the State of North Dakota to issue receipts and to file with the county auditor of their respective counties all duplicate receipts issued for the payment of delinquent taxes collected by them or their deputies during their term of office.

Was read the second time and

Referred to the committee on ways and means.

Senate Bill No. 150.

A bill for an act to amend Section 1546 of the Revised Codes of North Dakota, 1905, relating to tax receipts, their contents, numbering and duplicates.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 151.

A bill for an act to require county commissioners in all counties in the State of North Dakota, elected or appointed to the office of county commissioner, to furnish an official bond for the faithful performance of their duties, and providing for the approval of the bond.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 152.

A bill for an act to amend Section 6787 of the Revised Codes of the State of North Dakota, A. D., 1905, in regard to the limitations of actions.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 153.

A concurrent resolution amending the Constitution of the State of North Dakota, providing for the future amendment thereof.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 154.

A bill for an act authorizing and directing the secretary of the State of North Dakota to loan the plates of the North Dakota supreme court reports covering volumes one to nineteen inclusive, and for prescribing the manner and conditions on which the said loan is to be made.

Was read the second time and

Referred to the committee of the whole senate.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,

January 23, 1911.

Mr. President:

I have the honor to inform you that the House has concurred in the Senate concurrent resolution asking for extension of time for investigation of the state game and fish board of control.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

SENATE COMMITTEE ON ENROLLED AND ENGROSSED BILLS.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined:

Senate Bill No. 15.

A bill for an act making Good Friday a legal holiday.

Also,

Senate Bill No. 22.

An act requiring railroad companies to provide suitable rooms in railroad station waiting rooms, or in places adjacent thereto.

Also,

Senate Bill No. 79.

A bill for an act to amend and re-enact Section 2323 of the Revised Codes for the year 1905, of the State of North Dakota.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

Senate Bill No. 15.

A bill for an act making Good Friday a legal holiday.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 33 ayes, 11 nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Jacobsen	Pierce
Cashel	Johnson	Plain
Duis	Kennedy	Ruzicka
Elken	Kretschmar	Syvertson
Ellingson	LaMoure	Talcott
Garden	Linde	Thoreson
Gibbens	Martin	Turner
Gilbert	McDowell	Wallin
Gronvold	McLean	Walton
Gundersen	Movius	Whitcher
Hookway	Overson	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Duncan	Stevens
Baker	Putnam	Trimble
Carter	Steel of Stutsman	Williams
Davis	Steele of Renville	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Simpson	Welch
McDonald	Welo	

So the bill passed and the title was agreed to.

Mr. Pierce moved

That the vote by which Senate Bill No. 15 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 22.

An act requiring railroad companies to provide suitable rooms in railroad station waiting rooms, or in places adjacent thereto.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Ruzicka
Baker	Jacobsen	Steel of Stutsman
Bessesen	Johnson	Steele of Renville
Carter	Kennedy	Stevens
Cashel	Kretschmar	Syvertson
Davis	LaMoure	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Garden	Movius	Walton
Gibbens	Overson	Whitcher
Gilbert	Pierce	Williams
Gronvold	Plain	Young
Gunderson	Putnam	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Simpson	Welch
McDonald	Welo	

So the bill passed and the title was agreed to.

Senate Bill No. 79.

A bill for an act to amend and re-enact Section 2323 of the Revised Codes for the year 1905, 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 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Ruzicka
Baker	Jacobsen	Steel of Stutsman
Bessesen	Johnson	Steele of Renville
Carter	Kennedy	Stevens
Cashel	Kretschmar	Syvertson
Davis	LaMoure	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Garden	Movius	Walton
Gibbens	Overson	Welo
Gilbert	Pierce	Whitcher
Gronvold	Plain	Williams
Gundersen	Putnam	Young

Absent and not voting:

Messrs.—
Ganssle
Simpson

Messrs.—
McDona'd

Messrs.—
Welch

So the bill passed and the title was agreed to.

Mr. Steele asked unanimous consent to return to the sixth order of business.

REPORT OF SENATE JUDICIARY COMMITTEE.

The committee on judiciary made the following report:

Mr. President:

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

A bill for an act to amend and re-enact Section 1576 of the Revised Codes of North Dakota of 1905, relating to the sale of real property for delinquent taxes and reducing the rate of interest on the purchase price of the lands so sold for delinquent taxes.

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 was adopted.

Mr. Talcott moved
That the Senate do now resolve itself into a committee of the whole for the consideration of Senate Bill 154.
Which motion prevailed,

The president called Mr. Talcott to the chair.

When the committee arose it made the following report:

Mr. President:

Your committee of the whole has had under consideration Senate Bill No. 154, and reports the same with the

recommendation that it do pass, and that the report lie on the table till the bill is printed.

F. S. TALCOTT,
Chairman.

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

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor :

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA.

January 23, 1911.

To the Senate:

I have the honor to inform you that I have this day approved and filed with the secretary of state, Senate Bill No. 39, being a joint resolution providing for the payment of certain necessary legislative expenses.

Very respectfully,

JOHN BURKE,
Governor.

The president announced the appointment of Messrs. Gilbert and Welch, as Senate members on the joint Lincoln Memorial committee.

The courtesies of the floor were extended to Editor Jenkins of Dunn county.

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

JAMES W. FOLEY,
Secretary.

TWENTY-SECOND DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 24, 1911.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All present except Ganssle, McDowell, Ruzicka, 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 of the 21st day, have carefully examined the same and recommend that the same be corrected as follows:

The number "32" be changed to "33" in the vote on Senate Bill No. 15 in the fifth line from the top of page 9.

In the report of the committee on Senate Bill No. 59 insert the following: Strike out the word "three" in the title of the bill, and insert the word "two" in lieu thereof.

And when so amended, recommend that the same be approved.

J. E. STEVENS,
Chairman.

Mr. Stevens 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:

Murray Hill Sanitarium, 148 East 35th street.

New York, January 20, 1911.

HON. GEO. E. DUIS, Bismarck, N. D.

My dear sir: The sale of snuff—Copenhagen snuff—to boys and miners in our state, I consider a great crime.

Last year I had eleven cases where boys or young men were wrecks, due to the use of the mixture.

Professor Ladd of the Agricultural College will give you any further information on the subject you may desire.

Yours truly,

(Signed) DR. J. E. ENGSTAD.

Mr. Duis moved
That the communication be printed in the Journal.
Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. Kennedy introduced the following concurrent resolution:

WHEREAS, An exposition will be held to commemorate the completion of the Panama canal, an event of world-wide importance and benefit; and

WHEREAS, The splendid courage and energy of the citizens of San Francisco in rebuilding a modern city proves their capacity and worth, and that they are capable of such effort as will be necessary to make such an exposition a success; and

WHEREAS, The selection of San Francisco as the site for the Panama-Pacific International Exposition means the building of such an exposition of progress, culture, business and commercial growth as the world has seldom seen;

Now, Therefore, Be it Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

That the city of San Francisco be indorsed as the site for the Panama-Pacific International Exposition, and that President Taft be requested to lend his indorsement to the city of San Francisco, and

Be it Further Resolved:

That the substance of this resolution be immediately telegraphed to the President of the United States.

Mr. Duis moved

That the resolution be referred to the committee of the whole senate.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 71.

A bill for an act amending Section 8519 of the Revised Codes of 1905, relating to reports of justices of the peace.

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 77.

A bill for an act to amend and re-enact Section 3 of Chapter 175 of the Laws of North Dakota for 1909, being 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.

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 76.

A bill for an act to amend and re-enact Sections 6 and 9 of Chapter 174 of the Laws of North Dakota of 1909, being an act to provide for probation of persons convicted of felonies and misdemeanors.

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 52.

A bill for an act providing for deducting debts from money and credits listed for taxation.

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

H. H. STEELE,
Chairman.

Mr. Steele 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. 29.

A bill for an act to amend sections 240 and 241 of the Revised Codes of 1905, and section 242 of the same code as amended by Chapter 132, laws of 1907, relating to the State Historical society of North Dakota, and making it an appropriation.

Have had the same under consideration and recommend that the same be reported favorably and re-referred to the committee on appropriations.

J. E. DAVIS,
Chairman.

Mr. Davis moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also

Mr. President:

Your committee on state affairs to whom was referred

Senate Bill No. 65.

A bill for an act to authorize cities to levy and collect a tax to pay judgments obtained against such cities.

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

In line four (4) of the printed bill, strike out the words "shall forthwith" and insert in lieu thereof the word "may."

And when so amended recommend that the same be passed.

J. E. DAVIS,
Chairman.

Mr. Davis moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also

Mr. President:

Your committee on state affairs to whom was referred

Senate Bill No. 66.

A bill for an act to amend and re-enact Section 437 of the Revised Codes of the State of North Dakota, for 1905, relating to the qualifications of deputies, clerks and employes of the state, county and municipal governments of and within the State of North Dakota, and members of the official boards.

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

In the title line of the bill, strike out the words "clerks and employees."
In line two (2) of the printed bill, strike out the words "or employed as clerk or subordinate," and in lines five (5) and six (6) strike out the words "or subordinate."

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred

Senate Bill No. 70.

A bill for an act regulating and governing contracts relative to the shipment of live stock, and the giving of notice or claim for loss or damage thereto.

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

That in line 8 of section 1, the words "four months" be changed so as to read "sixty days."

In line 2 of section 3, the words "and approval" be inserted following the word "passage."

And when so amended recommend the same do pass.

E. F. GILBERT,
Chairman.

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

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

Concurrent Resolution introduced by Mr. Gunderson providing for a committee to investigate the records and business methods of the board of university and school lands.

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

A concurrent resolution providing for a committee to investigate the records and business methods of the Board of University and School Lands.

Be it Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

WHEREAS, Our public institutions of learning are essential to the development of our state, and through the wisdom of congress these institutions

have been provided with a liberal asset in state land endowment for the maintenance of our public school system and the encouragement of education; and

WHEREAS, The investments of the funds arising from this endowment and the business methods of the department having charge of these investments are equally important elements in the wise and efficient administration of this trust,

Now, Therefore, Be it Resolved:

That the president of the Senate is hereby authorized to appoint a committee of three to act with a committee of three to be appointed by the speaker of the House of Representatives, such joint committee to investigate the affairs and methods of the Board of University and School Lands, and its general agent, the commissioner of university and school lands, and to report to this Assembly its findings and recommendations.

Be it Further Resolved:

That said committee shall have full power to require the production of all books, securities, papers and records relative to the subject matter of this investigation and to the possession thereof from time to time as it may deem necessary; and shall have the assistance of any member of the clerical force belonging thereto, and of the state examiner's office.

Be it Further Resolved:

That said committee shall give a complete report of the following:

The amounts invested in different securities with the rate of interest.

The amount of matured securities and investments that have not been paid.

The amount of past due interest.

Render an opinion as to the methods used in purchasing securities or making investments.

Render an opinion as to whether the fund could be invested more economically and at a better rate of interest.

Suggest such amendments to the present laws governing or relating to the permanent funds of the public schools and state educational institutions as the committee may deem wise.

To make any and all other reports or suggestions that may in its opinion be considered beneficial and proper.

Be it Further Resolved:

That the committee shall organize by electing one of its members chairman, a stenographer be assigned from the clerical force of the Senate or House of Representatives, as secretary thereof; and employ, if necessary, an accountant. The expense of the investigation when approved by the chairman of the committee, shall be paid out of the state's general fund in the same manner as other expenses of government, and to suggest such changes in the business of the land department as will promote simplified, safe and efficient administration.

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

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

FIRST READING OF SENATE BILLS.

Mr. Williams introduced

Senate Bill No. 155.

A bill for an act to amend Section 8103 of the Revised Codes of 1905, of the State of North Dakota, relating to endorsement of allowance or rejection of claims by executive or administrators and providing for notice thereof.

Which was read the first time.

Mr. Williams introduced

Senate Bill No. 156.

A bill for an act to amend Section 8105 of the Revised Codes of 1905, relating to rejecting claims and providing how suit is instituted.

Which was read the first time.

Mr. Williams introduced.

Senate Bill No. 157.

A bill for an act to amend and re-enact Section 8356 of the Revised Codes of 1905, relating to procedure in Civil actions in Justice's court.

Which was read the first time.

Mr. McDonald introduced

Senate Bill No. 158.

A bill for an act making appropriations for the current and contingent expenses of the State Reform school of North Dakota, and for making permanent improvements thereto.

Which was read the first time.

Mr. Whitcher introduced

Senate Bill No. 159.

A bill for an act to require a re-insurance reserve for mutual life insurance companies.

Which was read the first time.

Mr. Carter introduced

Senate Bill No. 160.

A bill for an act to amend Section 3213, Revised Codes of North Dakota, relating to township boards.

Which was read the first time.

Mr. Carter introduced

Senate Bill No. 161.

A bill for an act to provide an appropriation for the current and contingent expenses and for the permanent improvements of the State School of Science at Wahpeton.

Which was read the first time.

Mr. Elken introduced

Senate Bill No. 162.

A bill for an act to prohibit the granting to or use of 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. Martin introduced

Senate Bill No. 163.

A bill for an act amending Section 2326 of the Revised Codes of 1905, relating to the area and population of counties.

Which was read the first time.

Mr. Trimble introduced

Senate Bill No. 164.

A bill for an act requiring life insurance companies transacting business in this state to invest in this state a percentage of the premiums collected on policies written on

the lives of citizens of this state, and providing a penalty for the violation thereof.

Which was read the first time.

The committee on railroads introduced

Senate Bill No. 165.

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 fixing the penalty for the violation thereof, except as provided therein and to require the granting of free transportation to the board of railroad commissioners, their experts and their agents.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 155.

A bill for an act to amend Section 8103 of the Revised Codes of 1905, of the State of North Dakota, relating to endorsement of allowance or rejection of claims by executive or administrators and providing for notice thereof.

Was read the second time, and

Referred to the committee on ways and means.

Senate Bill No. 156.

A bill for an act to amend Section 8105 of the Revised Codes of 1905, relating to rejecting claims and providing how suit is instituted.

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 8356 of the Revised Codes of 1905, relating to procedure in Civil actions in Justice's court.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 158.

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 second time and

Referred to the committee on appropriations.

Senate Bill No. 159.

A bill for an act to require a re-insurance reserve for mutual life insurance companies.

Was read the second time and

Referred to the committee on insurance.

Senate Bill No. 160.

A bill for an act to amend Section 3213, Revised Codes of North Dakota, relating to township boards.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 161.

A bill for an act to provide an appropriation for the current and contingent expenses and for the permanent improvements of the State School of Science at Wahpeton.

Was read the second time and

Referred to Committee on Appropriations.

Senate Bill No. 162.

A bill for an act to prohibit the granting to or use of 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. 163.

A bill for an act amending Section 2326 of the Revised Codes of 1905, relating to the area and population of counties.

Was read the second time and

Referred to the committee on counties and county boundaries.

Senate Bill No. 164.

A bill for an act requiring life insurance companies transacting business in this state to invest in this state a percentage of the premiums collected on policies written on the lives of citizens of this state, and providing a penalty for the violation thereof.

Was read the second time and

Referred to the committee on insurance.

Senate Bill No. 165.

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 fixing the penalty for the violation thereof, except as provided therein and to require the granting of free transportation to the board of railroad commissioners, their experts and their agents.

Was read the second time and

Referred to the committee on railroads.

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. 50.

A bill for an act to amend and re-enact Section 1576 of the Revised Codes of North Dakota of 1905, relating to the sale of real property for delinquent taxes and reducing the rate of interest on the purchase price of the lands so sold for delinquent taxes.

Also

Senate Bill No. 59.

A bill for an act prohibiting ball games and other sports until 3 o'clock p. m.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

Senate Bill No. 50.

A bill for an act to amend and re-enact Section 1576 of the Revised Codes of North Dakota of 1905, relating to the sale of real property for delinquent taxes and reducing the rate of interest on the purchase price of the lands so sold for delinquent taxes.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steele of Renville
Baker	Johnson	Stevens
Bessesen	Kennedy	Syverson
Carter	Kretschmar	Talcott
Cashel	LaMoure	Thoreson
Davis	Linde	Trimble
Duis	Martin	Turner
Duncan	McDonald	Wallin
Elken	McLean	Walton
Elungson	Movius	Welo
Garden	Overson	Welch
Gibbins	Pierce	Whitche
Gilbert	Plain	Williams
Gronvold	Putnam	Young
Hookway	Steel of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	McDowell	Simpson
Gunderson	Ruzicka	

So the bill passed and the title was agreed to.

Senate Bill No. 59.

A bill for an act prohibiting ball games and other sports until 3 o'clock p. m.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steele or Renville
Baker	Johnson	Stevens
Bessesen	Kennedy	Syvertson
Carter	Kretschmar	Talcott
Cashel	LaMoure	Thoreson
Davis	Linde	Trimble
Duis	Martin	Turner
Duncan	McDonald	Wallin
Elken	McLean	Walton
Ellingson	Movius	Welo
Garden	Overson	Welch
Gibbins	Pierce	Whitcher
Gilbert	Plain	Williams
Gronvold	Putnam	Young
Hookway	Steel of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	McDowell	Simpson
Gunderson	Ruzicka	

So the bill passed and the title was agreed to.

Mr. Talcott moved

That the Senate do now resolve itself into a committee of the whole for the consideration of the concurrent resolution regarding the location of the Panama-Pacific Exposition.

Which motion prevailed.

The President called Mr. Stevens to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose it made the following report:

Mr. President:

Your committee of the whole to which was referred the concurrent resolution relating to the location of the Pan-

ama-Pacific Exposition, has had the same under consideration and recommend that the same be adopted.

J. E. STEVENS,
Chairman.

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

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

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to the following gentlemen:

T. M. Murphy of Sanborn.
J. D. Meyer of Blackwater.
E. S. Cameron of Wahpeton.
William Schutt.
Dr. Robertson of Dunseith.
Prof. Snyder of Hebron.
General M. A. Hildreth of Fargo.
Judge E. H. Wright.
M. P. Porterfield.
I. N. Kapper, Baldwin.
Leon Stockwell of Beach.
S. N. Woodruff of Enderlin.
Charles Houska of Bisbee.
C. H. Blackorby of Hansboro.
John Schmidt of Tower City.
H. L. Haussamen of Grafton.
John F. Anderson of Grafton.

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

J. W. FOLEY,
Secretary.

TWENTY-THIRD DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 25, 1911.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All present except Messrs. Duncan, Ganssle, Plain and Ruzicka, 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 of the 22nd day, have carefully examined the same and recommend that the same be corrected as follows:

On page 2, under Petitions and Communcations, the words "Mr. Davis moved" be changed so as to read "Mr. Duis moved."

And when so amended, recommend that the same be approved.

J. E. STEVENS,
Chairman.

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

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. 19.

A bill for an act to amend Section 7782 of the Revised Codes of 1905, relating to the priority of claims in insolvency proceedings.

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

ALFRED STEEL,
Chairman.

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

Also,

Mr. President:

Your committee on ways and means to whom was referred

Senate Bill No. 92.

A bill for an act relating to children who are now or may hereafter become dependent, neglected or delinquent; to de-

fine these terms, and to provide for the treatment, control, maintenance, protection, adoption and guardianship of the persons of such children.

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

That wherever the word "clerk" appears in the printed bill, amend to read "judge or clerk." Also in the printed bill strike out on lines 11 and 12, page 2, the words "peddling or selling." After the word "entertainment," line 13, page 2, insert the words "for gain upon the street." After the word "or," line 26, page 2, add the words "any other place where its presence is forbidden by law or."

Line 18, page 4, strike out the word "such." Lines 25 and 26, page 4, strike out the words "in chancery proceedings." On line 40, page 5, strike out the word "filled" and insert therefor the word "filed." On line 13, page 6, strike out the word "hath" and insert therefor the word "has." On line 21, page 6, strike out the word "in" and insert therefor the word "to." In line 11, page 18, strike out the words "the commissioner" and insert therefor the word "he." In line 8 of section 20, page 18, strike out the word "of." In line 13, page 19, after the word "in" insert the word "same."

And that the following be added to section 25 of the printed bill: "Fees. The fee for publishing the notice required in section 6 of this act shall be paid for by the county, unless the child affected by such proceeding is legally dependent upon someone who is able to pay therefor."

And when so amended recommend the same do pass.

ALFRED STEEL,
Chairman.

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

MESSAGE FROM THE HOUSE.

The following messages were received from the house:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

January 25, 1911.

Mr. President:

I have the honor to transmit herewith
House Bill No. 1.

A joint resolution ratifying the sixteenth amendment to the constitution of the United States.

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

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to inform you that the House has concurred in the Senate concurrent resolution, relating to San Francisco as a site for the Panama-Pacific International Exposition.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

MOTIONS AND RESOLUTIONS.

Mr. Davis moved

That Professor Snyder of the Hebron experiment station be invited to address the Senate.

Which motion prevailed.

Professor Snyder addressed the Senate.

FIRST READING OF SENATE BILLS.

Mr. Simpson introduced

Senate Bill No. 166.

A bill for an act to amend and re-enact Section 6064 of the Revised Codes of North Dakota for the year A. D., 1905, relating to life insurance.

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 167.

A bill for an act to provide for the non-forfeiture of premiums on policies of life insurance.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 168.

A bill for an act amending Section 1968 of the Revised Codes of 1905, known as the state bounty for wolves and coyotes.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 169.

A bill for an act indemnifying owners for horses killed or destroyed according to law for being affected with the disease known as glanders.

Which was read the first time.

Mr. Duis introduced

Senate Bill No. 170.

A bill for an act to prohibit the granting or use by any person of any free pass, frank or special privilege withheld from an other person and to fix the penalty for violation thereof.

Which was read the first time.

Mr. Gronvold introduced

Senate Bill No. 171.

A bill for an act relating to payment of deposits in trust, in any bank, banking institution or trust company.

Which was read the first time.

Mr. Bessesen introduced

Senate Bill No. 172.

A bill for an act to amend Section 2170 of the Revised Codes of North Dakota for 1905, providing automobiles and motor cycles must have bell, horn or whistle.

Which was read the first time.

Mr. Bessesen introduced

Senate Bill No. 173.

A bill for an act to amend Section 2169 of the Revised Codes of North Dakota for 1905, regulating the speed of automobiles, horses and vehicles.

Which was read the first time.

Mr. Bessesen introduced

Senate Bill No. 174.

A bill for an act relating to desertion and non-support of wife by husband, or of children by either father or mother, and providing punishment therefor; and providing for manner of procedure and evidence required in such cases; and to promote uniformity between the states in reference thereto.

Which was read the first time.

Mr. Ellingson introduced

Senate Bill No. 175.

A bill for an act to amend Section 417 of the Revised Codes of North Dakota for the year 1905, relating to officers and offices, and the qualifications of officers.

Which was read the first time.

Mr. Welo introduced

Senate Bill No. 176.

A bill for an act providing for the appointment of county superintendents of highways and deputy superintendents in organized counties, who shall have charge and supervision of the construction, improvement and maintenance of roads within said counties, providing for road institutes, prescribing the duties of the state engineer in connection therewith.

Which was read the first time.

Mr. Steele introduced

Senate Bill No. 177.

A bill for an act to create a board of immigration and prescribing its powers and duties.

Which was read the first time.

Mr. Welo (by request) introduced

Senate Bill No. 178.

A bill for an act prohibiting county superintendents of schools, deputies, school officers, school official, principals and teachers from receiving commission or fees or reward for or on account of any school books, furniture or other supplies purchased during the incumbency of such office, and providing for a penalty therefor.

Which was read the first time.

Mr. Gunderson introduced

Senate Bill No. 179.

A bill for an act providing for the regulation and the use of the public drinking cup and public towel.

Which was read the first time.

Mr. Kretchmar introduced

Senate Bill No. 180.

A bill for an act to amend and re-enact Section 1607 of the Revised Codes of North Dakota for the year 1905.

Which was read the first time.

Mr. Kretchmar introduced

Senate Bill No. 181.

A bill for an act to provide for the levy and collection of taxes in the villages of the state of North Dakota, and to repeal Sections 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882 and 2883 of the Revised Codes of 1905.

Which was read the first time.

Mr. Bessesen introduced

Senate Bill No. 182.

A bill for an act to amend Section 12 of Chapter 109 of the laws of North Dakota for 1907, relating to the percentage of votes required for nomination at primary elections.

Which was read the first time.

Mr. LaMoure introduced

Senate Bill No. 183.

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. Davis introduced

Senate Bill No. 184.

A bill for an act fixing the liability of a bank to its depositor for payment of forged and raised checks.

Which was read the first time.

Mr. Pierce (by request) introduced

Senate Bill No. 185.

A bill for an act providing for the establishing of savings banks and defining the powers and restrictions of the same.

Which was read the first time.

Mr. Simpson moved

That the rules be suspended and that bills having their first reading be placed upon their second reading and reference.

Which motion prevailed.

SECOND READING OF SENATE BILLS.

Senate Bill No. 103.

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. 101.

A bill for an act to amend and re-enact Section 8356 of the Revised Codes of North Dakota for 1905, relating to

the commencement and place of trial of civil actions in justice court.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 166.

A bill for an act to amend and re-enact Section 6064 of the Revised Codes of North Dakota for the year A. D., 1905, relating to life insurance.

Was read the second time and

Referred to the committee on insurance.

Senate Bill No. 167.

A bill for an act to provide for the non-forfeiture of premiums on policies of life insurance.

Was read the second time and

Referred to the committee on insurance.

Senate Bill No. 168.

A bill for an act amending Section 1968 of the Revised Codes of 1905, known as the state bounty for wolves and coyotes.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 169.

A bill for an act indemnifying owners for horses killed or destroyed according to law for being affected with the disease known as glanders.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 170.

A bill for an act to prohibit the granting or use by any person of any free pass, frank or special privilege withheld from another person and to fix the penalty for violation thereof.

Was read the second time and

Referred to the committee on railroads.

Senate Bill No. 171.

A bill for an act relating to payment of deposits in trust, in any bank, banking institution or trust company.

Was read the second time and

Referred to the committee on banks and banking.

Senate Bill No. 172.

A bill for an act to amend Section 2170 of the Revised Codes of North Dakota for 1905, providing automobiles and motor cycles must have bell, horn or whistle.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 173.

A bill for an act to amend Section 2169 of the Revised Codes of North Dakota for 1905, regulating the speed of automobiles, horses and vehicles.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 174.

A bill for an act relating to desertion and non-support of wife by husband, or of children by either father or mother, and providing punishment therefor; and providing for manner of procedure and evidence required in such cases; and to promote uniformity between the states in reference thereto.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 175.

A bill for an act to amend Section 417 of the Revised Codes of North Dakota for the year 1905, relating to officers and offices, and the qualifications of officers.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 176.

A bill for an act providing for the appointment of county superintendents of highways and deputy superintendents in organized counties, who shall have charge and supervision of the construction, improvement and maintenance of roads within said counties, providing for road institutes, prescribing the duties of the state engineer in connection therewith.

Was read the second time and

Referred to the committee on highways and bridges.

Senate Bill No. 177.

A bill for an act to create a board of immigration and prescribing its powers and duties.

Was read the second time and

Referred to the committee on State Affairs.

Senate Bill No. 178.

A bill for an act prohibiting county superintendents of schools, deputies, school officers, school official, principals and teachers from receiving commission or fees or reward for or on account of any school books, furniture or other supplies purchased during the incumbency of such office, and providing for a penalty therefor.

Was read the second time and

Referred to the committee on education.

Senate Bill No. 179.

A bill for an act providing for the regulation and the use of the public drinking cup and public towel.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 180.

A bill for an act to amend and re-enact Section 1607 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. 181.

A bill for an act to provide for the levy and collection of taxes in the villages of the state of North Dakota, and to repeal Sections 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882 and 2883 of the Revised Codes of 1905.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 182.

A bill for an act to amend Section 12 of Chapter 109 of the laws of North Dakota for 1907, relating to the percentage of votes required for nomination at primary elections.

Was read the second time and

Referred to the committee on elections and privileges.

Senate Bill No. 183.

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. 184.

A bill for an act fixing the liability of a bank to its depositor for payment of forged and raised checks.

Was read the second time and

Referred to the committee on banks and banking.

Senate Bill No. 185.

A bill for an act providing for the establishing of savings banks and defining the powers and restrictions of the same.

Was read the second time and

Referred to the committee on banks and banking.

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. 65.

A bill for an act to authorize cities to levy and collect a tax to pay judgments obtained against such cities.

Also,

Senate Bill No. 66.

A bill for an act to amend and re-enact Section 437 of the Revised Codes of the State of North Dakota, for 1905, relating to the qualifications of deputies, clerks and employes of the state, county and municipal governments of and within the State of North Dakota, and members of the official boards.

Also,

Senate Bill No. 70.

A bill for an act regulating and governing contracts relative to the shipment of live stock, and the giving of notice or claim for loss or damage thereto.

Also,

Senate Bill No. 71.

A bill for an act amending Section 8519 of the Revised Codes of 1905, relating to reports of justices of the peace.

Also

Senate Bill No. 76.

A bill for an act to amend and re-enact Sections 6 and 9 of Chapter 174 of the Laws of North Dakota of 1909, being an act to provide for probation of persons convicted of felonies and misdemeanors.

Also

Senate Bill No. 77.

A bill for an act to amend and re-enact Section 3 of Chapter 175 of the Laws of North Dakota for 1909, being 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 find the same correctly engrossed.

E. A. MOVIUS,
Acting Chairman.

Senate Bill No. 65.

A bill for an act to authorize cities to levy and collect a tax to pay judgments obtained against such cities.

Was read the third time.

Mr. Steele moved

That the bill be amended as follows :

In line 5, strike out the word "twenty" and substitute the word "ten" in lieu thereof.

Which motion prevailed, and

The amendment was adopted.

Mr. Pierce moved

That the bill go over one day and placed on the calendar in regular order.

Which motion prevailed.

Senate Bill No. 66.

A bill for an act to amend and re-enact Section 437 of the Revised Codes of the State of North Dakota, for 1905, relating to the qualifications of deputies, clerks and employes of the state, county and municipal governments of and within the State of North Dakota, and members of the official boards.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 43 ayes, 1 nay, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steele of Renville
Baker	Johnson	Stevens
Bessesen	Kennedy	Syverson
Carter	Kretschmar	Talcott
Cashel	LaMoure	Thoreson
Davis	Linde	Trimble
Duis	Martin	Turner
Elken	McDonald	Wallin
Ellingson	McDowell	Walton
Garden	McLean	Welo
Gilbert	Movius	Welch
Gibbens	Overson	Whitcher
Gronvold	Putnam	Williams
Gunderson	Steel of Stutsman	Young
Hookway		

Mr. Pierce voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duncan	Plain	Simpson
Ganssle	Ruzicka	

So the bill passed and the title was agreed to.

Senate Bill No. 70.

A bill for an act regulating and governing contracts relative to the shipment of live stock, and the giving of notice or claim for loss or damage thereto.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steele of Renville
Baker	Johnson	Stevens
Bessesen	Kennedy	Syverson
Carter	Kretschmar	Talcott
Cashel	LaMoure	Thoreson
Davis	Linde	Trimble
Duis	Martin	Turner

Messrs.—	Messrs.—	Messrs.—
Elken	McDonald	Wallin
Ellingson	McDowell	Walton
Garden	McLean	Welo
Gibbens	Movius	Welch
Gilbert	Overson	Whitcher
Gronvold	Pierce	Williams
Gunderson	Simpson	Young
Hookway	Steel of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duncan	Plain	Ruzicka
Ganssle	Putnam	

So the bill passed and the title was agreed to.

Senate Bill No. 71.

A bill for an act amending Section 8519 of the Revised Codes of 1905, relating to reports of justices of the peace.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steel of Stutsman
Baker	Johnson	Steele of Renville
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syverson
Cashel	LaMoure	Talcott
Davis	Linde	Thoreson
Duis	Martin	Trimble
Elken	McDonald	Turner
Ellingson	McDowell	Wallin
Garden	McLean	Walton
Gibbens	Movius	Welo
Gilbert	Overson	Welch
Gronvold	Pierce	Whitcher
Gunderson	Putnam	Williams
Hookway	Simpson	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duncan	Plain	Ruzicka
Ganssle		

So the bill passed and the title was agreed to.

Senate Bill No. 76.

A bill for an act to amend and re-enact Sections 6 and 9 of Chapter 174 of the Laws of North Dakota of 1909, being an act to provide for probation of 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 42 ayes, 2 nays, 5 absent and not voting.

Those who voted in the affirmative: were

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Steel of Stutsman
Baker	Kennedy	Steele of Renville
Bessesen	Kretschmar	Stevens
Carter	LaMoure	Syverson
Cashel	Linde	Talcott
Davis	Martin	Thorason
Elken	McDonald	Trimble
Ellingson	McDowell	Wallin
Garden	McLean	Walton
Gibbens	Movius	Welo
Gronvold	Overson	Welch
Gunderson	Pierce	Whitcher
Hookway	Putnam	Williams
Jacobsen	Simpson	Young

Messrs. Duis and Turner voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duncan	Gilbert	Ruzicka
Ganssle	Plain	

So the bill passed and the title was agreed to.

Senate Bill No. 77.

A bill for an act to amend and re-enact Section 3 of Chapter 175 of the Laws of North Dakota for 1909, being 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.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 45 ayes, no nays 4 absent and not voting:

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steel or Stutsman
Baker	Johnson	Steele of Renville
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syverson
Cashel	LaMoure	Talcott
Davis	Linde	Thoreson
Duis	Martin	Trimble
Elken	McDonald	Turner
Ellingson	McDowell	Wallin
Garden	McLean	Walton
Gibbens	Movius	Welo
Gilbert	Overson	Welch
Gronvold	Pierce	Whitcher
Gunderson	Putnam	Williams
Hookway	Simpson	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duncan	Plain	Ruzicka
Ganssle		

So the bill passed and the title was agreed to.

FIRST READING OF HOUSE BILLS.

House Bill No. 1.

A joint resolution ratifying the sixteenth amendment to the constitution of the United States.

Was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 1.

A joint resolution ratifying the sixteenth amendment to the constitution of the United States.

Was read the second time and

Referred to the committee on federal relations.

The courtesies of the floor were extended to the following:

O. C. Fromsdahl.

John Goodall of Goodall.

Ed. Moore of Fargo.
F. L. Walker of Ellendale.
A. A. Gad of Valley City.
F. W. Ames of Mayville.
M. F. Minnehan of Garrison.
O. H. Gates of Garrison.
Bert Gibson of Fargo.
James Cramer of Marmarth.
J. W. Goodall, P. J Peterson, J. Guth of Dickinson.
C. J. Murphy of Grand Forks.

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

J. W. FOLEY,
Secretary.

TWENTY-FOURTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

January 26, 1911.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All present except Messrs. Ganssle and Ruzicka, 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 of the 23rd day, have carefully examined the same and recommend that the same be corrected as follows:

That "Mr. Price moved," on page 14, be changed to read "Mr. Pierce moved."

And when so amended, recommend that the same be approved.

Respectfully,

J. E. STEVENS,
Chairman.

Mr. Stevens 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 26, 1911.

Mr. President:

I have the honor to transmit herewith

House Bill No. 77.

A bill for an act to amend Section 544 of the Revised Codes of 1905, relating to the seals of notaries public.

Also

House Bill No. 79.

A bill for an act to amend and re-enact Chapter 217 of the Laws of 1909, being an act to provide for a greater publicity of the finances of the state.

Also

House Bill No. 33.

A bill for an act to amend Section 2445 of Chapter 28, of the Revised Codes of 1905, relating to the monthly statement by depository.

Also

House Bill No. 102.

A bill for an act to amend Section 9791 of the Revised Codes of 1905, relating to prosecution on information and in what cases.

Also

House Bill No. 2.

A bill for an act to prohibit the introduction of intoxicating liquors, narcotics, or other habit-forming drugs, into any of the buildings or upon the premises of any of the penal or charitable institutions of the state.

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

Very respectfully,

E. H. GRIFFIN,
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. 16.

A bill for an act creating and defining the Eleventh judicial district, within the State of North Dakota, providing for the appointment and election of a judge therein and fixing the boundaries thereof, and fixing the terms of court therein.

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

Strike out section five (5) of the printed bill, and re-number consecutively.

And when so amended recommend the same do pass.

Respectfully,

H. H. STEELE,
Chairman.

Mr. Steele moved

That the report be adopted.

Which motion prevailed, and

The report 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. 14.

A bill for an act to provide a refuge or breeding ground for certain game birds and to protect the same.

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

At the end of line 8 of section 2 of the printed bill, insert the words "and where lands are owned by corporations, each stockholder shall be considered as owner within the meaning of this act."

And when so amended recommend the same do pass.

Respectfully,

HENRY M'LEAN,
Chairman.

Mr. McLean moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred Senate Bill No. 54.

A bill for an act providing for the attendance of certain persons upon certain schools.

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

In line 9, the word "five" be stricken out and the word "six" inserted in lieu thereof.

And when so amended recommend the same do pass.

Respectfully,

F. S. TALCOTT,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 55.

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 1, line 2, after the word "bond" insert the following: "except bond in criminal procedure," and in line 4, same section, after the word "may" insert "upon twenty days' notice served as in case in civil action." In line 6, same section, after the word "liability" add "unless within said twenty days such principal shall furnish a new bond and the surety is released from future liability."

In section 3, line 4, add "and in case of a public official may appoint a special officer to perform his duties while such restraining order is in force."

In section 4, line 12, add "In all cases involving an accounting upon the bond of a public official the costs, including compensation of special officer and expenses, shall be paid by the surety, or party applying for such an accounting."

And when so amended that the bill be reprinted and re-referred to the committee on judiciary.

Respectfully,

H. H. STEELE,
Chairman.

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

The committee on banking made the following report:

Mr. President:

Your committee on banking to whom was referred

Senate Bill No. 20.

A bill for an act prescribing the conditions by which the public examiner, his deputies and employes of the state public examiner's department, the stockholders, officers and employes of any banking association in this state may secure loans from banking associations with which they are in any way connected, and fixing the liability for non-compliance with the provisions of this act.

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

Strike out the word "stockholders" wherever it appears in the bill.

And when so amended recommend the same do pass.

Respectfully,

ED. PIERCE,
Chairman.

Mr. Pierce moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also

Mr. President:

Your committee on banking to whom was referred

Senate Bill No. 126.

A bill for an act entitled, an act relative to deposits made in banks or other institutions, authorized to receive deposits under the laws of North Dakota, when such deposits are made in two or more names.

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

Respectfully,

ED. PIERCE,
Chairman.

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

Also

Mr. President:

Your committee on banking to whom was referred
Senate Bill No. 110.

A bill for an act to amend Section 4670 of the Revised Codes of 1905, relating to lists of shareholders kept by banking associations and the manner of transferring shares, and providing for the enforcement thereof.

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

Respectfully,

ED. PIERCE,
Chairman.

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

And the further consideration of the bill was indefinitely postponed.

The committee on rules made the following report:

Mr. President:

Your committee on rules begs leave to make the following recommendation and report:

That Senate Rule 34 be amended to read as follows:

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

Respectfully,

S. N. PUTNAM,
Chairman.

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

MOTIONS AND RESOLUTIONS.

Mr. Movius introduced the following concurrent resolution:

Be it Resolved by the Senate of the State of North Dakota, the House Concurring:

That when this Legislative Assembly adjourns on Friday, January 27th, it shall stand adjourned until 2 o'clock p. m., Tuesday, January 31st.

Mr. Movius moved the adoption of the resolution.

Mr. Steele moved

That the resolution be laid on the table.

Which motion prevailed.

INTRODUCTION, FIRST AND SECOND READING OF SENATE BILLS.

Mr. Linde introduced

Senate Bill No. 186.

A bill for an act to amend and re-enact Section 9371 of Revised Codes of the State of North Dakota for the year 1905, relating to the enforcement of the prohibition law by state's attorneys, providing for a special fund in each county for the fines and penalties and the payment of prosecution expenses.

Which was read the first and second times, and

Referred to to the committee on temperance.

Mr. McDowell introduced

Senate Bill No. 187.

A bill for an act to encourage elementary education in North Dakota, and appropriate money therefor.

Which was read the first and second times and

Referred to to the committee on education.

Mr. Ellingson introduced

Senate Bill No. 188.

A bill for an act to license motor and other vehicles, and chauffeurs, defining the road regulations of such vehicles, providing that the funds received from such licenses shall be expended on the maintenance of public highways and making it a misdemeanor to take and remove motor and other vehicles from any warehouse, garage or building without the knowledge and consent of the owner, and repealing Sections 2169, 2170, 2171 and 2172 of the Revised Codes of 1905, and repealing Sections 2173 and 2174 of the Revised Codes of 1905, as amended in Chapter 42 of the Session Laws of 1909.

Which was read the first and second times and

Referred to the committee on highways and bridges.

Mr. Welch introduced

Senate Bill No. 189.

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 and second times and

Referred to the committee on appropriations.

Mr. Walton introduced

Senate Bill No. 190.

A bill for an act creating and establishing an agricultural experiment station to be located at or near the town of Ellendale, in Dickey county, in connection with the state normal-industrial school, under the management of the board of trustees of said institution, and under the direction of the North Dakota Agricultural college, and making an appropriation therefor.

Which was read the first and second times and

Referred to the committee on appropriations.

Mr. Walton introduced

Senate Bill No. 191.

A bill for an act making an appropriation for permanent improvements at the state normal-industrial school, located at Ellendale, Dickey county, North Dakota.

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

Mr. Welch introduced

Senate Bill No. 192.

A bill for an act to amend Articles 1, 2, 3, 4 and 5, of
Chapter 175, of the Session Laws of 1909.

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

Mr. Jacobsen introduced

Senate Bill No. 193.

A bill for an act to amend and re-enact Section 1486 of
the Revised Codes of 1905, relating to listing of property
for taxation.

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

Mr. Simpson introduced

Senate Bill No. 194.

A bill for an act defining the Tenth judicial district and
providing for holding terms of court therein.

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

Mr. Putnam introduced

Senate Bill No. 195.

A bill for an act regulating the discharge of liens, not
dependent upon possession, and to provide for the release
of liens, filed of record against real property and personal
property, and the giving of an undertaking for the pay-
ment thereof.

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

Mr. Hookway introduced

Senate Bill No. 196.

A bill for an act to amend and re-enact Section 8841 of
the Revised Codes of North Dakota for the year 1905, re-

lating to kidnaping, defining same, providing punishment therefor, and prescribing punishment of aiders, assistants and abettors therein.

Which was read the first and second time and

Referred to the committee on judiciary.

Senate Bill No. 97.

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

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 98.

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. 99.

A bill for an act to amend and re-enact Section 1513 of Revised Codes of North Dakota, as amended by Chapter 41, of the laws of 1909, relating to the furnishing by the county auditor of assessment books and blanks, lists of real property, regulating the time of meeting of assessors, and providing for their compensation for attending such meeting.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 100.

A bill for an act to amend and re-enact Section 6828 of the Revised Codes of North Dakota, relating to the place of trial of civil actions.

Was read the second time and

Referred to the committee on judiciary.

The joint education committee of the Senate and House introduced

Senate Bill No. 197.

A bill for an act to amend Article 2, Chapter 10 of the Session Laws of 1909, relating to normal schools.

Which was read the first and second times, and

Referred to the committee on education.

Messrs. Gunderson and Duis introduced

Senate Bill No. 198.

A bill for an act to amend and re-enact Section 7387 of Article 4 of Chapter 27 of the Revised Codes of North Dakota for the year 1905.

Which was read the first and second times, and

Referred to the committee on judiciary.

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. 19.

A bill for an act to amend Section 7782 of the Revised Codes of 1905, relating to the priority of claims in insolvency proceedings.

Also

Senate Bill No. 65.

A bill for an act to authorize cities to levy and collect a tax to pay judgments obtained against such cities.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

Senate Bill No. 19.

A bill for an act to amend Section 7782 of the Revised Codes of 1905, relating to the priority of claims in insolvency proceedings.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 46 ayes, no nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steel of Stutsman
Baker	Johnson	Steele of Renville
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syvertson
Cashel	LaMoure	Talcott
Davis	Linde	Thoreson
Duis	McDonald	Trimble
Duncan	McDowell	Turner
Elken	McLean	Wallin
Ellingson	Movius	Walton
Garden	Overson	Welo
Gibbens	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gundersen	Simpson	Young
Hookway		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Martin	Ruzicka

So the bill passed and the title was agreed to.

Senate Bill No. 65.

A bill for an act to authorize cities to levy and collect a tax to pay judgments obtained against such cities.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 45 ayes, 1 nay, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Jacobsen	Steele of Renville
Bessesen	Johnson	Stevens

Messrs.—	Messrs.—	Messrs.—
Carter	Kennedy	Syvertson
Cashel	Kretschmar	Talcott
Davis	LaMoure	Thoreson
Duis	Linde	Trimble
Duncan	McDonald	Turner
Elken	McDowell	Wallin
Ellingson	McLean	Walton
Garden	Movius	Welo
Gibbens	Overson	Welch
Gilbert	Pierce	Whitcher
Gronvold	Plain	Williams
Gundersen	Putnam	Young

Mr. Simpson voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Martin	Ruzicka

Mr. Simpson explained his vote.

So the bill passed and the title was agreed to.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 2.

A bill for an act to prohibit the introduction of intoxicating liquors, narcotics, or other habit-forming drugs, into any of the buildings or upon the premises of any of the penal or charitable institutions of the state.

Was read the first and second times and

Referred to the committee on temperance.

House Bill No. 33.

A bill for an act to amend Section 2445 of Chapter 28, of the Revised Codes of 1905, relating to the monthly statement by depository.

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 77.

A bill for an act to amend Section 544 of the Revised Codes of 1905, relating to the seals of notaries public.

Was read the first and second times and

Referred to the committee on ways and means.

House Bill No. 79.

A bill for an act to amend and re-enact Chapter 217 of the Laws of 1909, being an act to provide for a 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. 102.

A bill for an act to amend Section 9791 of the Revised Codes of 1905, relating to prosecution on information and in what cases.

Was read the first and second times and

Referred to the committee on judiciary.

Mr. Overson asked unanimous consent to return to the eighth order of business.

Mr. Overson moved

That H. W. Braatelian, state's attorney of Williams county, be invited to address the Senate on the subject of tuberculosis.

Which motion prevailed.

Mr. Braatelian addressed the Senate.

The courtesies of the floor were extended to the following gentlemen:

O. M. Frazer of Grafton.

Fred Paul.

E. S. Babcock of Wahpeton.

President F. L. McVey of the State University.

J. B. Snyder.

S. A. Fisher.

H. W. Braatelian of Williston.

C. M. Zimmerman of Ashley.

R. S. Craig, R. F. Rinker, J. A. Manley of New Rockford.

A. P. Paulson, of Valley City.

Karl Nukkelson of Wahpeton.

F. A. Burton of Wahpeton.
Alex Curry of Sharon.
Messrs. Rathgarn and Kiefer of McHenry county.
E. Magoffin of Monango.
V. E. Haskins of Ellendale.
Einer Muus, Peder Kulaas, E. S. Lee, P. O. Hall, of
Minot.

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

J. W. FOLEY,
Secretary.

TWENTY-FIFTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

January 27, 1911.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All present except Messrs. Ganssle, Johnson, and Movius, 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 of the 24th day, have carefully examined the same and find the same to be correct.

Correct the journal of the 23rd day by striking out the line "Messrs. Duis and Turner voted in the negative," after the roll call on Senate Bill No. 71, page 16.

J. E. STEVENS,
Chairman.

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

MESSAGE FROM THE HOUSE.

The following messages were received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 27, 1911.

Mr. President:

I have the honor to transmit herewith

House Bill No. 9.

A bill for an act to amend section 4037 of the Revised Codes of North Dakota for 1905, relating to issuing of marriage license.

Also,

House Bill No. 56.

A bill for an act entitled, an act to amend Section 8231 of the Revised Codes of 1905, relating to the disposition of unclaimed shares of estate in county court.

Also

House Bill No. 22.

A bill for an act to amend Section 46, Chapter 128, Laws of North Dakota, for the year 1909, relating to the taking of fish.

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

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to inform you that the House has concurred in the Senate concurrent resolution providing for a joint committee to examine the records and economical methods of the state auditing board.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

REPORTS OF STANDING COMMITTEES.

The committee on elections and privileges made the following report:

Mr. President:

Your committee on elections and privileges to whom was referred

Senate Bill No. 36.

A bill for an act amending Section 616 of Article 6, Chapter 8 of the Revised Codes of 1905, titled Elections.

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

In line two of the title, change "titled" to "entitled."

In line twelve of section one of the printed bill, after the word "printed" insert and add the following, to-wit: "There shall be a space between the party designation at the top of each column and the names at the head of the ticket of five-eighths of an inch, in the center of which there shall be a square formed of black lines, in which the voter by his mark may declare that he votes for all names printed in that column, except such as are erased, or pasted or written over, or where the voter places a cross (X) or mark following the name of a candidate in another column, such name shall be counted in lieu of the name for the same office in the column voted for at the head of the ticket; provided, further, that where there are groups of names for a like position and a cross (X) is placed at the head of a party designation, and the voter places a cross or mark, following the name of one or more candidates in a group, in another column and fails or neglects to strike out the same number of names in the column originally voted for, the intention of the voter shall be construed to having voted for the name or names in the group so marked and the name or names in the same line on the opposite group shall not be counted."

And when so amended recommend the same do pass.

And also recommend that this bill as amended be forth with reprinted.

H. J. BESSESEN,
Chairman.

Mr. Bessesen moved

The adoption of the report.

Mr. Steele objected to the consideration of the report,
Which went over one day.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 58.

A bill for an act amending and re-enacting Section 2597 of the Revised Codes of 1905, relating to the fees in the office of the register of deeds.

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

After sub-division 10 thereof of Senate Bill No. 58, add the following sub-divisions, the same to be numbered numbers 11 and 12:

"No. 11. For recording a mortgage satisfaction, mortgage assignment, power of attorney to assign, satisfy or foreclose a mortgage, attorney's affidavit in mortgage foreclosure, and indexing, where more than one mortgage is described in the same instrument, twenty-five cents for indexing each additional mortgage so described, in addition to the fee provided for in sub-division 1 hereof.

No. 12. Whenever any person demands a chattel mortgage abstract, it is the duty of the Register of Deeds to forthwith prepare such abstract, and he shall charge and collect ten cents for each mortgage appearing on said abstract.

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 was adopted.

Also;

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 8356 of the Revised Codes of North Dakota for 1905, relating to the commencement and place of trial of civil actions in justice court.

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 report was adopted.

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

Senate Bill No. 88.

A bill for an act to amend Section 2768 of the Revised Codes of North Dakota for 1905, relating to the repairs of city sidewalks.

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 was adopted.

Also

Mr. President:

Your committee on cities and municipal corporations to whom was referred

Senate Bill No. 81.

A bill for an act to amend Section 1564 of the Revised Codes, relating to fees of sheriffs for the collection of delinquent personal property taxes.

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 was adopted.

Also,

Mr. President:

Your committee on cities and municipal corporations to whom was referred

Senate Bill No. 87.

A bill for an act to amend Section 2767 of the Revised Codes of North Dakota for 1905, relating to the letting of contracts for sidewalks in cities.

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

By striking out of section 1, in line eleven (11), "If for any good cause," and by striking out of section 1, line 13, the word "any."

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 was adopted.

Also

Mr. President:

Your committee on cities and municipal corporations to whom was referred

Senate Bill No. 25.

A bill for an act to authorize boards of trustees of incorporated villages to regulate the use of streets, alleys and public grounds by automobiles, traction engines and other self propelled vehicles, and to provide for registration and identification of the same, at the expense of the owners or operators 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 was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 78.

A bill for an act to amend Section 1484 of the Revised Codes of 1905, relating to property exempt from taxation.

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

Strike out the title and all after the enacting clause, and submit the following:

For an Act to Amend Section 1484 of the Revised Codes of 1905, and Chapter 218, as Amended by the Session Laws of 1907, Relating to Property Exempt from Taxation.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 1484 of the political code of North Dakota, relating to revenue and taxation, is amended so as to read as follows:

Section 1484. Property Exempt from Taxation.) All property described in this section to the extent herein limited, shall be exempt from taxation, that is to say:

1. All public school houses, academies, colleges, institutions of learning, with the books and furniture therein, and the grounds attached to such buildings necessary for their proper occupancy, use and enjoyment, not to exceed forty acres in area, and not leased or otherwise used with a view to profit; also all houses used exclusively for public worship and the lots and parts of lots upon which such houses are erected.

2. All land used exclusively for burying grounds or cemeteries.

3. All property, whether real or personal, belonging exclusively to the state or to the United States.

4. All buildings belonging to the counties used in holding courts, for jails, for county offices, with the ground, not exceeding in any county ten acres, on which buildings are erected.

5. All land, houses and other buildings belonging to any county, township or town used exclusively for the accommodation or support of the poor.

6. All buildings and contents thereof, belonging to institutions of public charity, including public hospitals under the control of religious or charitable societies, used wholly or in part for public charity, together with the land actually occupied by such institution, not leased or otherwise used with a view to profit; and all moneys and credits appropriated solely to sustaining and belonging exclusively to such institutions; also all dormitories and boarding halls, including the land upon which they are situated, owned and managed by a religious corporation for educational and charitable purposes for the use of students in attendance upon the state educational institutions; provided, that such dormitories and boarding halls be not managed or used for the purpose of making a profit over and above the cost of maintenance and operation.

7. All properties belonging to counties and to municipal corporations that are used for public purposes.

8. Personal property of each individual subject to taxation to the amount of ten dollars.

9. The personal and real property owned by charitable associations, known as posts, lodges, chapters, councils, commanderies, consistories and like organizations and associations not organized for profit, grand or subordinate, and used by them for places of meeting and to conduct their business and ceremonies; provided, however, that such property is used exclusively for such charitable purposes.

Section 2. Emergency.) An emergency exists in that several such dormitories and boarding halls as herein provided are already in existence and in all probability others will be erected during the ensuing year, therefore this act shall be in full force and effect upon its passage and approval.

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 was adopted.

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

Your committee on railroads to whom was referred
Senate Bill No. 165.

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 fixing the penalty for the violation thereof, except as provided therein and to require the granting of free transportation to the board of railroad commissioners, their experts and their agents.

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

In the title the words "and to Require the Granting of Free Transportation to the Board of Railroad Commissioners, their Experts and their Agents," be stricken out.

In line 5 of section 1, following the word "law," the words "on the pay-roll of the common carrier" be inserted.

The word "or" in line 5 of section 1 be changed to read "of."

The word "and" in line 15 of section 1 be stricken out.

The comma after the word "stock" in line 15 of section 1 be changed to a semicolon.

In line 15 of section 1 the words "and vegetables" be inserted following the word "fruit."

The word "of," after the word "employees," in line 15 of section 1 be changed to "on."

The word "connecting" in line 17 of section 1 be changed to "connection."

The word "and" in line 58 of section 1 be stricken out.

Lines 59 to 65, inclusive, of section 1 be stricken out.

All of section 2 be stricken out.

In line 1 of section 3, the words "Sec. 3" be changed to "Sec. 2."

And when so amended recommended the same do pass.

E. F. GILBERT,
Chairman.

A minority of the committee on railroads made the following report:

Mr. President:

A minority of your committee on railroads to whom was referred

Senate Bill No. 165.

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 fixing the penalty for the violation thereof, except as provided therein and to require the granting of free transportation to the board of railroad commissioners, their experts and their agents.

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

Between lines 22 and 23 of section 1, the following be inserted:

"Provided further, that the board of railroad commissioners and their secretary and the members of the different boards of the state institutions, state officials, and county officials, shall have the right of free transportation in the performance of their duties on all common carriers in this state, and such common carriers doing business within this state shall furnish free transportation upon demand, and it shall be a misdemeanor for any of the above named officials or boards to receive mileage from the county or state when traveling by rail."

And when so amended recommended the same do pass.

G. S. TRIMBLE,

Mr. Gilbert moved

That the majority report be adopted.

Mr. Trimble moved

That the minority report be adopted.

Mr. Simpson objected to the consideration of the report.

Which went over one day.

Mr. Simpson moved

That the Secretary cause to be printed 200 copies of each of the bills as amended by the majority and minority reports.

Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. Overson introduced the following concurrent resolution:

Be it Resolved by the Senate, the House of Representatives Concurring:

That the mailing force be directed to mail to the judge of each judicial district in the state copies of the printed bills and journals of the Senate and the House of Representatives.

Mr. Overson moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. J. G. Gunderson introduced the following concurrent resolution:

Be it Resolved by the Senate of North Dakota, the House of Representatives Concurring:

That Dr. F. L. McVey, president of the State University, is hereby invited to speak before the Assembly, Wednesday, February 22, 1911, on the subject, "Conflict of Administrations," all arrangements therefor to be left with 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.

FIRST READING OF SENATE BILLS.

Mr. Pierce introduced
Senate Bill No. 199.

A bill for an act entitled an act to amend Sections 8893, 8894, 8895 and 8896 of the Revised Codes of North Dakota, as amended by Chapter 84 of the Session Laws of 1909, defining rape and prescribing punishment therefor.

Which was read the first time.

Mr. Kennedy introduced
Senate Bill No. 200.

A bill for an act to amend and re-enact Section 10371 and Section 10373 of the Revised Codes of North Dakota, for the year 1905, relating to parole of inmates of the state penitentiary.

Which was read the first time.

Mr. Simpson (by request) introduced
Senate Bill No. 201.

A bill for an act to prohibit certain designated officers from advising, counseling, or suggesting to persons upon whom process is served, the name of attorneys and prescribing a penalty for violation.

Which was read the first time.

Mr. Trimble introduced

Senate Bill No. 202.

A bill for an act making it the duty of the commissioner of agriculture and labor to furnish certain information, and making an appropriation for the payment of the expenses connected therewith.

Which was read the first time.

Mr. Gronvold introduced

Senate Bill No. 203.

A bill for 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. Duncan introduced

Senate Bill No. 204.

A bill for an act to authorize boards of trustees of incorporated villages to regulate and license liveries, dray and express lines, and other vehicles used for the carrying of passengers, messages, or property for hire.

Which was read the first time.

Mr. Welch introduced

Senate Bill No. 205.

A bill for an act to amend Section 10381 of the Revised Codes of 1905, as amended by Section 1, of Chapter 40, of the Session Laws of 1907, relating to the manner of disposing of the product of the state binder plant.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 199.

A bill for an act entitled an act to amend Sections 8893, 8894, 8895 and 8896 of the Revised Codes of North Dakota,

as amended by Chapter 84 of the Session Laws of 1909, defining rape and prescribing punishment therefor.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 200.

A bill for an act to amend and re-enact Section 10371 and Section 10373 of the Revised Codes of North Dakota, for the year 1905, relating to parole of inmates of the state penitentiary.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 201.

A bill for an act to prohibit certain designated officers from advising, counseling, or suggesting to persons upon whom process is served, the name of attorneys and prescribing a penalty for violation.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 202.

A bill for an act making it the duty of the commissioner of agriculture and labor to furnish certain information, and making an appropriation for the payment of the expenses connected therewith.

Was read the second time and

Referred to the committee on immigration.

Senate Bill No. 203.

A bill for 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 state affairs.

Senate Bill No. 204.

A bill for an act to authorize boards of trustees of incorporated villages to regulate and license liverys, dray

and express lines, and other vehicles used for the carrying of passengers, messages, or property for hire.

Was read the second time and

Referred to the committee on cities and municipal corporations.

Senate Bill No. 205.

A bill for an act to amend Section 10381 of the Revised Codes of 1905, as amended by Section 1, of Chapter 40, of the Session Laws of 1907, relating to the manner of disposing of the product of the state binder plant.

Was read the second time and

Referred to the committee on state affairs.

Mr. Duis asked unanimous consent to return to the 8th order of business.

Mr. Duis moved

That when the Senate adjourns, it stand adjourned until Tuesday.

Mr. Davis moved

That the motion be laid on the table.

Which motion prevailed.

SENATE COMMITTEE ON ENROLLED AND ENGROSSED BILLS.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 14.

A bill for an act to provide a refuge or breeding ground for certain game birds and to protect the same.

Also

Senate Bill No. 16.

A bill for an act creating and defining the Eleventh judicial district, within the State of North Dakota, providing for the appointment and election of a judge therein and fixing the boundaries thereof, and fixing the terms of court therein.

Also

Senate Bill No. 20.

A bill for an act prescribing the conditions by which the public examiner, his deputies and employes of the state public examiner's department, the stockholders, officers and employes of any banking association in this state may secure loans from banking associations with which they are in any way connected, and fixing the liability for non-compliance with the provisions of this act.

Also

Senate Bill No. 54.

A bill for an act providing for the attendance of certain persons upon certain schools.

Also

Senate Bill No. 92.

A bill for an act relating to children who are now or may hereafter become dependent, neglected or delinquent; to define these terms, and to provide for the treatment, control, maintenance, protection, adoption and guardianship of the persons of such children.

Also,

Senate Bill No. 126.

A bill for an act entitled, an act relative to deposits made in banks or other institutions, authorized to receive deposits under the laws of North Dakota, when such deposits are made in two or more names.

And find the same correctly engrossed.

C. W. PLAIN,

Senate Bill No. 14.

A bill for an act to provide a refuge or breeding ground for certain game birds and to protect the same.

Was read the third time.

Mr. Pierce moved

That the bill be re-referred to the committee on game and fish.

Which motion prevailed.

Senate Bill No. 16.

A bill for an act creating and defining the Eleventh judicial district, within the State of North Dakota, providing for the appointment and election of a judge therein and fixing the boundaries thereof, and fixing the terms of court therein.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Jacobsen	Steele of Renville
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syvertson
Cashel	LaMoure	Talcott
Davis	Linde	Thoreson
Duis	McDonald	Trimble
Duncan	McDowell	Turner
Elken	McLean	Wallin
Elungson	Overson	Walton
Garden	Pierce	Welo
Gibbens	Plain	Welch
Gilbert	Putnam	Whitche
Gronvold	Ruzicka	Williams
Gunderson	Simpson	Young
Hookway	Steel of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Movius
Ganssle	Martin	

So the bill passed and the title was agreed to.

Mr. Overson moved

That the vote by which Senate Bill No. 16 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 20.

A bill for an act prescribing the conditions by which the public examiner, his deputies and employes of the state public examiner's department, the stockholders, officers and employes of any banking association in this state may secure loans from banking associations with which they are in any way connected, and fixing the liability for non-compliance with 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 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Jacobsen	Steele of Renville
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syvertson
Cashel	LaMoure	Talcott
Davis	Linde	Thoreson
Duis	McDonald	Trimble
Duncan	McDowell	Turner
Elken	McLean	Wallin
Ellingson	Overson	Walton
Garden	Pierce	Welo
Gibbens	Plain	Welch
Gilbert	Putnam	Whitcher
Gronvold	Ruzicka	Williams
Gunderson	Simpson	Young
Hookway	Steel of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Movius
Ganssle	Martin	

So the bill passed and the title was agreed to.

Senate Bill No. 54.

A bill for an act providing for the attendance of certain persons upon certain schools.

Was read the third time.

Mr. Cashel moved

That the bill be amended as follows:

Substituting the word "approval" for "publication" in line 2, section 7.

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill,

The roll was called and there were 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Baker
Bessesen
Carter
Cashel
Davis
Duis
Duncan
Elken
Ellingson
Garden
Gibbens
Gilbert
Gronvold
Gunderson
Hookway

Messrs.—

Jacobsen
Kennedy
Kretschmar
LaMoure
Linde
Martin
McDonald
McDowell
McLean
Overson
Pierce
Plain
Putnam
Ruzicka
Simpson

Messrs.—

Steel of Stutsman
Steele of Renville
Stevens
Syvertson
Talcott
Thoreson
Trimble
Turner
Wallin
Walton
Welo
Welch
Whitcher
Williams
Young

Absent and not voting:

Messrs.—

Allen
Ganssle

Messrs.—

Johnson

Messrs.—

Movius

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

Mr. Cashel in the chair.

Senate Bill No. 92.

A bill for an act relating to children who are now or may hereafter become dependent, neglected or delinquent; to define these terms, and to provide for the treatment, control, maintenance, protection, adoption and guardianship of the persons of such children.

Was read the third time.

Mr. Bessesen moved as an amendment:

On page 17, line 26, of the printed bill, after the word "year" insert "prior."

Which motion prevailed, and

The amendment was adopted.

Mr. Pierce moved, as an amendment:

That section 27 be stricken out, and the following inserted in lieu thereof: "Sec. 27. This act shall be construed to repeal existing laws, in conflict with this act, under and by which dependent, neglected and delinquent children, as defined by this act, as might be arrested, complained against, committed, confined or taken into or placed in custody, in justice courts or police courts, but as to all other laws, it shall be construed as cumulative, and not as exclusive.

Which motion prevailed, and

The amendment was adopted.

Mr. Overson moved as an amendment:

That in line 2 of section 5, the word "county" be stricken out, and the word "state" be substituted in lieu thereof.

Which motion prevailed, and

The amendment was adopted.

Mr. Pierce moved

That the bill be re-referred to the committee on judiciary.

Which motion prevailed.

The President in the chair.

Senate Bill No. 126.

A bill for an act entitled, an act relative to deposits made in banks or other institutions, authorized to receive deposits under the laws of North Dakota, when such deposits are made in two or more names.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Jacobsen	Steele of Renville
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syvertson
Cashel	LaMoure	Talcott
Davis	Linde	Thoreson
Duis	Martin	Trimble
Duncan	McDonald	Turner
Elken	McDowell	Wallin
Ellingson	McLean	Walton
Garden	Overson	Welo
Gibbens	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Ruzicka	Williams
Gunderson	Simpson	Young
Hookwa/	Steel of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Putnam
Ganssle	Movius	

So the bill passed and the title was agreed to.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 9.

A bill for an act to amend section 4037 of the Revised Codes of North Dakota for 1905, relating to issuing of marriage license.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 22.

A bill for an act to amend Section 46, Chapter 128, Laws of North Dakota, for the year 1909, relating to the taking of fish.

Was read the first and second times, and

Referred to the committee on game and fish.

House Bill No. 56.

A bill for an act entitled, an act to amend Section 8231 of the Revised Codes of 1905, relating to the disposition of unclaimed shares of estate in county court.

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

The courtesies of the floor were extended to the following:

B. W. Taylor and W. C. Gibb of Stanley.
O. B. Severson of Adams county.
J. W. Olson of Minnewaukan.
Hon. Marian Conklin of Jamestown.
Arthur Fowler.
R. B. Blakemore.
H. L. Reade of Burleigh county.
H. G. Sprague of Grafton.
L. F. Crawford of Sentinel Butte.

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

J. W. FOLEY,
Secretary.

TWENTY-SIXTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 28, 1911.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Duis, Ganssle, Gilbert, Johnson and Movius, 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 of the 25th day, have carefully examined the same and recommend that the same be corrected as follows:

In line 5 of page 16, and again in line 6 of page 19, "Mr. Price" be changed to read "Mr. Pierce."

And when so corrected recommend that the same be approved.

J. E. STEVENS,
Chairman.

Mr. Stevens 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 28, 1911.

Mr. President:

I have the honor to transmit herewith
House Bill No. 23.

A concurrent resolution amending the constitution of the state of North Dakota, relating to uniformity of taxation and permitting the classification of property for the purpose of taxation and relating further to the assessment and taxation of certain public utility companies.

Also,

House Bill No. 32.

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

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

Very respectfully,

E. H. GRIFFIN.
Chief Clerk.

Also,

Mr. President:

I have the honor to inform you that the House has concurred in the Senate concurrent resolution relating to an address from the president of the state university.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to inform you that the House has concurred in the Senate concurrent resolution relating to the mailing of all Journals and Bills of the House and Senate to the judge of each judicial district.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

REPORTS OF STANDING COMMITTEES.

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred
Senate Bill No. 166.

A bill for an act to amend and re-enact Section 6064 of the Revised Codes of North Dakota for the year A. D., 1905, relating to life 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 was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 98.

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 be amended as follows:

In line three (3), section 1 of printed bill, after the word "Oliver" strike out the comma and insert "and." After the word "Mercer" strike out the word "and," and in line four (4), strike out the word "Adams."

Also strike out subdivision four (4) of section 1, lines 27 to 30 inclusive of the printed bill. From line four (4) in section 2, strike out all after the word "qualified" in section 2.

Also strike out all of section 2, and re-number consecutively thereafter.

And when so amended recommend the same do pass.

W. B. OVERSON,
Acting Chairman.

Mr. Overson moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred
Senate Bill No. 131.

A bill for an act amending Sections 167, 169, 170, 171, 189 and 191 of the Revised Codes of North Dakota for 1905, relating to the appraisal and sale of school lands.

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 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. 51.

A bill for an act amending and re-enacting Section 2613 of the Revised Codes of 1905, relating to the compensation of county commissioners.

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

In line 8 of the printed bill, strike out the word "four" and insert the word "five" in lieu thereof.

J. E. DAVIS,
Chairman.

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

Also,

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 99.

A bill for an act to amend and re-enact Section 1513 of Revised Codes of North Dakota, as amended by Chapter 41, of the laws of 1909, relating to the furnishing by the county auditor of assessment books and blanks, lists of real property, regulating the time of meeting of assessors, and providing for their compensation for attending such meeting.

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

In line 13 of the printed bill, after the word "and" insert the word "all," and after the word "assessors" insert the words "in the county."
Strike out all after the word "meeting" in line 20 of the printed bill.

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

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

Also,

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 122.

A bill for an act requiring natural gas to be confined, and
prescribing penalty for the violation thereof.

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

In lines 4 and 5 of the printed bill, strike out the words "or shall be imprisoned in the county jail not to exceed ninety days."

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

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

Also,

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 6.

A bill for and act to create October 12th in each year a
legal holiday to be known as "Columbus Day."

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

J. E. DAVIS,
Chairman.

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

The following report was laid before the Senate:

Mr. President:

Your committee on railroads to whom was referred
Senate Bill No. 165.

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 fixing the penalty for the violation thereof, except as provided therein and to require the granting of free transportation to the board of railroad commissioners, their experts and their agents.

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

In the title the words "and to Require the Granting of Free Transportation to the Board of Railroad Commissioners, their Experts and their Agents," be stricken out.

In line 5 of section 1, following the word "law," the words "on the pay-roll of the common carrier" be inserted.

The word "or" in line 5 of section 1 be changed to read "of."

The word "and" in line 15 of section 1 be stricken out.

The comma after the word "stock" in line 15 of section 1 be changed to a semicolon.

In line 15 of section 1 the words "and vegetables" be inserted following the word "fruit."

The word "of," after the word "employees," in line 15 of section 1 be changed to "on."

The word "connecting" in line 17 of section 1 be changed to "connection."

The word "and" in line 58 of section 1 be stricken out.

Lines 59 to 65, inclusive, of section 1 be stricken out.

All of section 2 be stricken out.

In line 1 of section 3, the words "Sec. 3" be changed to "Sec. 2."

And when so amended recommended the same do pass.

E. F. GILBERT,
Chairman.

A minority of the committee on railroads made the following report:

Mr. President:

A minority of your committee on railroads to whom was referred

Senate Bill No. 165.

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 fixing the penalty for the violation thereof, except as provided therein and to require the granting of free transportation to the board of railroad commissioners, their experts and their agents.

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

Between lines 22 and 23 of section 1, the following be inserted:

"Provided further, that the board of railroad commissioners and their secretary and the members of the different boards of the state institutions, state officials, and county officials, shall have the right of free transportation in the performance of their duties on all common carriers in this state, and such common carriers doing business within this state shall furnish free transportation upon demand, and it shall be a misdemeanor for any of the above named officials or boards to receive mileage from the county or state when traveling by rail."

And when so amended recommed the same do pass.

G. S. TRIMBLE,

Mr. Steele moved

That the majority report be adopted.

Mr. Simpson moved

That the report lie over until Monday.

Which motion prevailed,

The following report was laid before the Senate:

Your committee on elections and privileges to whom was referred

Senate Bill No. 36.

A bill for an act amending Section 616 of Article 6, Chapter 8 of the Revised Codes of 1905, titled Elections.

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

In line two of the title, change "titled" to "entitled."

In line twelve of section one of the printed bill, after the word "printed" insert and add the following, to-wit: "There shall be a space between the party designation at the top of each column and the names at the head of the ticket of five-eighths of an inch, in the center of which there shall be a square formed of black lines, in which the voter by his mark may declare that he votes for all names printed in that column, except such as are erased, or pasted or written over, or where the voter places a cross (X) or mark following the name of a candidate in another column, such name shall be counted in lieu of the name for the same office in the column voted for at the head of the ticket; provided, further, that where there are groups of names for a like position and a cross (X) is placed at the head of a party designation, and the voter places a cross or mark, following the name of one or more candidates in a group, in another column and fails or neglects to strike out the same number of names in the column originally voted for, the intention of the voter shall be construed to having voted for the name or names in the group so marked and the name or names in the same line on the opposite group shall not be counted."

And when so amended recommend the same do pass.

Mr. Cashel moved

That the consideration of the report lie over until Monday.

Which motion prevailed.

The committee on warehouses and grain grading made the following report:

Mr. President:

Your committee on warehouses and grain grading to whom was referred

Senate Bill No. 38.

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 non-observance.

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

OLE SYVERTSON,
Chairman.

Mr. Plain moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on warehouses and grain grading to whom was referred

Senate Bill No. 135.

A concurrent resolution amending the Constitution of the State of North Dakota, empowering the legislative assembly to provide by law for 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.

OLE SYVERTSON,
Chairman.

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

FIRST READING OF SENATE BILLS.

Mr. McDowell introduced

Senate Bill No. 206.

A bill for an act to amend Section 1346 of the Revised Codes of North Dakota for 1905, relating to highways.

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 207.

A bill for an act to divide the State of North Dakota into three congressional districts.

Which was read the first time.

Mr. Garden introduced

Senate Bill No. 208.

A bill for an act to provide for and the making of improvements at the North Dakota School of Forestry to as-

sist in the maintenance thereof, and making appropriation therefor.

Which was read the first time.

Mr. Garden introduced

Senate Bill No. 209.

A bill for an act entitled, an act regulating the business of corporations issuing bonds, notes or other evidences of indebtedness and providing for the examination of such corporations.

Which was read the first time.

Mr. McDowell introduced

Senate Bill No. 210.

A bill for an act to amend Sections 4635, 4638, 4641, 4642, 4664 and 4668, relating to state banking corporations; creating a separate banking department; and providing for placing banking and other financial corporations within the jurisdiction and control of the same.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 96.

A bill for an act to amend Section 3061 of the Revised Codes for 1905, relating to annual township meetings.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 102.

A concurrent resolution amending the Constitution of the State of North Dakota, establishing and locating a state agricultural college at the city of Beach, county of Billings.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 206.

A bill for an act to amend Section 1346 of the Revised Codes of North Dakota for 1905, relating to highways.

Was read the second time and

Referred to the committee on highways and bridges.

Senate Bill No. 207.

A bill for an act to divide the State of North Dakota into three congressional districts.

Was read the second time and

Referred to the committee on apportionment.

Senate Bill No. 208.

A bill for an act to provide for and the making of improvements at the North Dakota School of Forestry to assist in the maintenance thereof, and making appropriation therefor.

Was read the second time and

Referred to the committee on appropriations.

Senate Bill No. 209.

A bill for an act entitled, an act regulating the business of corporations issuing bonds, notes or other evidences of indebtedness and providing for the examination of such corporations.

Was read the second time and

Referred to the committee on corporations other than municipal.

Senate Bill No. 210.

A bill for an act to amend Sections 4635, 4638, 4641, 4642, 4664 and 4668, relating to state banking corporations; creating a separate banking department; and providing for placing banking and other financial corporations within the jurisdiction and control of the same.

Was read the second time, and

Referred to the committee on banks and banking.

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 bill have examined

Senate Bill No. 25.

A bill for an act to authorize boards of trustees of incorporated villages to regulate the use of streets, alleys and public grounds by automobiles, traction engines and other self propelled vehicles, and to provide for registration and identification of the same, at the expense of the owners or operators thereof.

Also,

Senate Bill No. 58.

A bill for an act amending and re-enacting Section 2597 of the Revised Codes of 1905, relating to the fees in the office of the register of deeds.

Also,

Senate Bill No. 78.

A bill for an act to amend Section 1484 of the Revised Codes of 1905, relating to property exempt from taxation.

Also,

Senate Bill No. 81.

A bill for an act to amend Section 1564 of the Revised Codes, relating to fees of sheriffs for the collection of delinquent personal property taxes.

Also,

Senate Bill No. 87.

A bill for an act to amend Section 2767 of the Revised Codes of North Dakota for 1905, relating to the letting of contracts for sidewalks in cities.

Also,

Senate Bill No. 88.

A bill for an act to amend Section 2768 of the Revised Codes of North Dakota for 1905, relating to the repairs of city sidewalks.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

Senate Bill No. 25.

A bill for an act to authorize boards of trustees of incorporated villages to regulate the use of streets, alleys and public grounds by automobiles, traction engines and other self propelled vehicles, and to provide for registration and identification of the same, at the expense of the owners or operators thereof.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 42 ayes, no nays, 7 absent and not votin.g

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Simpson
Baker	Kennedy	Steel of Stutsman
Bossesen	Kretschmar	Steele of Renville
Carter	LaMoure	Stevens
Cashel	Linde	Talcott
Davis	Martin	Thoreson
Duncan	McDonall	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Garden	Overson	Walton
Gibbens	Pierce	Welch
Gronvold	Plain	Whitcher
Gunderson	Putnam	Williams
Hookway	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duis	Johnson	Syverson
Ganssle	Movius	Welo
Gilbert		

So the bill passed and the title was agreed to.

Senate Bill No. 58.

A bill for an act amending and re-enacting Section 2597 of the Revised Codes of 1905, relating to the fees in the office of the register of deeds.

Was read the third time.

Mr. Gronvold moved

That in subdivision No. 6, after the word "Lis Pendens" on line 2 of the printed bill, the words "or satisfactions of real estate mortgages."

Which motion prevailed, and

The amendment was adopted.

Mr. Bessesen moved

That the words "or liens" be added after the words "or satisfactions of real estate mortgages."

Which motion prevailed, and

The amendment was adopted.

Mr. Linde moved, as an amendment:

In subdivision No. 11, line 6, after the word "one" insert the words "and six."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the amended bill:

The roll was called and there were 38 ayes, 1 nay, 10 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steel of Stutsman
Baker	Kennedy	Stevens
Bessesen	Kretschmar	Talcott
Carter	LaMoure	Thoreson
Cashel	Linde	Trimble
Davis	Martin	Turner
Duncan	McDonald	Wallin
Ellingson	McDowell	Walton
Garden	Overson	Welch
Gibbens	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway	Simpson	

Mr. Pierce voted in the negative.

Absent and not voting:

Messrs.—

Duis
Elken
Gaussle
Gilbert

Messrs.—

Johnson
McLean
Movius

Messrs.—

Steele of Renville
Syvertson
Welo

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

Senate Bill No. 78.

A bill for an act to amend Section 1484 of the Revised Codes of 1905, relating to property exempt from taxation.

Was read the third time.

Mr. Bessesen moved, as an amendment:

In section 1, line 2, after "Section 1484 of the Revised Codes of 1905," that the following clause be added: "as amended by Chapter 218 of the Laws of 1907."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the amended bill:

The roll was called and there were 40 ayes, no nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Allen
Baker
Bessesen
Carter
Cashel
Davis
Duncan
Elken
Ellingson
Garden
Gibbens
Gronvold
Gunderson
Hookway

Messrs.—

Jacobsen
Kennedy
Kretschmar
Linde
Martin
McDonald
McDowell
Overson
Pierce
Plain
Putnam
Ruzicka
Simpson

Messrs.—

Steel or Stutsman
Steele of Renville
Stevens
Talcott
Thoreson
Trimble
Turner
Wallin
Walton
Welch
Whitcher
Williams
Young

Absent and not voting:

Messrs.—

Duis
Ganssle
Gilbert

Messrs.—

Johnson
LaMoure
McLean

Messrs.—

Movius
Syvertson
Welo

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

Senate Bill No. 81.

A bill for an act to amend Section 1564 of the Revised Codes, relating to fees of sheriffs for the collection of delinquent personal property taxes.

Was read the third time.

Mr. Stevens moved

That the consideration of the bill be made a special order for Monday at 3 o'clock.

Which motion prevailed.

Senate Bill No. 87.

A bill for an act to amend Section 2767 of the Revised Codes of North Dakota for 1905, relating to the letting of contracts for sidewalks in cities.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 40 ayes, no nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Allen
Baker
Bessesen
Carter
Cashel
Davis
Duncan
Elken
Ellingson
Garden
Gibbens
Gronvold
Gunderson
Hookway

Messrs.—

Jacobsen
Kennedy
Kretschmar
Linde
McDonald
McDowell
McLean
Overson
Pierce
Plain
Putnam
Ruzicka
Simpson

Messrs.—

Steel of Stutsman
Steele of Renville
Stevens
Talcott
Thorson
Trimble
Turner
Wallin
Walton
Welch
Whitcher
Williams
Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duis	Johnson	Movius
Ganssle	LaMoure	Syverson
Gilbert	Martin	Welo

So the bill passed and the title was agreed to.

Senate Bill No. 88.

A bill for an act to amend Section 2768 of the Revised Codes of North Dakota for 1905, relating to the repairs of city sidewalks.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 38 ayes, no nays, 11 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Kennedy	Steele of Renville
Baker	Kretschmar	Stevens
Bessesen	Linde	Talcott
Carter	McDonald	Thoreson
Cashel	McDowell	Trimble
Duncan	McLean	Turner
Elken	Overson	Wallin
Ellingson	Pierce	Walton
Gibbens	Plain	Welch
Gronvold	Putnam	Whitcher
Gunderson	Ruzicka	Williams
Hookway	Simpson	Young
Jacobsen	Steel of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Gilbert	Movius
Duis	Johnson	Syverson
Ganssle	LaMoure	Welo
Garden	Martin	

So the bill passed and the title was agreed to.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 23.

A concurrent resolution amending the constitution of the state of North Dakota, relating to uniformity of taxation and permitting the classification of property for the pur-

pose of taxation and relating further to the assessment and taxation of certain public utility companies.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 32.

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

Was read the first and second times, and

Referred to the committee on ways and means.

The President announced the appointment of Messrs. Williams, Kretchmar and Cashel as Senate members of the joint committee to examine the records and economical methods of the state auditing board.

The courtesies of the floor were extended to the following:

Dr. F. L. McVey.

Dr. W. E. Taylor of Moline, Ill.

Hon. W. A. Laidlaw.

Congressman elect Hon. H. T. Helgesen.

Addison Leach of Fargo.

Joseph E. Fields of Fargo.

A. A. Trovaten of Fargo.

Mr. Plain moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

JAMES W. FOLEY,
Secretary.

TWENTY-EIGHTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

January 30, 1911.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All present except Messrs. Duis, Ganssle, Johnson, Linde, Movius, Simpson, Stevens, Syvertson 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 of the 26th day, have carefully examined the same and recommend that the same be corrected as follows:

"Senate Bill No. 35," on page 14, be changed to "Senate Bill No. 25." Also that the title of Senate Bill No. 25 be substituted for that of No. 35 as printed.

The word "first" in line 11, page 14, be stricken out, and the word "third" inserted in lieu thereof.

And when so corrected recommend that the same be approved.

J. E. STEVENS,
Chairman.

Mr. Stevens 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 30, 1911.

Mr. President:

I have the honor to return herewith

Senate Bill No. 40.

A bill for an act to confirm title to real estate sold by decedents in their lifetime under contract, conveyed pursuant to Article 8, of Chapter 6, of the Probate Code of North Dakota in estates now closed, and not approved by the county judge.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to transmit herewith

House Bill No. 82.

A bill for an act to amend Section 4392 of the Revised Codes of the state of North Dakota for the year 1905, re-

lating to the construction of transfer facilities; also providing for the application of a short rate in the absence of "wyes;" and providing for a penalty for the violation thereof.

Also

House Bill No. 13.

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. 171.

A bill for an act to amend Section 1167 of the Revised Codes of 1905, as amended by Section 2 of Chapter 237, Session Laws of 1907.

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

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

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

WHEREAS, The people of the state of North Dakota, being an agricultural population interested in the raising of food products, are especially concerned in obtaining fair and reasonable prices for such products, and are supporters of a doctrine of protection of home industries;

Now, Therefore, Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That this Legislative Assembly, representing the agricultural population of this state, vigorously protests against the adoption of the Canadian reciprocity agreement, by which the food products of a foreign country will be brought into competition with those of the United States and of the state of North Dakota.

Be it Further Resolved:

That a copy of this resolution be forwarded at once to the senators and representatives in Congress.

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

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. LaMoure moved

That the Senate do now concur in the House resolution regarding the Canadian reciprocity treaty.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 147.

A bill for an act to amend Section 4048 of the Revised Codes of 1905, providing for the dissolution of marriage; the effect thereof and the duty of the court to regulate the re-marriage of either or both parties.

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 123.

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.

H. H. STEELE,
Chairman.

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

Also

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 74.

A bill for an act to amend Section 1608 of the Revised Codes of 1905, relating to revenue and taxation.

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

Add in line forty (40) of section 1 of the printed bill, after word "redeemed," the following: "Provided further, that in case said tax certificate should for any reason be declared void the interest thereon shall cease from and after three years from the date of such certificate."

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 100.

A bill for an act to amend and re-enact Section 6828 of the Revised Codes of North Dakota, relating to the place of trial of civil actions.

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 report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 61.

A bill for an act to amend Section 2 of Chapter 220 of the Session Laws of 1909, relating to evidence regarding the chain of title to real estate.

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 report was adopted.

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

Senate Bill No. 80.

A bill for an act to amend Section 2869 of the Revised Codes of 1905, as amended by Chapter 265 of the Session

Laws of 1907, relating to the contracting of loans for the payment of corporate indebtedness and providing for the levy of taxes to pay final judgments rendered against villages and providing for the manner of collecting the same.

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

By changing the word "June" to read "July" on line 57, page 4.

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 was adopted.

The committee on elections and privileges made the following report:

Mr. President:

Your committee on election and privileges to whom was referred

Senate Bill No. 107.

A bill for an act to amend Section No. 2743 of the Revised Codes of North Dakota for 1905, relating to election districts and precincts.

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

After the word "purposes" in line 16, page 2 of printed bill, insert the following, viz: "Provided, however, that in city elections separate ballot boxes and poll books shall be provided and kept for each ward."

In line 18, page 2 of printed bill, change word "precincts" to "precincts."

And when so amended recommend the same do pass.

H. J. BESSESEN,
Chairman.

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

Also

Mr. President:

Your committee on elections and privileges to whom was referred

Senate Bill No. 108.

A bill for an act to amend Section 2744 of the Revised Codes of North Dakota for 1905, relating to qualified voters and registration in cities.

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

In line 9, page 1, printed bill, strike out the comma after the word "state."

And in line 12, page 1, printed bill, after the word "state" insert the following: "At one polling place, and separate registration lists shall be provided and kept for each ward."

And when so amended recommend the same do pass.

H. J. BESSESEN,
Chairman.

Mr. Bessesen 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. 64.

A bill for an act entitled, an act amending Section 1546 of the Revised Codes of the State of North Dakota of the year 1905, relating to the county treasurer and his duties.

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

Strike out all after the enacting clause and substitute the following:
"Section 1. That Section 1546 of the Revised Codes of the state of North Dakota of the year 1905 be and the same is hereby amended to read as follows:

"Section 1546. Duty of County Treasurer.) Between the first and tenth day of each month of each year, the county treasurer of each county in the state of North Dakota, shall notify the treasurer of any city, village, township or school district of his county of taxes collected by him during the preceding month, also including all balances on his ledger due the city, village, township or school district, and such notice shall distinctly give and state each fund separately.

"If requested by the treasurer of any city, village, township or school district, the county auditor of his county shall issue for all money due the city, village, township or school district, at the end of each month, an order on the treasurer, as provided in section 1567 of the Revised Codes of 1905. If any county treasurer or county auditor of any county in the state of North Dakota neglects or refuses to comply with the provisions of this act, he shall be liable to a penalty of fifty dollars for each offense, to be deducted by the county commissioners from his salary.

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

The majority and minority reports on

Senate Bill No. 165.

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 fixing the penalty for the violation thereof, except as provided therein and to require the granting of free transportation to the board of railroad commissioners, their experts and their agents.

Were laid before the Senate.

Mr. Gilbert moved

That the majority report be adopted.

Which motion prevailed, and

The report was adopted.

The report of the committee on elections and privileges
on

Senate Bill No. 3C.

A bill for an act amending Section 616 of Article 6, Chapter 8 of the Revised Codes of 1905, titled Elections.

Was laid before the Senate.

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

MOTIONS AND RESOLUTIONS.

Mr. Bessesen moved

That the rules be suspended and that Senate Bill No. 165 be placed upon its third reading and final passage.

Which motion was lost.

Mr. Gibbens moved

That Senate Bill No. 153 be recalled from the committee on judiciary and referred to the committee on elections and privileges.

Which motion prevailed.

Mr. Cashel asked consent to recall and withdraw Senate Bill No. 93.

Mr. Kennedy moved

That Senate Bill No. 81 be re-referred to the committee on judiciary.

Which motion prevailed.

FIRST READING OF SENATE BILLS.

Mr. Steele introduced

Senate Bill No. 212.

A bill for an act to provide for the refund of any tax upon land which shall have been paid through the error of a county official, or by mistake of the party so paying.

Which was read the first time.

Mr. Kennedy introduced

Senate Bill No. 213.

A bill for an act to regulate the manner of sale of food products and beverages, and establishing the legal weight

for lard or lard substitutes and for bread, and providing a penalty for the violation thereof.

Which was read the first time.

Mr. Kennedy introduced

Senate Bill No. 214.

A bill for an act to amend sub-division 3 of Section 5001 of the Revised Codes of North Dakota of 1905, relative to the recording of instruments in the office of register of deeds.

Which was read the first time.

Mr. Kennedy introduced

Senate Bill No. 215.

A bill for an act permitting of the expenditure of moneys appropriated for the enforcement of the food, drug and paint laws and from the beverage law, for the enforcement of the sanitary inspection law, also, for the making of such investigations as are deemed necessary for the purpose of gaining information under the laws mentioned, and for the dissemination of information.

Which was read the first time.

Mr. Overson introduced

Senate Bill No. 216.

A bill for an act to amend and re-enact Section 8023 of the Revised Codes of North Dakota for 1905, relating to time to apply for letters of administration and providing when the statute of limitations shall run against claims against decedents.

Which was read the first time.

Mr. Overson introduced

Senate Bill No. 217.

A bill for an act to amend and re-enact Section 9015 of the Revised Codes of North Dakota for 1905, as amended by Chapter 163 of the laws of 1909, 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. Overson (by request) introduced

Senate Bill No. 218.

A bill for an act to amend and re-enact Section 7047 of the Revised Codes of North Dakota for the year 1905, relating to references and trials by referees.

Which was read the first time.

Mr. Steel introduced

Senate Bill No. 219.

A bill for an act, making an appropriation to meet the deficiency incurred by William Blake of Stutsman county, North Dakota, in carrying on the work of state humane agent.

Which was read the first time.

Mr. Elken introduced

Senate Bill No. 220.

A bill for an act to divide the state of North Dakota into three (3) congressional districts, and defining the boundaries of each said congressional district of the state of North Dakota.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 212.

A bill for an act to provide for the refund of any tax upon land which shall have been paid through the error of a county official, or by mistake of the party so paying.

Was read the second time and

Referred to the committee on ways and means.

Senate Bill No. 213.

A bill for an act to regulate the manner of sale of food products and beverages, and establishing the legal weight

for lard or lard substitutes and for bread, and providing a penalty for the violation thereof.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 214.

A bill for an act to amend sub-division 3 of Section 5001 of the Revised Codes of North Dakota of 1905, relative to the recording of instruments in the office of register of deeds.

Was read the second time and

Referred to the committee on ways and means.

Senate Bill No. 215.

A bill for an act permitting of the expenditure of moneys appropriated for the enforcement of the food, drug and paint laws and from the beverage law, for the enforcement of the sanitary inspection law, also, for the making of such investigations as are deemed necessary for the purpose of gaining information under the laws mentioned, and for the dissemination of information.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 216.

A bill for an act to amend and re-enact Section 8023 of the Revised Codes of North Dakota for 1905, relating to time to apply for letters of administration and providing when the statute of limitations shall run against claims against decedents.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 217.

A bill for an act to amend and re-enact Section 9015 of the Revised Codes of North Dakota for 1905, as amended by Chapter 163 of the laws of 1909, 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. 218.

A bill for an act to amend and re-enact Section 7047 of the Revised Codes of North Dakota for the year 1905, relating to references and trials by referees.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 219.

A bill for an act, making an appropriation to meet the deficiency incurred by William Blake of Stutsman county, North Dakota, in carrying on the work of state humane agent.

Was read the second time and

Referred to the committee on appropriations.

Senate Bill No. 220.

A bill for an act to divide the state of North Dakota into three (3) congressional districts, and defining the boundaries of each said congressional district of the state of North Dakota.

Was read the second time and

Referred to the committee on apportionment.

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. 51.

A bill for an act amending and re-enacting Section 2613 of the Revised Codes of 1905, relating to the compensation of county commissioners.

Also

Senate Bill No. 98.

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.

Also,

Senate Bill No. 99.

A bill for an act to amend and re-enact Section 1513 of Revised Codes of North Dakota, as amended by Chapter 41, of the laws of 1909, relating to the furnishing by the county auditor of assessment books and blanks, lists of real property, regulating the time of meeting of assessors, and providing for their compensation for attending such meeting.

Also,

Senate Bill No. 122.

A bill for an act requiring natural gas to be confined, and prescribing penalty for the violation thereof.

Also

Senate Bill No. 131.

A bill for an act amending Sections 167, 169, 170, 171, 189 and 191 of the Revised Codes of North Dakota for 1905, relating to the appraisalment and sale of school lands.

Also,

Senate Bill No. 135.

A concurrent resolution amending the Constitution of the State of North Dakota, empowering the legislative assembly to provide by law for erection, leasing, purchasing and operating terminal elevators in the states of Minnesota and Wisconsin, or either.

Also

Senate Bill No. 166.

A bill for an act to amend and re-enact Section 6064 of the Revised Codes of North Dakota for the year A. D., 1905, relating to life insurance.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

Senate Bill No. 51.

A bill for an act amending and re-enacting Section 2613 of the Revised Codes of 1905, relating to the compensation of county commissioners.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 27 ayes, 13 nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gibbens	Pierce
Baker	Gilbert	Ruzicka
Bessesen	Hookway	Steel of Stutsman
Carter	Jacobsen	Talcott
Cashel	Kennedy	Trimble
Davis	Kretschmar	Walton
Duncan	Martin	Welch
Elken	McDona'l	Williams
Garden	McDowell	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Ellingson	Overson	Thoreson
Gronvold	Plain	Turner
Gundersen	Putnam	Wallin
LaMoure	Steele of Renville	Whitcher
McLean		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duis	Linde	Stevens
Ganssle	Movius	Syvertson
Johnson	Simpson	Welo

So the bill passed and the title was agreed to.

Mr. Gronvold explained his vote.

Mr. Overson explained his vote.

Mr. Jacomsen moved

That the vote by which Senate Bill No. 51 was passed, be reconsidered and the motion to reconsider be laid upon the table.

Which motion was lost.

Mr. Bessesen moved

That the vote by which the bill passed be reconsidered, and the bill be re-referred to the committee on judiciary.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,

January 30, 1911.

Mr. President:

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

Be it Resolved by the House of Representatives, the Senate Concurring:

That the joint committee appointed to investigate the conditions of the state treasurer's office be granted extension of time until the forty-fifth day of the session to carry on its investigation and make its report to the Assembly.

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

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Gunderson moved

That the Senate do now concur in the House resolution, extending the time for completion of the investigation in the state treasurer's office.

Which motion prevailed.

Senate Bill No. 98.

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 third time.

Mr. Steele moved

That the bill be amended by striking out Section 2 and renumbering the sections consecutively.

Which motion prevailed.

The question being on the final passage of the bill,

The roll was called and there were 40 ayes, no nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Ruzicka
Baker	Jacobsen	Steele of Stutsman
Bessesen	Kennedy	Steele of Renville
Carter	Kretschmar	Talcott
Cashel	LaMoure	Thoreson
Davis	Martin	Trimble
Duncan	McDonald	Turner
Elken	McDowell	Wallin
Ellingson	McLean	Walton
Garden	Overson	Welch
Gibbens	Pierce	Whitcher
Gilbert	Plain	Williams
Gronvold	Putnam	Young
Gundersen		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duis	Linde	Stevens
Ganssle	Movius	Syvertson
Johnson	Simpson	Welo

So the bill passed and the title was agreed to.

Senate Bill No. 99.

A bill for an act to amend and re-enact Section 1513 of Revised Codes of North Dakota, as amended by Chapter 41, of the laws of 1909, relating to the furnishing by the county auditor of assessment books and blanks, lists of real property, regulating the time of meeting of assessors, and providing for their compensation for attending such meeting.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 37 ayes, 2 nays, 10 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Kennedy	Steele of Renville
Carter	Kretschmar	Talcott
Cashel	LaMoure	Thoreson
Davis	Martin	Trimble
Duncan	McDowell	Turner
Elken	McLean	Wallin
Ellingson	Overson	Walton
Garden	Pierce	Welch
Gibbens	Plain	Whitcher
Gilbert	Putnam	Williams
Gronvold	Ruzicka	Young
Gunderson		

Messrs. Bessesen and Jacobsen voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duis	McDonald	Stevens
Ganssle	Movius	Syvertson
Johnson	Simpsol	Welo
Linde		

So the bill passed and the title was agreed to.

Senate Bill No. 122.

A bill for an act requiring natural gas to be confined, and prescribing 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 39 ayes, no nays, 10 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Ruzicka
Baker	Hookway	Steel of Stutsman
Bessesen	Jacobsen	Steele of Renville
Carter	Kennedy	Talcott
Cashel	Kretschmar	Thoreson
Davis	LaMoure	Trimble
Duncan	Martin	Turner
Elken	McDonald	Wallin
Ellingson	McDowell	Walton
Garden	McLean	Welch
Gibbens	Overson	Whitcher
Gilbert	Plain	Williams
Gronvold	Putnam	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duis	Moyius	Stevens
Ganssle	Pierce	Syvertson
Johnson	Simpson	Welo
Linde		

So the bill passed and the title was agreed to.

Senate Bill No. 135.

A concurrent resolution amending the Constitution of the State of North Dakota, empowering the legislative assembly to provide by law for 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 36 ayes, 4 nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Jacobsen	Steele of Renville
Bessesen	Kennedy	Talcott
Cashel	Kretschmar	Thoreson
Davis	McDonald	Trimble
Duncan	McDowell	Turner
Elken	McLean	Wallin

Messrs.—	Messrs.—	Messrs.—
Ellingson	Overson	Walton
Garden	Pierce	Welch
Gibbens	Plain	Whitcher
Gilbert	Putnam	Williams
Gronvold	Ruzicka	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Carter	LaMoure	Martin
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duis	Linde	Stevens
Ganssle	Movius	Syvertson
Johnson	Simpson	Welo

Mr. Talcott explained his vote.

So the bill passed and the title was agreed to.

Senate Bill No. 166.

A bill for an act to amend and re-enact Section 6064 of the Revised Codes of North Dakota for the year A. D., 1905, relating to life insurance.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 36 ayes, no nays, 13 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Putnam
Baker	Jacobson	Ruzicka
Bessesen	Kennedy	Talcott
Cashel	Kretschmar	Thoreson
Davis	LaMoure	Trimble
Duncan	Martin	Turner
Elken	McDonald	Walton
Ellingson	McDowell	Welch
Garden	McLean	Whitcher
Gibbens	Overson	Williams
Gilbert	Pierce	Young
Gunderson	Plain	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carter	Linde	Stevens
Duis	Movius	Syverson
Ganssle	Simpson	Wallin
Gronvold	Steel of Stutsman	Welo
Johnson	Steele of Renville	

So the bill passed and the title was agreed to.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 13.

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. 82.

A bill for an act to amend Section 4392 of the Revised Codes of the state of North Dakota for the year 1905, relating to the construction of transfer facilities; also providing for the application of a short rate in the absence of "wyes;" and providing for a penalty for the violation thereof.

Was read the first and second times and

Referred to the committee on railroads.

House Bill No. 171.

A bill for an act to amend Section 1167 of the Revised Codes of 1905, as amended by Section 2 of Chapter 237, Session Laws of 1907.

Was read the first and second times and

Referred to the committee on appropriations.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

January 30, 1911.

Mr. President:

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

Be it Resolved by the House of Representatives, the Senate Concurring:

That when the two houses of this Assembly adjourn on Wednesday, February 1st, they stand adjourned until Tuesday, at two o'clock p. m., February 7th, 1911.

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

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

The courtesies of the floor were extended to the following:

S.H. Wilson of Bottineau.

Fred Larsen of Kulm.

E. T. Clyde of Ashley.

A. A. Twitchell of Tower City.

A. J. O'Shea of Fargo.

R. K. Foley of Billings county.

Ed. Gunderson, Henry Hector, Martin Topness of Rugby

Mr. Plain moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

TWENTY-NINTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 31, 1911.

- The Senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All present except Messrs. Johnson, Movius 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 of the 28th day, have carefully examined the same and recommend that the same be corrected as follows:

The word "transmit" in line 12 of page 2 be stricken out, and the word "return" be inserted in lieu thereof.

The name of Mr. Simpson be inserted following the name of Mr. Movius in the list of those absent and not voting on Senate Bill No. 98, on page 18.

The words "Mr. President" be inserted under the title, "Message From the House," at top of page 23.

And when so corrected recommend that the same be approved.

J. E. STEVENS,
Chairman.

Mr. Stevens 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 31, 1911.

Mr. President:

I have the honor to transmit herewith:

House Bill No. 44.

A bill for an act to amend Section 4381 and 4383 of the Revised Codes of the state of North Dakota of 1905, relating to track from elevator to railroad.

Also

House Bill No. 36.

A bill for an act to amend Section 4305 of the 1905 Revised Codes of North Dakota, relating to the maintenance of station houses.

Also,

House Bill. No. 68.

A bill for an act entitled, an act validating special assessments and taxes made or levied in cities since 1903 and establishing certain rules of evidence relating thereto.

Also,

House Bill No. 63.

A bill for an act to amend Section 4466 of the Revised Codes of 1905, relating to insurance.

Also,

House Bill No. 64.

A bill for an act to amend Section 1380 of the Session Laws of 1907, relating to location and building of bridges.

Also,

House Bill No. 46.

A bill for an act to prevent unfair discrimination in the purchase of grain, dairy products or other commodities.

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

E. H. GRIFFIN,
Chief Clerk.

REPORTS OF STANDING COMMITTEES.

The committee on elections and privileges made the following report:

Mr. President:

Your committee on elections and privileges to whom was referred

Senate Bill No. 182.

A bill for an act to amend Section 12 of Chapter 109 of the laws of North Dakota for 1907, relating to the percentage of votes required for nomination at primary elections.

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

H. J. BESSESEN,
Chairman.

Mr. Bessesen moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also,

Mr. President:

Your committee on elections and privileges to whom was referred

Senate Bill No. 56.

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 line 9, page 4, printed bill, insert the word "municipal" after the word "general."

In line 25, page 2, printed bill, after the word "auditors," correct spelling of word "certificate."

In line 37, page 6, printed bill, after the word "people," change the period to a comma and add the following, viz.: "as long as the city is under the commission form of government."

In line 3 of page 1, correct spelling of "laws."

And when so amended recommend the same do pass.

H. J. BESSESEN,
Chairman.

Mr. Bessesen moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

The committee on temperance made the following report:

Mr. President:

Your committee on temperance to whom was referred

House Bill No. 2.

A bill for an act to prohibit the introduction of intoxicating liquors, narcotics, or other habit-forming drugs, into

any of the buildings or upon the premises of any of the penal or charitable institutions of the state.

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

E. L. GARDEN,
Chairman.

Mr. Garden moved
That the report be adopted.
Which motion prevailed, and
The report 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. 176.

A bill for an act providing for the appointment of county superintendents of highways and deputy superintendents in organized counties, who shall have charge and supervision of the construction, improvement and maintenance of roads within said counties, providing for road institutes, prescribing the duties of the state engineer in connection therewith.

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

In line 19 of section 2 of printed bill, after the word "superintendent," insert the following: "and the board of county commissioners."

In line 9 of section 4, strike out all after the words "shall not," and insert the words "receive pay for work done."

And when so amended recommend the same do pass.

T. WELO,
Chairman.

Mr. Welo 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. 89.

A bill for an act to amend Section 4 of Chapter 172 of the Laws of 1901, entitled, an act to create a State Farmers' institute board of directors and prescribing its powers and duties, and making an appropriation for conducting farmers' institutes, as the same was amended by Chapter 11 of the laws of 1903, and Chapter 23 of the Laws of 1905.

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

Strike out in the title of the bill the words "for an act to amend section 4 of Chapter 172 of the Laws of 1901," and insert in lieu thereof, "for an act to amend section 1319 of Chapter 14 of the Revised Codes of North Dakota for 1905." Also strike out in the title of the bill all after the word "institute." Strike out all of section 1 of the bill.

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

J. E. DAVIS,
Chairman.

Mr. Davis moved

That the report be adopted.

Which motion prevailed, and

The report was adopted and the bill re-referred to the committee on appropriations.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 40.

A bill for an act to confirm title to real estate sold by decedents in their lifetime under contract, conveyed pursuant to Article 8, of Chapter 6, of the Probate Code of North

Dakota in estates now closed, and not approved by the county judge.

And find teh same correctly enrolled.

C. W. PLAIN,
Chairman.

The Secretary announced that the President was about to sign

Senate Bill No. 40.

A bill for an act to confirm title to real estate sold by decedents in their lifetime under contract, conveyed pursuant to Article 8, of Chapter 6, of the Probate Code of North Dakota in estates now closed, and not approved by the county judge.

And the President signed the same in the presence of the Senate.

MOTIONS AND RESOLUTIONS.

Mr. Pierce moved

That 700 extra copies of Senate Bill No. 210 be printed and one copy be sent to each of the banking institutions of the state.

Which motion prevailed.

Mr. Bessesen introduced the following concurrent resolution:

WHEREAS, About ninety per cent of the grain handled at terminals is interstate, and

WHEREAS, It is an injustice for any one state, by reason of its having terminal points within its borders, to exercise the absolute power of inspection over the grains of the numerous grain growing states which regularly ship all the grain to its terminals, and

WHEREAS, The shipping of grain is in reality interstate commerce, and the inspection thereof should be controlled by the Federal Government, so as to give more absolute justice and equality to all and so as to result in the least discrimination against any particular state or locality, and

WHEREAS, The federal inspection of meats and foods has resulted in uniformity and far-reaching benefit to the people of this country, and

WHEREAS, The interests of the state of North Dakota are agricultural and its chief source of wealth is its grain crop, and

WHEREAS, The grain crop is annually shipped through the terminals of other states and is dependent for its grading and inspection upon the laws of other states, and

WHEREAS, It is apparent that the highest degree of efficiency and uniformity in grain grading and inspection can be attained only under federal supervision, and

WHEREAS, A concurrent resolution for an amendment to the constitution of this state, providing for the erection, leasing, purchase and operating of terminal elevators in the states of Minnesota and Wisconsin, has passed the Legislative Assembly of 1909, and is again before this Assembly for passage, and

WHEREAS, In order to make it effective in the highest degree a federal law providing for federal inspection of grains is desirable,

Now, Therefore, Be it Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

That this Legislative Assembly put itself on record in favor of a just system of federal inspection of grains, and that the early passage by the Congress of the United States of a federal law for the federal inspection of grains is urged and earnestly recommended, and that our senators and representatives in Congress be requested and urged to work and vote for the speedy passage of such a bill in Congress, providing for such federal inspection of grain.

And Be it Further Resolved:

That a copy of this resolution be forthwith sent to each of our United States senators and representatives in Congress.

Mr. Bessesen moved

The adoption of the resolution.

Which motion prevailed, and

The resolution was adopted.

CONSIDERATION OF MESSAGES FROM THE HOUSE

The following concurrent resolution was laid before the Senate:

Be it Resolved by the House of Representatives, the Senate Concurring:

That when the two houses of this Assembly adjourn on Wednesday, February 1st, they stand adjourned until Tuesday, at two o'clock p. m., February 7th, 1911.

Mr. Cashel moved, as an amendment,

That the date of the commencement of the proposed adjournment be changed to Thursday, February 2nd, instead of Wednesday.

Mr. Davis moved

That the amendment be laid on the table.

Which motion prevailed.

Mr. Bessesen moved

That Senate Bill No. 51 be recalled from the committee on judiciary and re-referred to the committee on state affairs.

Which motion prevailed.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 51.

A bill for an act amending and re-enacting Section 2613 of the Revised Codes of 1905, relating to the compensation of county commissioners.

Return said bill at request of the Senate.

H. H. STEELE,
Chairman.

Mr. Steele moved

That Senate Bills Nos. 172 and 173 be recalled from the committee on judiciary and re-referred to the committee on highways and bridges.

Which motion prevailed.

FIRST READING OF SENATE BILLS.

Mr. LaMoure introduced

Senate Bill No. 221.

A bill for an act providing for the transferring of the so-called "Oil Inspection Fund" in the hands of the state treasurer to the general fund of the state and providing that future collections by the state inspector of oils shall be credited to the general fund of the state.

Which was read the first time.

Mr. Steele introduced

Senate Bill No. 222.

A bill for an act to amend and re-enact Section 2, Section 16 and Section 24 of Chapter 109 of the Session Laws of

the year 1907, of the State of North Dakota, relating to primary election.

Which was read the first time.

Mr. Steele introduced

Senate Bill No. 223.

A bill for an act to amend and re-enact Section 39 and Section 40 of Chapter 109 of the Session Laws of the year 1907, of the State of North Dakota, relating to primary election.

Which was read the first time.

Mr. LaMoure introduced

Senate Bill No. 224.

A bill for an act to amend Section 98 of the Revised Codes of North Dakota of 1905.

Which was read the first time.

Mr. Linde introduced

Senate Bill No. 225.

A bill for an act to amend and re-enact Sections 4071, 4073 and 4074 of the Revised Codes of the State of North Dakota for the year 1905, relating to alimony, support and maintenance of the children of a marriage or of either party thereto in divorce actions.

Which was read the first time.

Mr. Linde introduced

Senate Bill No. 226.

A bill for an act giving the court authority to require the defendant to provide for the temporary support and maintenance of the plaintiff in divorce actions.

Which was read the first time.

Mr. Gunderson introduced

Senate Bill No. 227.

A bill for an act making it unlawful for corporations having banking powers to invest more than thirty per cent

of its capital stock and surplus 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.

Which was read the first time.

Mr. Stevens introduced

Senate Bill No. 228.

A bill for an act to amend and re-enact Section 1599 of the Revised Codes of 1905, relating to the platting of irregular tracts of land.

Which was read the first time.

Mr. Plain introduced

Senate Bill No. 229.

A concurrent resolution amending the Constitution of the State of North Dakota, empowering the legislative assembly to provide by law for erection, leasing, purchasing and operating terminal elevators in the State of North Dakota.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 211.

A bill for an act to amend and re-enact House Bill No. 162, of the Eleventh legislative assembly of the State of North Dakota.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 221.

A bill for an act providing for the transferring of the so-called "Oil Inspection Fund" in the hands of the state treasurer to the general fund of the state and providing that future collections by the state inspector of oils shall be credited to the general fund of the state.

Was read the second time and

Referred to the committee on ways and means.

Senate Bill No. 222.

A bill for an act to amend and re-enact Section 2, Section 16 and Section 24 of Chapter 109 of the Session Laws of the year 1907, of the State of North Dakota, relating to primary election.

Was read the second time and

Referred to the committee on elections and privileges.

Senate Bill No. 223.

A bill for an act to amend and re-enact Section 39 and Section 40 of Chapter 109 of the Session Laws of the year 1907, of the State of North Dakota, relating to primary election.

Was read the second time and

Referred to the committee on elections and privileges.

Senate Bill No. 224.

A bill for an act to amend Section 98 of the Revised Codes of North Dakota of 1905.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 225.

A bill for an act to amend and re-enact Sections 4071, 4073 and 4074 of the Revised Codes of the State of North Dakota for the year 1905, relating to alimony, support and maintenance of the children of a marriage or of either party thereto in divorce actions.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 226.

A bill for an act giving the court authority to require the defendant to provide for the temporary support and maintenance of the plaintiff in divorce actions.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 227.

A bill for an act making it unlawful for corporations having banking powers to invest more than thirty per cent of its capital stock and surplus 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.

Was read the second time and

Referred to the committee on banks and banking.

Senate Bill No. 228.

A bill for an act to amend and re-enact Section 1599 of the Revised Codes of 1905, relating to the platting of irregular tracts of land.

Was read the second time and

Referred to the committee on counties and county boundaries.

Senate Bill No. 229.

A concurrent resolution amending the Constitution of the State of North Dakota, empowering the legislative assembly to provide by law for erection, leasing, purchasing and operating terminal elevators in the State of North Dakota.

Was read the second time and

Referred to the committee on state affairs.

SENATE COMMITTEE ON ENROLLED AND ENGROSSED BILLS.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 36.

A bill for an act amending Section 616 of Article 6, Chapter 8 of the Revised Codes of 1905, titled Elections.

Also,

Senate Bill No. 64.

A bill for an act entitled, an act amending Section 1546 of the Revised Codes of the State of North Dakota of the year 1905, relating to the county treasurer and his duties.

Also

Senate Bill No. 74.

A bill for an act to amend Section 1608 of the Revised Codes of 1905, relating to revenue and taxation.

Also,

Senate Bill No. 80.

A bill for an act to amend Section 2869 of the Revised Codes of 1905, as amended by Chapter 265 of the Session Laws of 1907, relating to the contracting of loans for the payment of corporate indebtedness and providing for the levy of taxes to pay final judgments rendered against villages and providing for the manner of collecting the same.

Also,

Senate Bill No. 107.

A bill for an act to amend Section No. 2743 of the Revised Codes of North Dakota for 1905, relating to election districts and precincts.

Also,

Senate Bill No. 108.

A bill for an act to amend Section 2744 of the Revised Codes of North Dakota for 1905, relating to qualified voters and registration in cities.

Also,

Senate Bill No. 123.

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof, admissible in evidence.

Also,

Senate Bill No. 131.

A bill for an act amending Sections 167, 169, 170, 171, 189 and 191 of the Revised Codes of North Dakota for 1905, relating to the appraisal and sale of school lands.

Also

Senate Bill No. 147.

A bill for an act to amend Section 4048 of the Revised Codes of 1905, providing for the dissolution of marriage; the effect thereof and the duty of the court to regulate the re-marriage of either or both parties.

Also,

Senate Bill No. 154.

A bill for an act authorizing and directing the secretary of the State of North Dakota to loan the plates of the North Dakota supreme court reports covering volumes one to nineteen inclusive, and for prescribing the manner and conditions on which the said loan is to be made.

Also,

Senate Bill No. 165.

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 fixing the penalty for the violation thereof, except as provided therein and to require the granting of free transportation to the board of railroad commissioners, their experts and their agents.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

Senate Bill No. 36.

A bill for an act amending Section 616 of Article 6, Chapter 8 of the Revised Codes of 1905, titled Elections.

Was read the third time.

Mr. Davis moved, as an amendment:

To insert in line 43, after the word "not" the following: "The names of candidates under headings designating each official position shall be alternated on the official ballot in the printing, in the manner provided by the primary election law."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill.

The roll was called and there were 41 ayes, 4 nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steel of Stutsman
Baker	Hookway	Steele of Renville
Bessesen	Jacobsen	Syverson
Carter	Kennedy	Talcott
Cashel	Kretschmar	Thoreson
Davis	LaMoure	Trimble
Duis	Linde	Turner
Duncan	Martin	Walton
Elken	McDowell	Welo
Ellingson	McLean	Welch
Ganssle	Overson	Whitcher
Gibbens	Pierce	Williams
Gilbert	Plain	Young
Gronvold	Ruzicka	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Garden	Stevens	Wallin
McDonald		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Putnam	Simpson
Movius		

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

Mr. Cashel moved

That the vote by which Senate Bill No. 36 passed, be reconsidered and the motion to reconsider be laid on the table

Which motion prevailed.

Mr. Garden explained his vote.

Senate Bill No. 64.

A bill for an act entitled, an act amending Section 1546 of the Revised Codes of the State of North Dakota of the year 1905, relating to the county treasurer and his duties.

Was read the third time.

Mr. Pierce moved

That the bill be re-referred to the committee on judiciary.

Which motion prevailed.

Senate Bill No. 74.

A bill for an act to amend Section 1608 of the Revised Codes of 1905, relating to revenue and taxation.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 42 ayes, 4 nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Jacobsen	Steele of Renville
Carter	Kennedy	Stevens
Cashel	Kretschmar	Syverson
Davis	Linde	Talcott
Duis	Martin	Thorson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Garden	Overson	Walton
Gibbens	Pierce	Welo
Gilbert	Plain	Welch
Gronvold	Putnam	Whitcher
Gunderson	Ruzicka	Williams
Hookway	Steel of Stutsman	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Ganssle	LaMoure
Baker		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Movius	Simpson

So the bill passed and the title was agreed to.

Senate Bill No. 80.

A bill for an act to amend Section 2869 of the Revised Codes of 1905, as amended by Chapter 265 of the Session Laws of 1907, relating to the contracting of loans for the payment of corporate indebtedness and providing for the levy of taxes to pay final judgments rendered against villages and providing for the manner of collecting the same.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Ruzicka
Baker	Hooker	Steele of Renville
Bessesen	Jacobsen	Stevens
Carter	Kennedy	Syvertson
Cashel	Kretschmar	Talcott
Davis	LaMoure	Thoreson
Duis	Linde	Trimble
Duncan	Martin	Turner
Elken	McDonald	Wallin
Ellingson	McDowe..	Walton
Gaessle	McLean	Welo
Garden	Overson	Welch
Gibbens	Pierce	Whitcher
Gilbert	Plain	Williams
Gronvold	Putnam	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Simpson	Steel of Stutsman
Movius		

So the bill passed and the title was agreed to.

Senate Bill No. 107.

A bill for an act to amend Section No. 2743 of the Revised Codes of North Dakota for 1905, relating to election districts and precincts.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Ruzicka
Baker	Hookway	Steel or Stutsman
Bessesen	Jacobsen	Steele or Renville
Carter	Kennedy	Stevens
Cashel	Kretschmar	Syvertson
Davis	LaMoure	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Turner
Elken	McDonald	Wallin
Ellingson	McDowell	Walton
Ganssle	McLean	Welo
Garden	Overson	Welch
Gibbens	Pierce	Whitcher
Gilbert	Plain	Williams
Gronvold	Putnam	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Simpson	Trimble
Movius		

So the bill passed and the title was agreed to.

Mr. Putnam in the chair.

Senate Bill No. 108.

A bill for an act to amend Section 2744 of the Revised Codes of North Dakota for 1905, relating to qualified voters and registration in cities.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steele of Renville
Baker	Jacobsen	Stevens
Bessesen	Kennedy	Syvertson
Carter	Kretschmar	Talcott
Cashel	Linde	Thoreson
Davis	McDonald	Trimble
Duis	McDowell	Turner
Elken	McLean	Wallin
Ellingson	Overson	Walton

Messrs.—	Messrs.—	Messrs.—
Ganssle	Pierce	Welo
Garden	Plain	Welch
Gibbens	Putnam	Whitcher
Gilbert	Ruzicka	Williams
Gronvold	Steel of Stutsman	Young
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duncan	LaMoure	Movius
Johnson	Martin	Simpson

So the bill passed and the title was agreed to.

Senate Bill No. 123.

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof, admissible in evidence.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steele of Renville
Baker	Hookway	Stevens
Bessesen	Jacobsen	Syvertson
Carter	Kennedy	Talcott
Cashel	Kretschmar	Thoreson
Davis	LaMoure	Trimble
Duis	Linde	Turner
Duncan	McDonald	Wallin
Elken	McDowell	Walton
Ellingson	McLean	Welo
Ganssle	Overson	Welch
Garden	Plain	Whitcher
Gibbens	Putnam	Williams
Gilbert	Ruzicka	Young
Gronvold	Steel of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Movius	Simpson
Martin	Pierce	

So the bill passed and the title was agreed to.

The President in the chair.

Senate Bill No. 131.

A bill for an act amending Sections 167, 169, 170, 171, 189 and 191 of the Revised Codes of North Dakota for 1905, relating to the appraisement and sale of school lands.

Was read the third time.

Mr. Talcott moved, as an amendment:

That in section 4, page 5, line 9, the word "five" be stricken out, and the word "six" substituted in lieu thereof.

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill,

The roll was called and there were 42 ayes, no nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steel o' Stutsman
Baker	Hookway	Steele of Renville
Bessesen	Jacobsen	Stevens
Carter	Kennedy	Syverson
Cashel	Kretschmar	Talcott
Duis	LaMoure	Thoreson
Duncan	Linde	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Overson	Walton
Garden	Pierce	Welch
Gibbens	Plain	Whitcher
Gilbert	Putnam	Williams
Gronvold	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	McDonald	Simpson
Johnson	Movius	Welo
Martin		

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

Senate Bill No. 147.

A bill for an act to amend Section 4048 of the Revised Codes of 1905, providing for the dissolution of marriage;

the effect thereof and the duty of the court to regulate the re-marriage of either or both parties.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 41 ayes, 4 nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Steel of Stutsman
Baker	Gunderson	Steele of Renville
Bessesen	Jacobsen	Syverson
Carter	Kenney	Talcott
Cashel	Kretschmar	Thoreson
Davis	McDonald	Turner
Duis	McD w : l	Wallin
Duncan	McLean	Walton
Elken	Overson	Welo
Ellingson	Pierce	Welch
Ganssle	Plain	Whitche:
Garden	Putnam	Williams
Gibbens	Ruzicka	Young
Gilbert		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Hookway	Stevens	Trimble
Linde		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Martin	Simpson
LaMoure	Movius	

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 31, 1911.

Mr. President:

I have the honor to transmit herewith

House Bill No. 174.

A bill for an act to amend and re-enact Section 3, Chapter 137 of the Session Laws of 1907.

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

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

THIRD READING OF SENATE BILLS.

Senate Bill No. 154.

A bill for an act authorizing and directing the secretary of the State of North Dakota to loan the plates of the North Dakota supreme court reports covering volumes one to nineteen inclusive, and for prescribing the manner and conditions on which the said loan is to be made.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 46 ayes, no nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Jacobsen	Steele of Renville
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syvertson
Cashel	LaMoure	Talcott
Davis	Linde	Thoreson
Duis	Martin	Trimble
Duncan	McDonald	Turner
Elken	McDowell	Wallin
Ellingson	McLean	Walton
Ganssle	Overson	Welo
Garden	Pierce	Welch
Gibbens	Plain	Whitcher
Gilbert	Putnam	Williams
Gronvold	Ruzicka	Young
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Movius	Simpson

So the bill passed and the title was agreed to.

Senate Bill No. 165.

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 fixing the penalty for the violation thereof, except as provided therein and to require the granting of free transportation to the board of railroad commissioners, their experts and their agents.

Was read the third time.

Mr. LaMoure offered the following amendment to Senate Bill No. 165:

At the end of section 2, insert the following:

"Provided further, that persons engaged in experimental station work, public health, laboratory service, geological survey, farmers' institute, demonstration farm work, rendering service on 'good farming special trains,' and doing agricultural college or university extension work, or the youths of the state under eighteen (18) years of age when in attendance at industrial contests or meetings, the purpose of which it is to teach industrial topics, shall not be included in the provisions of this act."

Roll call demanded.

The roll was called and there were 11 ayes, 35 nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	LaMoure	Talcott
Ganssle	Martin	Trimble
Gunderson	Pierce	Walton
Kennedy	Stevens	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Steel of Stutsman
Bessesen	Hookway	Steel c. Renville
Carter	Jacobsen	Syverson
Cashel	Kretschmar	Thoreson
Davis	Linde	Turner
Duis	McDonald	Wallin
Duncan	McDowell	Welo
Elken	McLean	Welch
Ellingson	Overson	Whitcher

Messrs.—

Garden
Gibbens
Gilbert

Messrs.—

Plain
Putnam
Ruz' ka

Messrs.—

Williams
Young

Absent and not voting:

Messrs.—

Johnson

Messrs.—

Movius

Messrs.—

Simpson

So the amendment was lost.

Mr. Bessesen explained his vote, stating:

I vote "No" and against this amendment because I want an honest anti-pass law, and because this amendment and others offered at this late date will throw down the bars and thereby defeat the bill. I therefore vote "No."

Mr. Gilbert explained his vote, stating:

The amendment that is offered here is a part of my original bill, which was Senate Bill No. 2. When the bill was introduced by the committee appointed by those who had introduced so-called anti-pass bills, it was re-enacted in that bill. Our committee, which is composed of seventeen members of the senate, decided that they wished to confine themselves as close as they could to the so-called federal bill. I was quite insistent at that time that the present amendment and others, in particular the one pertaining to the free transportation for the railroad commissioners, be allowed to remain in the bill, but the majority of the committee were in favor of as few exceptions as possible, and our committee thought it was best to do away with all so-called special privileges. As chairman of that committee, I feel that I should vote "No."

Mr. Martin explained his vote, stating:

When I first heard the bill read, I could not recall anybody being left out of the exceptions. Since Mr. LaMoure has offered this amendment, however, I want to say that I am in favor of it. The Northern Pacific railway granted to the school children of Billings county over five thousand miles of free transportation to the Agricultural College at Fargo last year. I am in favor of exempting this class of people, and as the same is a benefit to the people of our county, for this reason I wish to vote in favor of the amendment.

Mr. Stevens explained his vote, stating:

I am free to confess that I do not know exactly what position to take in this matter. Upon reference, however, to the political platform of the republican party, I notice in that platform the following provision: We favor the adoption of anti-pass and franking privileges. Construe that language, if you can. I vote for the adoption."

The question being on the final passage of the bill,

The roll was called and there were 44 ayes, 2 nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Jacobsen	St ele of Renville
Bessesen	Kennedy	Stevens
Cashel	Kretschmar	Syvertson
Davis	LaMoure	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Turner
Elken	McDonald	Wallin
Ellingson	McDowell	Walton
Ganssle	McLean	Welo
Garden	Overson	Welch
Gibbens	Pierce	Witcher
Gilbert	Plain	Williams
Gronvold	Putnam	Young
Gunderson	Ruzicka	

Messrs. Carter and Trimble voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Movius	Simpson

So the bill passed and the title was agreed to.

Mr. Duis moved

That the vote by which Senate Bill No. 165 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 36.

A bill for an act to amend Section 4305 of the 1905 Revised Codes of North Dakota, relating to the maintenance of station houses.

Was read the first and second times, and

Referred to the committee on railroads.

House Bill No. 44.

A bill for an act to amend Section 4381 and 4383 of the Revised Codes of the state of North Dakota of 1905, relating to track from elevator to railroad.

Was read the first and second times, and

Referred to the committee on railroads.

House Bill No. 46.

A bill for an act to prevent unfair discrimination in the purchase of grain, dairy products or other commodities.

Was read the first and second times, and

Referred to the committee on warehouses and grain grading.

House Bill No. 63.

A bill for an act to amend Section 4466 of the Revised Codes of 1905, relating to insurance.

Was read the first and second time and

Referred to the committee on insurance.

House Bill No. 64.

A bill for an act to amend Section 1380 of the Session Laws of 1907, relating to location and building of bridges.

Was read the first and second times and

Referred to the committee on highways and bridges.

House Bill. No. 68.

A bill for an act entitled, an act validating special assessments and taxes made or levied in cities since 1903 and establishing certain rules of evidence relating thereto.

Was read the first and second times and

Referred to the committee on judiciary.

House Bill No. 174.

A bill for an act to amend and re-enact Section 3, Chapter 137 of the Session Laws of 1907.

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

Mr. Gunderson asked permission to return to the 8th order of business.

Mr. Gunderson moved

That the resolution from the House for an adjournment be now taken from the table.

Which motion was lost.

The courtesies of the floor were extended to the following:

R. G. Tennyson of Fargo.
H. A. Beckwith of Fargo.
Mayor M. F. Murphy of Grand Forks.
J. R. Poupore of Grand Forks.
George M. Gannon of Ashley.
Mr. Sennis, state's attorney of Minnewaukan.
E. B. Olson and Nick Hays of Williston.
F. A. Cousins.
B. Tufte of Cooperstown.
S. G. Skulason of Petersburg.
Prof. G. W. Hannah of Valley City.
G. H. Noramore.
Scott Cameron.
Fred Allen.
Thomas Kelly.

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

J. W. FOLEY,
Secretary.

THIRTIETH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 1, 1911.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All present except Messrs. Johnson, Simpson and Wallin,
who were excused.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 1, 1911.

Mr. President:

I have the honor to transmit herewith

House Bill No. 137.

A bill for an act to reimburse district judges called to sit in hearing of cases before supreme court when regular members thereof are disqualified.

Also

House Bill No. 114.

A bill for an act to prevent the giving away or otherwise disposing of intoxicating liquors as a beverage at public sales and gatherings.

Also

House Bill No. 76.

A bill for an act in relation to the legal rates for the publication of legal notices, reports and proceedings, and to amend Section 2432 of the Revised Codes of 1905, relating to the publication of the proceedings of boards of county commissioners, and the legal rates therefor.

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

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith

Senate Bill No. 71.

A bill for an act amending Section 8519 of the Revised Codes of 1905, relating to reports of justices of the peace.

Which the House has indefinitely postponed.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

REFERENCE TO THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the Journal of the 29th day, have carefully examined the same and recommend that the same be corrected as follows:

Between lines 2 and 3, page 1, "Prayer by the Chaplain" be inserted.

In line 2, page 25, change "42" to "44."

The word "engrossed," in line 3, page 7, be stricken out and the word "enrolled" be inserted in lieu thereof.

That the figure "3" in line 5 of page 22 be changed to "4."

On page 23, after the heading "Third Reading of Senate Bills," insert the following:

"Senate Bill No. 154.

"A bill for an act authorizing and directing the secretary of the State of North Dakota to loan the plates of the North Dakota supreme court reports covering volumes one to nineteen inclusive, and for prescribing the manner and conditions on which the said loan is to be made.

"The question being on the final passage of the bill:

"The roll was called and there were 46 ayes, no nays, 3 absent and not voting.

"Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Jacobsen	Steele of Renville
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syverson
Cashel	LaMoure	Talcott
Davis	Linde	Thoreson
Duis	Martin	Trimble
Duncan	McDonald	Turner
Elken	McDowell	Wallin
Elingson	McLean	Walton
Ganssle	Overson	Welo
Garden	Pierce	Welch
Gibbens	Plain	Whitche
Gilbert	Putnam	Williams
Gronvold	Ruzicka	Young
Gunderson		

"Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Movius	Simpson

"So the bill was passed and the title was agreed to."

And when so corrected recommend that the same be approved.

J. E. STEVENS,
Chairman.

Mr. Stevens moved
The adoption of the report.
Which motion prevailed, and
The report 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. 96.

A bill for an act to amend Section 3061 of the Revised
Codes for 1905, relating to annual township meetings.

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

J. E. DAVIS,
Chairman.

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

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred
House Bill No. 82.

A bill for an act to amend Section 4392 of the Revised
Codes of the state of North Dakota for the year 1905, re-
lating to the construction of transfer facilities; also pro-
viding for the application of a short rate in the absence of
"wyes;" and providing for a penalty for the violation
thereof.

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

That the words "wye" or "wyes" wherever appearing in the bill be
changed to "Y" or "Y's."

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 Indian affairs made the following report:

Mr. President:

Your committee on Indian affairs to whom was referred
Senate Bill No. 140.

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 be referred to the committee on appropriations.

G. S. TRIMBLE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 21.

A bill for an act to appropriate the sum of sixty thousand 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 do pass.

J. LA MOURE,
Chairman.

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

Also

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 1.

An act appropriating an annual sum of money for the use of the government experiment station at Fargo for conducting demonstration farms and for furnishing samples of seed grain and otherwise co-operating with farmers; for publishing reports and bulletins, for analysis of fertilizers and stock foods, for complying with the provisions of the pure paint, paris green and formaldehyde laws and for making other experiments.

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

J. LA MOURE,
Chairman.

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

Also

Mr. President:

Your committee on appropriations to whom was referred House Bill No. 174.

A bill for an act to amend and re-enact Section 3, Chapter 137 of the Session Laws of 1907.

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

J. LA MOURE,
Chairman.

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

Also

Mr. President:

Your committee on appropriations to whom was referred House Bill No. 171.

A bill for an act to amend Section 1167 of the Revised Codes of 1905, as amended by Section 2 of Chapter 237, Session Laws of 1907.

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

J. LA MOURE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred Senate Bill No. 168.

A bill for an act amending Section 1968 of the Revised Codes of 1905, known as the state bounty for wolves and coyotes.

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

In section 1 of the bill, after the word "one-half" insert "of one tenth."

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

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

Also

Mr. President:

Your committee on state affairs to whom was referred Senate Bill No. 169.

A bill for an act indemnifying owners for horses killed or destroyed according to law for being affected with the disease known as glanders.

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

In section 1, after the word "special tax" insert the words "of one tenth."

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

The committee on judiciary made the following report:

Mr. President:

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

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.

H. H. STEELE,
Chairman.

Mr. Steele moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 138.

A concurrent resolution 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 do pass.

H. H. STEELE,
Chairman.

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

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

Senate Bill No. 44.

A bill for an act to amend Section 6237 of the Revised Codes, as amended by Chapter 158 of the Session Laws of 1909, relating to mechanic's liens.

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

In line 56, page 3 of the printed bill, after the word "attach" insert the words "for material furnished."

In line 58, page 4, strike out the words "one hundred" and insert therefor the word "fifty."

And when so amended recommend the same do pass.

And we further recommend that this bill be not placed on the calendar for its third reading and final passage until the thirty-fifth day of this session.

ALFRED STEEL,
Chairman.

Mr. Steel 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. 51.

A bill for an act amending and re-enacting Section 2613 of the Revised Codes of 1905, relating to the compensation of county commissioners.

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

Strike out all after the enacting clause and substitute the following:
"Section 2613. Compensation allowed. Office hours.) County commissioners shall each be allowed for the time they are necessarily employed in the duties of their office, the sum of five dollars per day, and ten cents per mile for the distance actually traveled in attending the meetings of the board and when engaged in other official duties, provided that such mileage shall be in lieu of livery or other transportation charges, to be paid out of the general fund of the county, and their office hours shall not be less than from nine to twelve a. m. and two to five p. m. during regular or special sessions held by such board."

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

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

The committee on temperance made the following report:

Mr. President:

Your committee on temperance to whom was referred
Senate Bill No. 103.

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:

In section 5, line 2 of printed bill, strike out the word "first" and insert in lieu thereof the word "fifth."

Also in same section, line 6, insert comma after word "kept."

In section 8, line 6, strike out word "and," and insert in lieu thereof the word "if."

In section 10, line 3, change "i" in word "if" to "I."

Also in same section, line 3, insert comma after the word "found."

In section 17, line 2, strike out the words "of the laws of 1909."

In section 18, line 1, strike out word "as." Also at end of same section add: "as provided in this act. Neither shall it be construed to prevent any druggist from selling intoxicating liquors to public or charity hospitals."

And when so amended recommend the same do pass.

E. L. GARDEN,
Chairman.

The minority of the committee on temperance made the following report:

Mr. President:

A minority of your committee on temperance to whom was referred

Senate Bill No. 103.

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

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

F. S. TALCOTT,
Member of Committee.

Mr. LaMoure objected to the consideration of the reports. Which went over one day.

MOTIONS AND RESOLUTIONS.

Mr. Davis moved

That the matter of adjournment which was tabled yesterday, be now taken up.

Which motion was lost.

Mr. Pierce moved

That Senate Bill No. 199 be recalled from the committee on judiciary and that the further consideration thereof be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

FIRST READING OF SENATE BILLS.

Mr. Bessesen introduced

Senate Bill No. 230.

A bill for an act to amend Section 40 of Chapter 109 of the laws of 1907, relating to the county and state central committee, how selected and when the same shall meet, under the primary election law.

Which was read the first time.

Mr. Martin introduced

Senate Bill No. 231.

A bill for an act to divide the state of North Dakota into three congressional districts.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 230.

A bill for an act to amend Section 40 of Chapter 109 of the laws of 1907, relating to the county and state central committee, how selected and when the same shall meet, under the primary election law.

Was read the second time and

Referred to the committee on elections and privileges.

Senate Bill No. 231.

A bill for an act to divide the state of North Dakota into three congressional districts.

Was read the second time and

Referred to the committee on apportionment.

COMMITTEE ON ENROLLED AND ENGROSSED BILLS.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 56.

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. 176.

A bill for an act providing for the appointment of county superintendents of highways and deputy superintendents in organized counties, who shall have charge and supervision of the construction, improvement and maintenance of roads within said counties, providing for road institutes, prescribing the duties of the state engineer in connection therewith.

Also,

Senate Bill No. 182.

A bill for an act to amend Section 12 of Chapter 109 of the laws of North Dakota for 1907, relating to the percentage of votes required for nomination at primary elections.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

Senate Bill No. 56.

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 44 ayes, 1 nay, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steel of Stutsman
Baker	Hookway	Steele of Renville
Bessesen	Jacobsen	Stevens
Carter	Kennedy	Syvertson
Cashel	Kretschmar	Talcott
Davis	Linde	Thoreson
Duis	Martin	Trimble
Duncan	McDonald	Turner
Elken	McDowell	Walton
Ellingson	McLean	Welo
Ganssle	Movius	Welch
Garden	Overson	Whitcher
Gibbens	Plain	Williams
Gilbert	Putnam	Young
Gronvold	Ruzicka	

Mr. LaMoure voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Simpson	Wallin
Pierce		

So the bill passed and the title was agreed to.

Mr. Bessesen moved

That the vote by which Senate Bill No. 56 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

February 1, 1911.

Mr. President:

I have the honor to request the return of
Senate Bill No. 71.

A bill for an act amending Section 8519 of the Revised
Codes of 1905, relating to reports of justices of the peace.

Very respectfully,

E. H. GRIFFIN.

Chief Clerk.

Senate Bill No. 176.

A bill for an act providing for the appointment of county
superintendents of highways and deputy superintendents
in organized counties, who shall have charge and supervision
of the construction, improvement and maintenance of
roads within said counties, providing for road institutes,
prescribing the duties of the state engineer in connection
therewith.

Was read the third time.

Mr. Stevens moved

That the consideration of the bill be laid over for one day.

Which motion was lost.

Mr. Talcott moved

That the consideration of the bill be made a special order
for Thursday, February 2 at 3 o'clock.

Which motion prevailed.

Mr. Whitcher asked permission to return to the 8th order
of business.

Mr. Whitcher moved

That the Senate do now concur in the request of the House, to return Senate Bill No. 71.

Which motion prevailed.

A committee from the House announced that they were now ready to meet the Senate for the joint session in memoriam of the late Senator M. N. Johnson.

Mr. Talcott moved

That the Senate do now proceed to meet with the House in the joint memorial session.

Which motion prevailed.

The Senate re-assembled.

Senate Bill No. 182.

A bill for an act to amend Section 12 of Chapter 109 of the laws of North Dakota for 1907, relating to the percentage of votes required for nomination at primary elections.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 36 ayes, 5 nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Ruzicka
Baker	Hookway	Steel of Stutsman
Bessesen	Jacobsen	Steele of Renville
Davis	Kennedy	Syverson
Duncan	Kretschmar	Talcott
Elken	Linde	Thoreson
Ellingson	Martin	Trimble
Ganssle	McDonald	Turner
Garden	McLean	Walton
Gibbens	Overson	Whitcher
Gilbert	Pierce	Williams
Gronvold	Plain	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	McDowell	Stevens
Duis	Movius	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carter	Putnam	Welo
Johnson	Simpson	Welch
LaMoure	Wallin	

So the bill passed and the title was agreed to.

Mr. Bessesen moved

That the vote by which Senate Bill No. 182 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The courtesies of the floor were extended to the following:

William Spugg of Grand Forks.

A. G. Crane of Jamestown.

Nels Brolander.

T. L. Quame of Fessenden.

T. P. Mann of Devils Lake.

A. G. Divet

William Plath of Leonard.

William Burns.

Mr. Orr.

Hon. T. E. Tufte, Erick Aakre and P. G. Melby of Northwood.

Mr. Martin moved

That the Senate do now take a recess until 10 o'clock tomorrow morning.

Which motion was lost.

Mr. Cashel moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

JAMES W. FOLEY,
Secretary.

THIRTY-FIRST DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

February 2, 1911.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All present except Messrs. Johnson, Simpson and Wallin, 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 of the 30th day, have carefully examined the same and recommend that the same be corrected as follows:

That the name "Allen Steel" at the bottom of page 9 be changed to "Alfred Steel."

In the Journal of the 29th day, on Senate Bill No. 147, record Mr. Elken as voting in the negative.

And when so corrected recommend that the same be approved.

J. E. STEVENS,
Chairman.

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

PETITIONS AND COMMUNICATIONS.

Mr. Talcott presented the following communication:

We, the members of the legislative committee of the North Dakota Medical Association, hereby protest against the passage of Senate Bill No. 103, regulating the granting of druggists' permits for the sale of intoxicating liquors, for the following reasons:

1. We deprecate the unenviable notoriety given to our profession by the provisions of this act.
2. We believe that it would be a temptation to weak or unscrupulous physicians to grossly misuse such power vested in them.
3. The legitimate use of alcoholic stimulants for medicinal purposes is not confined to persons under the care of or who have been seen by a physician.
4. Reputable physicians will be embarrassed by the importunities of patients requesting the prescribing of alcoholic liquors.
5. Physicians may be exposed to the odium and expense of defending themselves from malicious prosecution.

J. E. COUNTRYMAN, Chairman,
J. GRASSICK,
F. R. SMYTH,

Legislative and Public Policy Committee,
North Dakota State Medical Association.

Mr. Talcott moved
That the communication be printed in the Senate Journal.
Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

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. 142.

A bill for an act to amend Sections 1821 and 1828 of the Revised Codes of 1905, as amended in Chapter 93 of the Session Laws of 1907, and also to amend Section 1825 of the Revised Codes of 1905, relating to drainage.

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

On section 2, amending section 1825 of the Revised Codes of 1905, relating to drainage, on line 19 of the printed bill, strike out all on that line following "of the," and strike out on line 20 following all up to "believe," and insert in lieu thereof, "cost of said drain object to the assessment for its construction or to its location, or."

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 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. 63.

A bill for an act to prohibit the importation, manufacture, distribution, transportation, sale, or use of snuff, and providing a penalty therefor.

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

F. T. GRONVOLD,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 9.

A bill for an act to repeal House Bill numbered 156, enacted by the Eleventh legislative assembly.

Have had the same under consideration and return the same without recommendation.

J. LA MOURE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 114.

A bill for an act to enlarge the powers and duties of the board of railroad commissioners, creating a public warehouse fund and making an appropriation.

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

Amend the title as follows:

After the word "commissioners," strike out the following, "creating a public warehouse fund and." After the word "appropriation," add the following, "and providing for license fees of grain warehouses to be covered into the general fund."

In line 11, page 2 of the printed bill, after the word "whatsoever," change the word "at" to "that."

In line 13, page 2, after the word "industries," change the word "of" to "or," and change the word "interest" to "interests."

In line 21, page 2, change the word "property" to "propriety."

In line 2 of section 3, after the word "schedules," add the following, "on branch lines"; and in line 3, after the word "points," add the following, "whenever practicable."

In line 2, section 4, change the word "clerks" to "experts."

Strike out all of section 5 and substitute therefor the following:

"Section 5. There is hereby appropriated for each biennial period the sum of twenty thousand (\$20,000) dollars, or so much thereof as may be necessary to pay the necessary traveling and other expenses of the board of railroad commissioners, and the salaries and expenses of their agents

and employes. All moneys which shall come into the state treasury on account of licenses of public grain warehouses shall be credited to the general fund of the state, out of which the expenses of the board of railroad commissioners, and the salaries and expenses of their agents and employes, shall be paid as now provided by law."

Strike out all of section 6.

In line 1, page 4 of the printed bill, change the figure "7" to "62."

And when so amended recommend the same do pass, after the section providing for an appropriation has been passed on by the appropriation committee.

J. E. DAVIS,
Chairman.

Mr. Davis 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. 69.

A bill for an act to amend Section 2592 of the Revised Codes of North Dakota for 1905, as amended by Chapter 70 of the Laws of the State of North Dakota for 1907, relating to the salary of county auditors.

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

In line 39 of the printed bill, change the word "exceed" to "exceeds." In line 39 of the printed bill, after the words "twelve million dollars," insert the following: "nor more than two thousand seven hundred fifty (\$2,750.00) dollars, in counties where the assessed valuation exceeds twelve million dollars, and does not exceed fifteen million dollars, nor more than three thousand dollars in counties where the assessed valuation exceeds fifteen million dollars." In line 42 of the printed bill, strike out the word "revenue" and insert the word "general" in lieu thereof.

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

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

The committee on woman's suffrage made the following report:

Mr. President:

Your committee on woman's suffrage to whom was referred

Senate Bill No. 73.

A concurrent resolution amending the constitution of the State of North Dakota, relating to the elective franchise, defining who are qualified electors.

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

CHRISTIAN GANSSLE.

Chairman.

J. G. GUNDERSON,
JAMES DUNCAN,
G. L. ELKEN,
JEROME RUZICKA.

The minority committee on woman's suffrage made the following report:

Mr. President:

Your committee on woman's suffrage to whom was referred

Senate Bill No. 73.

A concurrent resolution amending the constitution of the State of North Dakota, relating to the elective franchise, defining who are qualified electors.

Have had the same under consideration and the minority of the committee recommends that the same do pass.

JOHN WILLIAMS,

H. J. BESSESEN.

Mr. Garden moved

That the minority report be adopted.

Mr. Ganssle moved

That the majority report be adopted.

Mr. Pierce moved, as an amendment:

That both reports be referred to the committee of the whole Senate.

Which motion prevailed.

Mr. Davis moved

That the question be made a special order for tomorrow at 3 o'clock.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 2, 1911.

Mr. President:

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

A concurrent resolution providing for a committee to investigate the records and business methods of the Board of University and School Lands.

Be it Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

WHEREAS, Our public institutions of learning are essential to the development of our state, and through the wisdom of congress these institutions have been provided with a liberal asset in state land endowment for the maintenance of our public school system and the encouragement of education; and

WHEREAS, The investments of the funds arising from this endowment and the business methods of the department having charge of these investments are equally important elements in the wise and efficient administration of this trust,

Now, Therefore, Be it Resolved:

That the president of the Senate is hereby authorized to appoint a committee of three to act with a committee of three to be appointed by the speaker of the House of Representatives, such joint committee to investigate the affairs and methods of the Board of University and School Lands, and its general agent, the commissioner of university and school lands, and to report to this Assembly its findings and recommendations.

Be it Further Resolved:

That said committee shall have full power to require the production of all books, securities, papers and records relative to the subject matter of this

investigation and to the possession thereof from time to time as it may deem necessary; and shall have the assistance of any member of the clerical force belonging thereto, and of the state examiner's office.

Be it Further Resolved:

That said committee shall give a complete report of the following:

The amounts invested in different securities with the rate of interest.

The amount of matured securities and investments that have not been paid.

The amount of past due interest.

Render an opinion as to the methods used in purchasing securities or making investments.

Render an opinion as to whether the fund could be invested more economically and at a better rate of interest.

Suggest such amendments to the present laws governing or relating to the permanent funds of the public schools and state educational institutions as the committee may deem wise.

To make any and all other reports or suggestions that may in its opinion be considered beneficial and proper.

Be it Further Resolved:

That the committee shall organize by electing one of its members chairman, a stenographer be assigned from the clerical force of the Senate or House of Representatives, as secretary thereof; and employ, if necessary, an accountant. The expense of the investigation when approved by the chairman of the committee, shall be paid out of the state's general fund in the same manner as other expenses of government, and to suggest such changes in the business of the land department as will promote simplified, safe and efficient administration.

Which the House has amended as follows:

By striking out all after the word "whereas", where it first appears in the resolution, and inserting in lieu thereof the following:

We, believing in the fullest measure of publicity in the conduct of our public affairs and deeming it obligatory upon us to fully inform ourselves and the public as to the business methods employed and economy practiced in handling the public lands of this state and the loaning of money thereon.

Therefore, Be it resolved that the Senate and the House of Representatives concurring, do request that the governor of this state act in accordance with Section 149 of the Revised Codes of North Dakota, a copy of which is hereto attached, that he select a special examiner as provided for in said Section to examine the books and accounts of the said Board of University and School Lands, that said examiner, through the governor, shall give a report in full to the next, or Thirteenth Legislative Assembly on the following:

The amounts invested in different securities with the rate of interest.

The amount of matured securities and investments that have not been paid.

The amount of past due interest.

Render an opinion as to the methods used in purchasing securities or making investments.

Suggest such amendments to the present laws governing or relating to the permanent funds of the public schools and state educational institutions as the governor may deem wise.

To make any and all other reports or suggestions that may in his opinion be considered beneficial and proper.

Section 149. Special State Tax Examiner.) The governor may, at such times as he may consider it for the best interests of the state, appoint a special state examiner to examine any of the state institutions or public offices. Such special state examiner shall have all the powers and authority that the state examiner now has in making such examinations, and shall also examine into and report upon such other matters connected with the state institutions and public offices as the governor may direct. He shall receive as compensation for such services the sum of ten dollars per day for the time actually employed upon such examinations, and his actual traveling expenses, to be paid upon vouchers approved by the governor, in the same manner as state officers' salaries are now paid.

In which the House has concurred in as amended.

Very respectfully,

E. H. GRIFFIN.
Chief Clerk.

Mr. Talcott moved

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

Which motion prevailed.

The majority and minority reports on

Senate Bill No. 103.

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

Were laid before the Senate.

Mr. Garden moved

That the majority report be adopted.

Mr. Elken moved

That the two reports be laid over until tomorrow.

Which motion was lost.

The question being on the original motion.

The motion prevailed, and

The report was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Gronvold introduced the following concurrent resolution:

Be it Resolved by the Senate, the House of Representatives Concurring:

That when we do adjourn Friday, February 3rd, 1911, we stand adjourned until Tuesday, February 7th, 1911.

Mr. Gronvold moved

That the resolution be adopted.

Mr. Steele moved

That the resolution be laid on the table.

Which motion was lost.

Mr. Davis moved

That the resolution be amended to change the time from February 3rd to February 9th.

Which motion was lost.

The question being on the original motion,

Roll call was demanded.

The roll was called and there were 25 ayes, 21 nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Hookway	Ruzicka
Carter	Jacobsen	Syverson
Cashel	Kennedy	Talcott
Duncan	LaMoure	Thoreson
Elken	McDonald	Turner
Ellingson	McDowell	Walton
Ganssle	McLean	Welo
Gronvold	Plain	Williams
Gunderson		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Kretschmar	Steele of Stutsman
Bessesen	Linde	Steele of Renville
Davis	Martin	Stevens
Duis	Movius	Trimble
Garden	Overson	Welch
Gibbens	Pierce	Whitcher
Gilbert	Putnam	Young

Absent and not voting:

Messrs.—
Johnson

Messrs.—
Simpson

Messrs.—
Wallin

Verification demanded.

Upon verification there were 25 ayes, 21 nays, 3 absent and not voting.

So the resolution was adopted.

FIRST READING OF SENATE BILLS.

Mr. Kennedy introduced

Senate Bill No. 232.

A bill for an act to amend Article 18 of Chapter 30 of the Political Code of North Dakota, being Section 2777 of the Revised Codes of North Dakota for 1905.

Which was read the first time.

Mr. Davis, by request, introduced

Senate Bill No. 233.

A bill for an act to amend Section 7045 of the Revised Codes of 1905, relating to the calling of another judge on account of prejudice or bias.

Which was read the first time.

Mr. Duis introduced

Senate Bill No. 234.

A bill for an act to authorize and empower the state auditing board to audit, approve and order paid, bills contracted by the capitol commission under Chapter 166 of the Session Laws of 1905, and making an appropriation therefor.

Which was read the first time.

Mr. Talcott introduced

Senate Bill No. 235.

A bill for an act to amend Sections 3, 4, 5, 6, 7, 8, 12, 15, 28, 35, 42, 43, 44 and 45 of Chapter 128 of the Session Laws

of 1909, being 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, 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. Martin introduced

Senate Bill No. 236.

A bill for an act to amend and re-enact Section 2240, Article 45, Chapter 24, of the Revised Codes of North Dakota for the year 1905, relating to the duties of county auditors and prescribing how records of fees shall be kept.

Which was read the first time.

Mr. Welch introduced

Senate Bill No. 237.

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

Which was read the first time.

Mr. Welch introduced

Senate Bill No. 238.

A bill for an act authorizing the board of university and school lands to make examination of all state and school lands to determine the extent, depth and thickness of any lignite coal veins underlying the surface, and to show the soil characteristics and topographical features of such land, and providing an appropriation therefor.

Which was read the first time.

Mr. Stevens (by request) introduced
Senate Bill No. 239.

A bill for an act prescribing the qualifications of certain applicants for admission to the bar of the state of North Dakota.

Which was read the first time.

Mr. Davis introduced
Senate Bill No. 240.

A bill for an act to divide the state of North Dakota into three (3) congressional districts, and defining the boundaries of each of the said congressional districts of the state of North Dakota.

Which was read the first time.

The committee on temperance introduced
Senate Bill No. 241.

A bill for an act entitled, and act to prevent drinking or offering to others to drink as a beverage, any intoxicating liquors upon passenger trains in the state of North Dakota.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 232.

A bill for an act to amend Article 18 of Chapter 30 of the Political Code of North Dakota, being Section 2777 of the Revised Codes of North Dakota for 1905.

Was read the second time and

Referred to the committee on cities and municipal corporations.

Senate Bill No. 233.

A bill for an act to amend Section 7045 of the Revised Codes of 1905, relating to the calling of another judge on account of prejudice or bias.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 234.

A bill for an act to authorize and empower the state auditing board to audit, approve and order paid, bills contracted by the capitol commission under Chapter 166 of the Session Laws of 1905, and making an appropriation therefor.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 235.

A bill for an act to amend Sections 3, 4, 5, 6, 7, 8, 12, 15, 28, 35, 42, 43, 44 and 45 of Chapter 128 of the Session Laws of 1909, being 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, 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.

Senate Bill No. 236.

A bill for an act to amend and re-enact Section 2240, Article 45, Chapter 24, of the Revised Codes of North Dakota for the year 1905, relating to the duties of county auditors and prescribing how records of fees shall be kept.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 237.

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

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 238.

A bill for an act authorizing the board of university and school lands to make examination of all state and school lands to determine the extent, depth and thickness of any lignite coal veins underlying the surface, and to show the soil characteristics and topographical features of such land, and providing an appropriation therefor.

Was read the second time and

Referred to the committee on public lands.

Senate Bill No. 239.

A bill for an act prescribing the qualifications of certain 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. 240.

A bill for an act to divide the state of North Dakota into three (3) congressional districts, and defining the boundaries of each of the said congressional districts of the state of North Dakota.

Was read the second time and

Referred to the committee on apportionment.

Senate Bill No. 241.

A bill for an act entitled, and act to prevent drinking or offering to others to drink as a beverage, any intoxicating liquors upon passenger trains in the state of North Dakota.

Was read the second time and

Referred to the committee on temperance.

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. 1.

An act appropriating an annual sum of money for the use of the government experiment station at Fargo for conducting demonstration farms and for furnishing samples of seed grain and otherwise co-operating with farmers; 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. 21.

A bill for an act to appropriate the sum of sixty thousand 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. 51.

A bill for an act amending and re-enacting Section 2613 of the Revised Codes of 1905, relating to the compensation of county commissioners.

Also

Senate Bill No. 138.

A concurrent resolution 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. 168.

A bill for an act amending Section 1968 of the Revised Codes of 1905, known as the state bounty for wolves and coyotes.

Also,

Senate Bill No. 169.

A bill for an act indemnifying owners for horses killed or destroyed according to law for being affected with the disease known as glanders.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

Senate Bill No. 1.

An act appropriating an annual sum of money for the use of the government experiment station at Fargo for conducting demonstration farms and for furnishing samples of seed grain and otherwise co-operating with farmers; 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 46 ayes, no nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Ruzicka
Baker	Jacobsen	Steel of Stutsman
Bessesen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syverson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Walton
Ganssle	Movius	Welo
Garden	Overson	Welch
Gibbens	Pierce	Whitcher
Gilbert	Plain	Williams
Gronvold	Putnam	Young
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Simpson	Wallin

So the bill passed and the title was agreed to.

Senate Bill No. 21.

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

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 46 ayes, no nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Ruzicka
Baker	Jacobsen	Steel of Stutsman
Bessesen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syvertson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McD w · l	Turner
Ellingson	McLean	Walton
Ganssle	Movius	Welo
Garden	Overson	Welch
Gibbens	Pierce	Whitche·
Gilbert	Plain	Williams
Gronvold	Putnam	Young
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Simpson	Wallin

So the bill passed and the title was agreed to.

Mr. Duncan moved

That the vote by which Senate Bill 21 was passed, be re-considered.

Which motion prevailed.

Senate Bill No. 51.

A bill for an act amending and re-enacting Section 2613 of the Revised Codes of 1905, relating to the compensation of county commissioners.

Was read the third time.

Mr. Plain moved

That the bill be indefinitely postponed.

Which motion was lost.

Mr. Elken moved, as an amendment:

That the word "ten" in line 9 of the printed bill be changed, and insert the word "five" in lieu thereof.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were 34 ayes, 10 nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Ruzicka
Baker	Jacobsen	Steel of Stutsman
Bessesen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	Linde	Talcott
Davis	Martin	Trimble
Duis	McDonald	Turner
Duncan	McDowell	Walton
Garden	McLean	Weich
Gibbens	Movius	Williams
Gilbert	Overson	Young
Gunderson		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Elken	LaMoure	Thoreson
Ellingson	Plain	Welo
Ganssle	Syverson	Whitcher
Gronvold		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Putnam	Wallin
Pierce	Simpson	

So the bill passed and the title was agreed to.

Mr. Jacobsen moved

That the vote by which Senate Bill No. 51 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 138.

A concurrent resolution 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 42 ayes, 1 nay, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Plain
Baker	Hookway	Ruzicka
Bessesen	Jacobsen	Steel or Stutsman
Carter	Kennedy	Stevens
Cashel	Kretschmar	Syvertson
Davis	LaMoure	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Turner
Elken	McDonald	Walton
Ellingson	McDowell	Welo
Ganssle	McLean	Welch
Garden	Movius	Whitcher
Gibbens	Overson	Williams
Gilbert	Pierce	Young

Mr. Gunderson voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Simpson	Trimble
Putnam	Steele or Renville	Wallin

So the bill passed and the title was agreed to.

SPECIAL ORDER.

Senate Bill No. 176.

A bill for an act providing for the appointment of county superintendents of highways and deputy superintendents in organized counties, who shall have charge and supervision of the construction, improvement and maintenance of roads within said counties, providing for road institutes, prescribing the duties of the state engineer in connection therewith.

Was laid before the Senate.

Senate Bill No. 176.

A bill for an act providing for the appointment of county superintendents of highways and deputy superintendents in organized counties, who shall have charge and supervision of the construction, improvement and maintenance of roads within said counties, providing for road institutes, prescribing the duties of the state engineer in connection therewith.

Was read the third time.

Mr. Talcott moved, as an amendment:

In line 5, section 1, after the word "surveyor," insert the following words: "who shall be known as the county superintendent of highways."

Which motion prevailed, and

The amendment was adopted.

Mr. Talcott moved as an amendment,

In section 2, line 8, after the word "township," insert the following: "such deputy superintendent may, with the approval of the county superintendent and the township board, employ one of more assistants."

Which motion prevailed, and

The amendment was adopted.

Mr. Talcott moved, as an amendment:

In section 3, at the end of section, after the word "season," add "at the expense of the abutting land owners, as provided by law." And in line 5, same section, after the word "year" substitute a comma for the semicolon.

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill,

The roll was called and there were 42 ayes, no nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steel of Stutsman
Baker	Hookway	Steele of Renville
Bessesen	Jacobsen	Stevens
Carter	Kennedy	Syvertson
Cashel	Kretschmar	Talcott
Duis	Linde	Thoreson

Messrs.—

Duncan
Elken
Ellingscr.
Ganssle
Garden
Gibbens
Gilbert
Gronvold

Messrs.—

McDonald
McDowell
McLean
Movius
Overson
Pierce
Plain
Ruzicka

Messrs.—

Trimble
Turner
Walton
Welo
Welch
Whitche'
Williams
Young

Absent and not voting:

Messrs.—

Davis
Johnson
LaMoure

Messrs.—

Martin
Putnam

Messrs.—

Simpson
Wallin

So the bill passed and the title was agreed to.

Mr. Welo moved

That the vote by which Senate Bill No. 176 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed

Senate Bill No. 21.

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

Was read the third time.

Mr. LaMoure moved

To amend Senate Bill No. 21 as follows:

By striking out all of section 1, after the word "glanders," in line 7 of the engrossed bill.

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill,

The roll was called and there were 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Allen
Baker
Bessesen
Carter

Messrs.—

Gunderson
Hookway
Jacobsen
Kennedy

Messrs.—

Plain
Ruzicka
Steel of Stutsman
Stevens

Messrs.—	Messrs.—	Messrs.—
Cashel	Kretschmar	Syvertson
Davis	LaMoure	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Turner
Elken	McDonald	Walton
Ellingson	McDowell	Welo
Ganssle	McLean	Welch
Garden	Movius	Whitcher
Gibbens	Overson	Williams
Gilbert	Pierce	Young
Gronvold		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Simpson	Trimble
Putnam	Steele of Renville	Wallin

So the bill passed and the title was agreed to.

Senate Bill No. 168.

A bill for an act amending Section 1968 of the Revised Codes of 1905, known as the state bounty for wolves and coyotes.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 41 ayes, no nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Plain
Baker	Gunderson	Ruzicka
Bessesen	Hookway	Steel of Stutsman
Carter	Jacobsen	Stevens
Cashel	Kennedy	Syvertson
Davis	Kretschmar	Talcott
Duis	LaMoure	Thoreson
Duncan	Martin	Turner
Elken	McDonald	Walton
Ellingson	McDowell	Welch
Ganssle	McLean	Whitcher
Garden	Movius	Williams
Gibbens	Overson	Young
Gilbert	Pierce	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Simpson	Wallin
Linde	Steele of Renville	Welo
Putnam	Trimble	

So the bill passed and the title was agreed to.

Senate Bill No. 169.

A bill for an act indemnifying owners for horses killed or destroyed according to law for being affected with 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 42 ayes, no nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvoil	Plain
Baker	Gunderson	Ruzicka
Bessesen	Hookway	Steel of Stutsman
Carter	Jacobsen	Stevens
Cashel	Kennedy	Syvertson
Davis	Kretschmar	Talcott
Duis	LaMoure	Thoreson
Duncan	Martin	Trimble
Elken	McDonald	Turner
Ellingson	McDowell	Walton
Ganssle	McLean	Welch
Garden	Movius	Whitcher
Gibbens	Overson	Williams
Gilbert	Pierce	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Simpson	Wallin
Linde	Steele of Renville	Welo
Putnam		

So the bill passed and the title was agreed to.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 137.

A bill for an act to reimburse district judges called to sit in hearing of cases before supreme court when regular members thereof are disqualified.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 76.

A bill for an act in relation to the legal rates for the publication of legal notices, reports and proceedings, and to amend Section 2432 of the Revised Codes of 1905, relating to the publication of the proceedings of boards of county commissioners, and the legal rates therefor.

Was read the first and second times, and

Referred to the committee on public printing.

House Bill No. 114.

A bill for an act to prevent the giving away or otherwise disposing of intoxicating liquors as a beverage at public sales and gatherings.

Was read the first and second times, and

Referred to the committee on temperance.

House Bill No. 2.

A bill for an act to prohibit the introduction of intoxicating liquors, narcotics, or other habit-forming drugs, into any of the buildings or upon the premises of any of the penal or 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 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Allen
Baker
Bessesen
Carter
Cashel
Davis
Duis
Duncan
Elken
Ellingson
Ganssle
Garden
Gibbens
Gilbert
Gronvold

Messrs.—

Gunderson
Hookway
Jacobsen
Kennedy
Kretschmar
LaMoure
McDonald
McDowell
McLean
Movius
Overson
Pierce
Plain
Putnam
Ruzicka

Messrs.—

Steel o' Stutsman
Steele o' Renville
Stevens
Syvertson
Talcott
Thoreson
Trimble
Turner
Walton
Welo
Welch
Whitcher
Williams
Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Martin	Wallin
Linde	Simpson	

So the bill passed and the title was agreed to.

House Bill No. 13.

A bill for an act to amend Section 470 of the Revised Codes of 1905, relating to terms of court in the Second judicial district.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 45 ayes, no nays, 1 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Ruzicka
Baker	Hookway	Steel of Stutsman
Bessesen	Jacobsen	Steele of Renville
Carter	Kennedy	Stevens
Cashel	Kretschmar	Syverson
Davis	LaMoure	Talcott
Duis	Linde	Thorsen
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Walton
Ganssle	Movius	Welo
Garden	Overson	Welch
Gibbens	Pierce	Whitcher
Gilbert	Plain	Williams
Gronvold	Putnam	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Simpson	Wallin
Martin		

So the bill passed and the title was agreed to.

House Bill No. 82.

A bill for an act to amend Section 4392 of the Revised Codes of the state of North Dakota for the year 1905, relating to the construction of transfer facilities; also providing for the application of a short rate in the absence of

“wyes;” and providing for a penalty for the violation thereof.

Was read the third time.

Mr. Pierce moved

That the consideration of the bill be laid over one day.

Which motion prevailed.

Mr. Davis in the chair.

House Bill No. 171.

A bill for an act to amend Section 1167 of the Revised Codes of 1905, as amended by Section 2 of Chapter 237, 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 46 ayes, no nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Ruzicka
Baker	Jacobsen	Steel of Stutsman
Bessesen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syvertson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Walton
Ganssle	Movius	Welo
Garden	Oversen	Welch
Gibbens	Pierce	Whitcher
Gilbert	Plain	Williams
Gronvold	Putnam	Young
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Simpson	Wallin

So the bill passed and the title was agreed to.

Mr. Cashel moved

That the vote by which Senate Bill No. 171 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 174.

A bill for an act to amend and re-enact Section 3, Chapter 137 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 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Putnam
Baker	Hookway	Ruzicka
Bessesen	Jacobsen	Steel of Stutsman
Carter	Kenned	Stevens
Cashel	Kretschmar	Syvertson
Davis	LaMoure	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Trimble
Elken	McDonald	Turner
Ellingson	McDowc.	Walton
Ganssle	McLean	Welo
Garden	Movius	Welch
Gibbens	Overson	Whitcher
Gilbert	Pierce	Williams
Gronvoid	Plain	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Steele of Renville	Wallin
Simpson		

So the bill passed and the title was agreed to.

Mr. Steel moved

That the vote by which House Bill 174 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The President in the chair.

Mr. Garden moved

That Senate Bill No. 73 be taken out of special orders and that we do now resolve ourselves into a committee of the whole, for its consideration.

Which motion prevailed.

The president called Mr. Duis to the chair.

When the committee arose it made the following report:
Mr. President:

Your committee of the whole, which has had under consideration Senate Bill No. 73, beg leave to report progress and ask leave to sit again.

GEO. E. DUIS,
Chairman.

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

The courtesies of the floor were extended to the following:

E. E. Cassles, Ellendale.
Ross R. Martin, Powers Lake.
E. Hilborn, Valley City.
E. R. Bradley, Valley City.
L. H. Peterson, Petersburg.
C. J. Maddux, New Rockford.
L. N. Torson, Rugby.
V. R. Lovell, T. P. Riley, Robt. McCulloch, H. G. Bowers,
Percy Goodwin and Peter Hardy of Fargo.

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

J. W. FOLEY,
Secretary.

THIRTY-SECOND DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

February 3, 1911.

The Senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All present except Messrs. Duncan, Elken, Ellingson, Gibbens, Hookway, Johnson, McLean, Plain, Ruzicka, Steel, Thoreson, Wallin and Williams, 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 of the 31st day, have carefully examined the same and recommend that the same be corrected as follows:

That "Mr. Sterns" in line 1 of page 13 be changed to "Mr. Stevens."

On page 22, eight lines from the bottom, the following words be inserted: "The question being on the final passage of the bill."

And when so corrected recommend that the same be approved.

J. E. STEVENS,
Chairman.

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

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 3, 1911.

Mr. President:

I have the honor to transmit herewith
House Bill No. 194.

A bill for an act regulating the issue of health certificates for live stock in transit or before shipment out of the state or upon entering the state and making certain acts in violation thereof misdemeanors.

Also

House Bill No. 176.

A bill for an act to amend Sections 2 and 4 of Chapter 174 of the Session Laws of 1907.

Also,

House Bill No. 67.

A bill for an act to amend Section 1737 of the Revised Codes of North Dakota of 1905.

Also

House Bill No. 152.

A bill for an act to specify and authorize a state flag.

Also,

House Bill No. 110.

A bill for an act to provide for the distribution of Blue Books among the district schools of the state.

Also,

House Bill No. 193.

A bill for an act to amend and re-enact Section 2401, Article 10, Chapter 28 of the Revised Codes of 1905, relating to the duties of boards of county commissioners, superintend county fiscal affairs and providing for auditing and checking of officers.

Also,

House Bill No. 100.

A bill for an act to regulate the practice of medicine and surgery in the State of North Dakota.

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

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

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

Be it Resolved by the Senate, the House Concurring:

That when we do adjourn on Friday, February 3, we stand adjourned until Tuesday, February 7.

In which the House has concurred.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

REPORT OF STANDING COMMITTEES.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

Senate Bill No. 178.

A bill for an act prohibiting county superintendents of schools, deputies, school district officers, school official, principals and teachers from receiving commission or fees or reward for or on account of any school books, furniture or other supplies purchased during the incumbency of such office, and providing for a penalty 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 was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

Senate Bill No. 219.

A bill for an act, making an appropriation to meet the deficiency incurred by William Blake of Stutsman county, North Dakota, in carrying on the work of state humane agent.

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

J. LA MOURE,
Chairman.

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

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

Senate Bill No. 91.

A bill for an act entitled, an act specifying who may sue for divorce in this state, and amending Section 4067, Revised Codes of North Dakota of 1905.

Have had the same under consideration and recommend that the same be re-referred to the committee on judiciary.

ALFRED STEEL,
Chairman.

Mr. Steel moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also

Mr. President:

Your committee on ways and means to whom was referred

Senate Bill No. 149.

A bill for an act to require sheriffs in all counties of the State of North Dakota to issue receipts and to file with the county auditor of their respective counties all duplicate receipts issued for the payment of delinquent taxes collected by them or their deputies during their term of office.

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

In the title of the printed bill, on line 2, after the word "receipts," insert the words "in triplicate." After the word "office" add the following to the title of the bill, "and to keep the triplicate receipts on file in his office."

In line 2, page 1, strike out "duplicate" and insert "triplicate." In line 9, strike out "duplicate" and insert "triplicate."

In line 11, page 1, strike out the word "such."

In line 12, page 2, after the word "month," insert the words "and keep the triplicate receipts on file in his office."

In line 3, page 2, strike out "\$100.00" and insert "\$25.00." Strike out "\$500.00" and insert "\$100.00 for each offense."

Strike out after the words "\$500.00" all of lines 3, 4 and 5, page 2 of the printed bill.

And when so amended recommend the same do pass.

ALFRED STEEL,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 113.

A bill for an act defining and taxing the occupation of transient merchants, regulating the licensing of persons engaged in such occupation, increasing the state revenue by such taxation, and prescribing penalties for violation of its provisions.

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 217.

A bill for an act to amend and re-enact Section 9015 of the Revised Codes of North Dakota for 1905, as amended by Chapter 163 of the laws of 1909, 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 he same do pass.

H. H. STEELE,
Chairman.

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

Also,

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 9.

A bill for an act to amend section 4037 of the Revised Codes of North Dakota for 1905, relating to issuing of marriage license.

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 17.

A bill for an act to amend and re-enact Section 468 of the Revised Codes of North Dakota for the year, A. D., 1905, as amended by Chapter 159 of the Laws of 1907, relating to judicial districts within the state.

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

Strike out the word "eleven" in line six (6) of section 1 of the printed bill, and insert after the word "districts," in line six (6) of section 1, the following, "as provided by law."

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 216.

A bill for an act to amend and re-enact Section 8023 of the Revised Codes of North Dakota for 1905, relating to time to apply for letters of administration and providing when the statute of limitations shall run against claims against decedents.

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 was adopted.

The committee on live stock made the following report:

Mr. President:

Your committee on live stock to whom was referred
Senate Bill No. 121.

A bill for an act to amend Section 1976 and Section 1979, relating to estrays.

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

In the title of the bill, after the figures "1979" insert the words "of the Revised Codes of North Dakota for 1905."

And when so amended recommend the same do pass.

J. H. WHITCHER,
Chairman.

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

The committee on agriculture made the following report:

Mr. President:

Your committee on agriculture to whom was referred
Senate Bill No. 75.

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

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

In line 1 of title of the original bill, after the word "weeds," add the following: "by threshing machines and conveyances used in threshing; providing how said machines and conveyances shall be cleaned, and fixing a penalty for any violation thereof."

In section 2 of original bill, after the word "engine" in last line of section 2, add the following: "provided further, that a printed copy of this law shall be kept posted on every threshing separator operating in the state of North Dakota during threshing seasons."

And when so amended recommend the same do pass.

C. W. PLAIN,
Acting Chairman.

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

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred
Senate Bill No. 48.

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:

The title be changed so as to read:

"A Bill for an Act to Compel Railroad Companies to Establish and Maintain Gates, Flagmen or Other Safety Devices in Villages or Cities upon the Order of the Railroad Commissioners."

That all after the enacting clause be stricken out and the following be inserted in lieu thereof:

"Section 1. Complaint.) Upon written complaint authorized by a majority vote of all the members of the city council being filed with the railroad commissioners of this state by the chief executive officer of any village or city in the state of North Dakota on its behalf, that the crossing of any railroad company, naming it, with any street in said village or city, describing it, as dangerous to life and property and giving the reason thereof, said railroad commissioners shall forthwith investigate the same, and to that end shall have at least one (1) public hearing in the village or city making such complaint, at a time to be fixed by said commissioners, and a place to be held upon notice to be given by said railroad commissioners to all parties interested, and shall be held in not less than thirty (30) nor more than sixty (60) days after the date of filing of such complaint.

"Section 2. Findings. How Certified.) Within ten (10) days after such public hearings, said commissioners, by a majority vote of the members thereof, shall decide the matter set forth in said complaint, and shall make a report in writing in respect thereto, which shall include the findings of fact which the conclusions of the commissioners are based upon, together with the recommendation of said commissioners as to what kind of safety device, if any, should be installed at said crossing to make the same safe to life and property. Said findings shall be in writing and signed by the members of said commission in favor thereof, and shall be filed with the secretary of said commission and entered for record in his office. If said commission shall find in favor of further protection for said crossing it shall issue an order to the railroad company named in said petition directing said railroad company within sixty (60) days after such order to establish and thereafter maintain at such crossings such gates, flagmen or safety devices as such commission may therein direct, and such as will render such crossing safe to life and property. Service of such order shall be made upon any railroad company in the same manner as a summons in a civil action is served.

"Sec. 3. Order.)—Whenever any such order is made such railroad company may appeal therefrom in the same manner as appeals are allowed to be taken from orders made by said commission fixing rates of railroad companies, and where no appeal is taken the order of the commission may be enforced by the attorney general the same as orders relating to the control of railroads.

"Sec. 4. Appeal.) In addition to the foregoing, any railroad company failing to comply with the order of said commission, if not appealed from as hereinbefore provided, or if appealed from and confirmed on appeal, shall be liable to a penalty of fifty dollars (\$50) per day for each and every day that said railroad company does not so conform to said order, to be recovered as damages in a civil action by and for the benefit of the village or city making such complaint.

"Sec. 5. Flagman.) Whenever it shall appear that owing to any construction work or repair work, or for any other cause, an unusual number of trains are being operated in or through any village or city in this state, the state railroad commissioners shall have the power, upon complaint by any village or city council through its chief executive officer, to compel the installation of a flagman or flagmen, as the case may be,

without a hearing, and such order shall be complied with within five days; provided that such railroad companies may remove such flagmen whenever the movement of trains through such village or city assumes its normal conditions."

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.

REPORT OF SELECT COMMITTEE.

Mr. President:

Your committee appointed to examine into the conditions of the state capitol building, the power house and electric railroad, beg leave to submit the following report:

We have carefully examined the exterior and interior walls of the building as well as the interior of every room in the building, the heating, ventilating and lighting system as well as the power house, electric road and equipment. We find the exterior walls of those parts of the building erected in 1889 and 1894 in dangerous condition, due to serious defects, probably owing to settlement of the foundations and the weight imposed upon the different floors, and to the deterioration of the material used in construction. In our opinion these exterior walls are in a dangerous condition, and if the ordinances of the city of Bismarck provided for a building inspector with close inspection of public buildings, it would probably be condemned as unsafe.

The roof of the entire structure is in a deplorable condition, and although it has had continuous repairs annually, yet it admits storm water to the interior of the building, causing the crumbling and falling of the plaster in many of the rooms and discoloring of others. There is not a single room in the two older parts of the building but shows the effects of storm water coming through the roof and walls of the building.

The interior walls of the building show bad cracks in many of the arches, and in our opinion are unsafe. The floor in the rotunda between the House and Senate chambers in our opinion is unsafe today, even though it has been shored up by the superintendent of the building.

The plaster on the ceilings and walls of the entire building in order to be safe and to look reasonably well for a capitol building of this state, should be entirely removed and renewed. The floors of the rotundas and corridors in the two older parts of the building are unsightly and should be removed and replaced by floors more sightly and substantial.

We find that there is practically no ventilation of the entire building. The plumbing in all of the toilet rooms is unquestionably unsanitary and dangerous to the health of the occupants.

It is questionable whether the storage vaults in the older parts of the building would stand the heat caused by the burning of the building. The heating system of the building is inadequate, out of date and expensive to maintain. The lighting system is giving fairly good satisfaction, but the installation is in such condition that we believe it to be dangerous.

We desire to call your attention to the fact that if a fire should break out in this building between the hours of six o'clock in the evening and

eight' o'clock in the morning, that it is improbable that any part of the building or its contents could be saved. This is due not only to the fact that we have no fire protection, but also to the fact that we have many small dark rooms in the basement and attic that are used for storage of unused material, papers and out of date reports, which would furnish ideal conditions for the progress of a fire and very poor conditions for fighting fire. The storage tanks with a combined capacity of approximately five thousand gallons are situated in the attic, and owing to the fact that they are used for the various closets as well as for fire protection and are filled by pump from the power house when empty, they are not at all times prepared for a fire, and the amount of hose and the men to man it in case a fire should get started would preclude the possibility of extinguishing a fire.

We find the building of the power plant to be in fair condition. The engines and generators are needing some repairs. The steam connections between the engines and the boilers are in poor condition, should be overhauled and renewed. As far as we could determine the boilers are in fair condition, although the settings of these boilers should be rebuilt.

The electric connections from the power house to the building and to the street railroad line are in very poor condition. The pumps used for the boiler supply and for fire protection are in fairly good condition but in our opinion the fire protection pumping with its system of supply and distribution, is entirely inadequate for the service which would be required of it in case of fire.

We desire to call your attention to the fact that there is probably outside of the vaults in the capitol building one hundred thousand dollars worth of valuable material which is a constant hazard and risk which the state is carrying without any fire protection whatever. Much of this material is invaluable in that it could never be replaced should it be destroyed.

The carpenter shop, which is in the east wing of the old building, in our opinion is a positive menace to the building, and should be taken out at the earliest possible moment.

It also appears upon investigation that there is no room in any of the buildings suitable for holding the sessions of the supreme court. The old supreme court chamber on the third floor is in such a dilapidated condition that it is absolutely unsafe for this purpose, and entirely out of keeping with the needs of the court of this state. The sessions of the court are held sometimes in the senate chamber and other times in the House chamber, which are unsuited in every way for this purpose.

The attorney general, since the adjournment of the last legislature, and the convening of the present one, utilized the house retiring rooms and committee rooms, and since the convening of the present legislature has had a small room constructed in the east wing of the old building, which room is entirely inadequate for the work of this office.

There are but very few committee rooms for the various committees of the legislature, and consequently the committees are meeting in the office rooms in the building, and the meeting of these committees in these offices are a source of annoyance not only to the occupants of the rooms, preventing them from accomplishing but very little work while the legislature is in session, but are a source of annoyance and trouble to the members of the various committees themselves.

The grounds about the capitol building are small and not laid out with any preconceived plan or design as to future extension or beautifying.

In our opinion to attempt to repair the capitol building except as to adequate fire protection, would be neither economical or practical. We therefore recommend to the legislature now in session that immediate steps be taken looking to the construction of a new capitol building suitable to the needs and in keeping with the dignity of this state, and that steps also be taken at the same time to employ a competent landscape

architect to design a plan for the improvement of the capitol grounds and park so that all future work in this direction may be done in a systematic manner.

Your committee also submits herewith, a report of Architect A. J. O'Shea, of Fargo, and request that the same be spread upon the Journal, with the report of the committee, and your committee recommends that Mr. O'Shea be allowed \$50.00 and expenses for the services rendered your committee upon submitting proper voucher to be audited by proper board and O. K'd by the chairman of your committee.

Respectfully submitted,

JAS. TURNER, Chairman.
GEO. P. HOMNES,
W. J. PRICE.

Report of Architect A. J. O'Shea :

The building generally, while in no immediate danger of collapse, shows serious indications of disintegration, and judging by the rapidity with which the faults have developed, will be untenable in five years from now, unless practically reconstructed, which would cost almost as much as a new building and result would be at best an undesirable structure.

In this report, therefore, only such repairs are considered as are necessary to render the building weatherproof, safe and habitable for from five to seven years.

OUTSIDE OF BUILDING.

An examination of the outside of the building shows innumerable cracks extending through the walls of the entire building, including the recent addition, indicating faulty or insufficient footings under the foundation walls. While there is no immediate danger of the collapse of any wall, the faulty or insufficient footings will in a comparatively short time cause the destruction of the building.

Removal of the footings and replacement of proper footings and removal and replacement of the face brick, while possible, would, from a commercial point of view, be inadvisable.

It would be advisable, however, as soon as the weather permits, to repair any cracked arches over windows or doors and to repair the brickwork at tops of outside walls where the same have been weather damaged.

It would be advisable to repair the cornice and roof gutters and rain leaders, to prevent further damage to the brickwork.

A new roof covered with metal flashings is absolutely necessary on the entire structure.

About one hundred eighty windows need refitting and weather proofing, as the windows are old and shrunken; this could be best done by using substantial zinc weather strips, and pointing all sills and flashing some sills.

There are some other minor repairs which it would be advisable to make on the outside of the building.

INSIDE OF BUILDING.

It is necessary to place substantial beams and posts in the rotunda in basement and on first floor, also a steel beam under one wall of the library, over the west corridor on first floor.

An examination of the roof of the old part of the structure shows the main supporting trusses in apparent good condition, but the lighter beams and struts and joists are insufficient to carry a moderate snow load, and immediate steps should be taken to reinforce the roof, care being taken to

allow practically no snow to lay on the roof until it is properly strengthened.

It is advisable to place proper steps or step-ladders at various points on the upper story, to the attic and in the attic where the levels differ, and proper board runways should be placed in the attic so that access could be had to the different parts of the attic without danger of damaging the plaster.

It would be advisable to remove the water tanks from the attic.

Wherever the plastering is loose, the lath as well as the plaster should be removed and replaced with new materials. This would apply to all ceilings which have not been replaced in recent years.

All walls and ceilings of all rooms and offices should be tinted in colors without any attempt at ornamentation. It would not be necessary to re-decorate any of the rooms or offices where no plastering has to be removed or patched.

It would be advisable to give all varnished woodwork a coat of varnish, half rubbed, after all minor repairs are made to doors, windows and other woodwork.

It is advisable that the supreme court be provided with a new court room, utilizing the old senate chamber for that purpose, lowering part of the ceiling to restore the symmetry of the room, replastering all walls and ceiling, burlapping the walls and ceiling, panelling the ceiling and wainscoting the room with marble, the object being to give to the room a simple elegance commensurate with the dignity of its use. The marble, the most expensive item in the treatment of the court room, could be re-used in another structure with very little loss in value.

The electric wiring is in very bad condition and should be repaired so as to lessen the risk from fire.

The steam and water pipes to the power house should be dug up and properly covered.

No tunnel is recommended for the same at this time.

The boilers in the power house should be re-set as soon as possible.

The brick work of same is in very bad condition.

To improve the water supply, it is advised that a pneumatic system be procured, the tank of suitable capacity being placed in the basement of the capitol building, and a gasoline engine and pump installed in the power house and connected to the tank by proper piping.

This style of water supply system is an improvement on the elevated tank or stand pipe.

While the plumbing is not what is called first class, no changes to the same are herein considered.

While there is practically no systematic ventilation in the building, no installation of mechanical ventilation is herein considered, in view of the expense of same and the depreciating character of the building.

The cost of making the repairs and improvements herein advised would be a sum not amounting to over seventeen thousand five hundred (\$17,500) dollars.

Scaffolding and repairing brickwork	\$ 600.00
Repairing cornice work, gutters and water leaders.....	500.00
Seven year composition roof	1,325.00
Repairing and putting zinc weather strips on 180 windows.....	720.00
Steel beams and posts in place	700.00
Strengthening roof	1,000.00
Steps, ladders and gangways	150.00
Plastering	2,000.00
Decorating and painting	2,000.00
New court room	3,200.00
Electric wiring	800.00
Repairs to steam mains and boxing same and digging.....	450.00

Brickwork and repairs in power house	800.00
Pneumatic water supply	2,000.00
Contingencies	2,000.00
	\$17,445.00

A minority of your committee make the following report:

While the state of North Dakota is badly in need of a new capitol building, the financial conditions prevailing in the state and country generally are not now favorable for the securing of the amount of money required.

The recent failure of crops has caused a shrinkage of local money supplies and the suspension of land sales has so depressed the prices for farm lands that the state lands available for the construction of a capitol, if sold now, could not realize anything like full value.

With the subsiding of political unrest and a return to normal conditions and bountiful crops, Capitol lands can be sold at reasonable value and other means provided for a new building without burdening the people with new taxation.

Hence it is the recommendation of your committee that only necessary repairs be made on the present building until such time as financial and other conditions may warrant the building of a new Capitol.

JAMES KENNEDY.

Mr. LaMoure objected to the consideration of the report.

Which went over one day.

MOTIONS AND RESOLUTIONS.

Mr. Davis introduced the following concurrent resolution:

CONCURRENT RESOLUTION.

Providing for the appointment of visiting committees for the state institutions.

Resolved by the Senate, the House of Representatives 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 three 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.

Mr. Davis moved

That the resolutoin be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Garden moved

That Senate Bill No. 103 be re-referred to the committee on temperance.

Which motion prevailed.

Mr. Gilbert moved

That the vote by which Senate Bill 138 was passed, be re-considered and that it be re-referred to the committee on judiciary.

Which motion prevailed.

Mr. Gilbert moved

That Senate Bill No. 138 be recalled from the House.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

February 3, 1911.

Mr. President:

I have the honor to return herewith

Senate Bill No. 138.

A concurrent resolution to amend Section 158 of the Constitution of the State of North Dakota, governing the sale of school lands to railroad companies.

As requested by the Senate.

E. H. GRIFFIN,
Chief Clerk.

FIRST READING OF SENATE BILLS.

Mr. Linde introduced

Senate Bill No. 242.

A bill for an act prohibiting and punishing the unauthorized publication or distribution of the secret work of frater-

nal orders, and any publication claimed or represented to be secret work.

Which was read the first time.

Mr. Gronvold introduced

Senate Bill No. 243.

A bill for an act to amend Section 2084 of the Revised Codes of North Dakota for 1905, relating to proof of planting trees, under the tree bounty law

Which was read the first time.

Mr. Linde introduced

Senate Bill No. 244.

A bill for an act prohibiting public administrators from acting as attorneys in the estates of decedents.

Which was read the first time.

Mr. Linde introduced

Senate Bill No. 245.

A bill for an act to amend and re-enact Sections 1, 2, 3, 4, 7, 8 of Chapter 260 of the Session Laws of the state of North Dakota for the year 1907, to repeal Sections 5 and 6 thereof and to repeal Chapter 258 of the Session Laws of the state of North Dakota for the year 1907, relating to the prohibition of unfair discrimination between different sections, communities or localities, unfair competition and providing penalties for the violation thereof.

Which was read the first time.

Mr. Plain introduced

Senate Bill No. 246.

A bill for an act to prohibit the carrying and use of firearms by children and minors.

Which was read the first time.

Mr. Welo introduced

Senate Bill No. 247.

A concurrent resolution amending Section 185 of the Constitution of the state of North Dakota, relating to state aid in the construction and improvement of public highways.

Which was read the first time.

Mr. Welch introduced

Senate Bill No. 248.

A bill for an act to provide for the better preservation of section corner, quarter section corner and meander corner monuments on any government line of survey, and to provide a penalty for their destruction or defacement.

Which was read the first time.

Mr. Gilbert introduced

Senate Bill No. 249.

A bill for an act to amend Article 4 of Chapter 30 of the Political Code of North Dakota, being Section 2678 of the Revised Codes of North Dakota of 1905, relating to powers of city councils.

Which was read the first time.

Mr. Martin introduced

Senate Bill No. 250.

A bill for an act limiting the expenses of life insurance corporations.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 251.

A bill for an act to provide compensation for the destruction of tubercular cows, and levying a tax therefor.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 252.

A bill for an act to amend Section 1541 of the Revised Codes of 1905, relating to tax lists made out by county auditors.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 253.

A bill for an act transferring funds from the state wolf bounty fund of this state to the general fund of the state.

Which was read the first time.

Mr. Bessesen introduced

Senate Bill No. 254.

A bill for an act prohibiting combinations or agreements between two or more fire insurance companies, fixing rates and prescribing penalties therefor.

Which was read the first time.

Mr. Jacobsen (by request) introduced

Senate Bill No. 255.

A bill for an act amending and re-enacting Sections 2 and 4 of Chapter 141 of the laws of 1909, relating to fire escapes for hotels.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 242.

A bill for an act prohibiting and punishing the unauthorized publication or distribution of the secret work of fraternal orders, and any publication claimed or represented to be secret work.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 243.

A bill for an act to amend Section 2084 of the Revised Codes of North Dakota for 1905, relating to proof of planting trees, under the tree bounty law

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 244.

A bill for an act prohibiting public administrators from acting as attorneys in the estates of decedents.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 245.

A bill for an act to amend and re-enact Sections 1, 2, 3, 4, 7, 8 of Chapter 260 of the Session Laws of the state of North Dakota for the year 1907, to repeal Sections 5 and 6 thereof and to repeal Chapter 258 of the Session Laws of the state of North Dakota for the year 1907, relating to the prohibition of unfair discrimination between different sections, communities or localities, unfair competition and providing penalties for the violation thereof.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 246.

A bill for an act to prohibit the carrying and use of firearms by children and minors.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 247.

A concurrent resolution amending Section 185 of the Constitution of the state of North Dakota, relating to state aid in the construction and improvement of public highways.

Was read the second time and

Referred to the committee on highways and bridges.

Senate Bill No. 248.

A bill for an act to provide for the better preservation of section corner, quarter section corner and meander corner

monuments on any government line of survey, and to provide a penalty for their destruction or defacement.

Was read the second time and

Referred to the committee on public lands.

Senate Bill No. 249.

A bill for an act to amend Article 4 of Chapter 30 of the Political Code of North Dakota, being Section 2678 of the Revised Codes of North Dakota of 1905, relating to powers of city councils.

Was read the second time and

Referred to the committee on cities and municipal corporations.

Senate Bill No. 250.

A bill for an act limiting the expenses of life insurance corporations.

Was read the second time and

Referred to the committee on insurance.

Senate Bill No. 251.

A bill for an act to provide compensation for the destruction of tubercular cows, and levying a tax therefor.

Was read the second time and

Referred to the committee on public health.

Senate Bill No. 252.

A bill for an act to amend Section 1541 of the Revised Codes of 1905, relating to tax lists made out by county auditors.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 253.

A bill for an act transferring funds from the state wolf bounty fund of this state to the general fund of the state.

Was read the second time and

Referred to the committee on ways and means.

Senate Bill No. 254.

A bill for an act prohibiting combinations or agreements between two or more fire insurance companies, fixing rates and prescribing penalties therefor.

Was read the second time and

Referred to the committee on insurance.

Senate Bill No. 255.

A bill for an act amending and re-enacting Sections 2 and 4 of Chapter 141 of the laws of 1909, relating to fire escapes for hotels.

Was read the second time and

Referred to the committee on state affairs.

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. 63.

A bill for an act to prohibit the importation, manufacture, distribution, transportation, sale, or use of snuff, and providing a penalty therefor.

Also,

Senate Bill No. 69.

A bill for an act to amend Section 2592 of the Revised Codes of North Dakota for 1905, as amended by Chapter 70 of the Laws of the State of North Dakota for 1907, relating to the salary of county auditors.

Also

Senate Bill No. 103.

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

Also,

Senate Bill No. 114.

A bill for an act to enlarge the powers and duties of the board of railroad commissioners, creating a public warehouse fund and making an appropriation.

Also,

Senate Bill No. 142.

A bill for an act to amend Sections 1821 and 1828 of the Revised Codes of 1905, as amended in Chapter 93 of the Session Laws of 1907, and also to amend Section 1825 of the Revised Codes of 1905, relating to drainage.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,

February 3, 1911.

Mr. President:

I have the honor to inform you that the House has concurred in the senate concurrent resolution relating to appointment of joint committee to visit the public institutions.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Senate Bill No. 63.

A bill for an act to prohibit the importation, manufacture, distribution, transportation, sale, or use of snuff, and providing a penalty therefor.

Was read the third time.

Mr. Stevens moved

In section 8, line 6 of the engrossed bill, to strike out "until" and insert "prior to."

Which motion was lost.

Mr. Simpson offered the following communication:

Auburn, N. Y., Feb. 2, 1911.

Hon. L. A. Simpson, Senate Chamber Bismarck, N. D.

Snuff contains crystalline salt, much cut angular wood stems, a little tobacco scrap flavoring; cheap imitation of an imported snuff; injurious both from sharp, angular, woody cut stems, starting inflammation of mucous membranes and pathological injury from irritant salt crystals. In excess snuff injurious. Sale should be prohibited.

A. H. HAMILTON.

The question being on the final passage of the bill.

The roll was called and there were 36 ayes, no nays, 13 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Simpson
Baker	Kennedy	Steel of Stutsman
Bessesen	Kretschmar	Stevens
Carter	LaMoure	Syverson
Cashel	Linde	Talcott
Davis	Martin	Trimble
Duis	McDonald	Turner
Ganssle	McDowell	Walton
Garden	Movius	Welo
Gilbert	Overson	Welch
Gronvold	Pierce	Whitcher
Gundersen	Putnam	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duncan	Johnson	Steele of Renville
Elken	McLean	Thoreson
Ellingson	Plain	Wallin
Gibbens	Ruzicka	Williams
Hookway		

So the bill passed and the title was agreed to.

Senate Bill No. 69.

A bill for an act to amend Section 2592 of the Revised Codes of North Dakota for 1905, as amended by Chapter 70 of the Laws of the State of North Dakota for 1907, relating to the salary of county auditors.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 31 ayes, 4 nays, 14 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gundersen	Putnam
Baker	Jacobsen	Steel of Stutsman
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syvertson
Cashel	LaMoure	Talcott
Davis	Martin	Trimble
Duis	McDowell	Turner
Ganssle	Movius	Walton
Garden	Overson	Welo
Gilbert	Pierce	Whitcher
Gronvold		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Linde	Welch	Young
McDona'd		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duncan	Johnson	Steele of Renville
Elken	McLean	Thoreson
Ellingson	Plain	Wallin
Gibbens	Ruzicka	Williams
Hookway	Simpson	

So the bill passed and the title was agreed to.

Mr. Martin moved

That the vote by which Senate Bill No. 69 passed, be re-considered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 114.

A bill for an act to enlarge the powers and duties of the board of railroad commissioners, creating a public warehouse fund and making an appropriation.

Was read the third time.

Mr. Pierce moved

That Senate Bill No. 114, be re-referred to the committee on appropriations.

Which motion prevailed.

Senate Bill No. 142.

A bill for an act to amend Sections 1821 and 1828 of the Revised Codes of 1905, as amended in Chapter 93 of the Session Laws of 1907, and also to amend Section 1825 of the Revised Codes of 1905, relating to drainage.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 32 ayes, no nays, 17 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steel of Stutsman
Baker	Jacobsen	Stevens
Bessesen	Kennedy	Syverson
Carter	LaMoure	Talcott
Cashel	Linde	Turner
Davis	Martin	Walton
Duis	McDonald	Welo
Ganssle	McDowell	Welch
Garden	Movius	Whitcher
Gilbert	Overson	Young
Gronvold	Pierce	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duncan	Kretschmar	Steele of Renville
Elken	McLean	Thoreson
Ellingson	Plain	Trimble
Gibbens	Putnam	Wallin
Hookway	Ruzicka	Williams
Johnson	Simpson	

So the bill passed and the title was agreed to.

Mr. Cashel moved

That the vote by which Senate Bill No. 142 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 67.

A bill for an act to amend Section 1737 of the Revised Codes of North Dakota of 1905.

Was read the first and second times and

Referred to the committee on military affairs.

House Bill No. 100.

A bill for an act to regulate the practice of medicine and surgery in the State of North Dakota.

Was read the first and second times, and

Referred to the committee on public health.

House Bill No. 110.

A bill for an act to provide for the distribution of Blue Books among the district schools of the state.

Was read the first and second times, and

Referred to the committee on education.

House Bill No. 152.

A bill for an act to specify and authorize a state flag.

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 176.

A bill for an act to amend Sections 2 and 4 of Chapter 174 of the Session Laws of 1907.

Was read the first and second times, and

Referred to the committee on appropriations.

House Bill No. 193.

A bill for an act to amend and re-enact Section 2401, Article 10, Chapter 28 of the Revised Codes of 1905, relating to the duties of boards of county commissioners, superintend county fiscal affairs and providing for auditing and checking of officers.

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 194.

A bill for an act regulating the issue of health certificates for live stock in transit or before shipment out of the

state or upon entering the state and making certain acts in violation thereof misdemeanors.

Was read the first and second times, and

Referred to the committee on live stock.

House Bill No. 82.

A bill for an act to amend Section 4392 of the Revised Codes of the state of North Dakota for the year 1905, relating to the construction of transfer facilities; also providing for the application of a short rate in the absence of "wyes;" and providing for a penalty for the violation thereof.

Was read the third time.

Mr. LaMouse moved to amend the bill as follows:

In line 7. of the printed bill, strike out the words "on the same" and substitute the word "at."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill,

The roll was called and there were 34 ayes, no nays, 15 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Kennedy	Steel of Stutsman
Baker	Kretschmar	Stevens
Bessesen	LaMoure	Syverson
Carter	Linde	Talcott
Cashel	McDonald	Trimble
Davis	McDowell	Turner
Duis	Movius	Walton
Ganssle	Overson	Welo
Gilbert	Pierce	Welch
Gronvold	Putnam	Whitcher
Gunderson	Simpson	Young
Jacobsen		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duncan	Hookway	Ruzicka
Elken	Johnson	Steele of Renville
Ellingson	Martin	Thoreson
Garden	McLean	Wallin
Gibbens	Plain	Williams

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 3, 1911.

Mr. President:

I have the honor to inform you that the House has reconsidered their action in which they concurred in Senate concurrent resolution relative to appointment of committees to visit the public institutions, and have amended same by striking out the words "three committees" and inserting in lieu thereof the words, "four committees," and have concurred in same as amended and the Speaker has appointed the following committees:

First committee—Fox, Hoge, DeLance.

Second committee—Streeter, Johns, Whitmer.

Third committee—Hyland, Burns, Dean.

Fourth committee—Sorlie, Johnson, France.

Very respectfully,

E. H. GRIFFIN.
Chief Clerk.

The President announced the appointment of Messrs. Linde, Bessesen, Carter, Overson, Putnam and Trimble, as Senate Members of the joint committees to visit the public institutions of the state during the recess.

The courtesies of the floor were extended to the following:

James Buchanan of Buchanan.

F. Lentz.

F. C. Heffron of Dickinson.

Mr. Duis moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

THIRTY-SIXTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

February 7, 1911.

The senate convened at 2 o'clock.

The president presiding.

Prayer by Rev. Newcomb.

Roll call.

All present except Messrs. Ganssle, Gronvold, Hookway, Kretchmar, Linde, Movius, Ruzicka, Simpson, Steele of Renville, Talcott, Welo and Welch, 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 of the 32nd day, have carefully examined the same and recommend that the same be corrected as follows:

The word "corrected," in line 1 of page 2, to be changed to "amended."
"Referred," in line 11, page 5, be changed to read "re-referred."

Line 12, page 11, the word "special" be stricken out, and the word "select" be inserted in lieu thereof. In same line "committee" be changed to "committees."

And when so amended recommend that the same be approved.

J. E. STEVENS,
Chairman.

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

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

February 7, 1911.

Mr. President:

I have the honor to transmit herewith
House Bill No. 173.

A bill for an act to amend and re-enact Section 4201 of the Civil Code of the Revised Codes of North Dakota of 1905, relating to by-laws of private corporations.

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

Very respectfully,

E. H. GRIFFIN.
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. 92.

A bill for an act relating to children who are now or may hereafter become dependent, neglected or delinquent; to define these terms, and to provide for the treatment, control,

maintenance, protection, adoption and guardianship of the persons of such children.

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

In line 1 of section 5 of the printed bill, strike out the word "county" and insert "district." In line 4 of section 4, after the word "court" add the following: "and as far as possible the said court shall be held in chambers."

In line 7 of section 6, strike out the word "probation" and insert "juvenile." In line 28 of section 6, strike out the word "county" and insert "district." In line 82 of section 6, strike out the word "probation" and insert "juvenile." Also in line 83, strike out "probation" and insert "juvenile." In line 1 of section 7 strike out "probation" and insert "juvenile." Also in line 1 of section 7, strike out "county" and insert "district." and in line 2 of section 7, strike out "counties" and insert "districts." After the word "character," in line 3 of section 7, insert the following: "for each of the counties in their said districts." Also in line 3 of section 7, strike out "probation" and insert "juvenile." After the word "compensation," add the following: "except their necessary expenses, which shall be audited by and allowed in the discretion of the said district judge and paid by the counties for which said persons are appointed." In line 6 of section 7, strike out "probation" and insert "juvenile." In line 8 of section 7, strike out "probation" and insert "juvenile." In line 13 of section 7, after the word "court," add the following: "such juvenile officers may be of either sex."

In line 5 of section 8, strike out "probation" and insert "juvenile." In line 9 of section 9, add the following after the word "association": "and to the supervision and further orders of said juvenile court."

In line 4 of section 10, strike out "probation" and insert "juvenile."

In line 5 of section 10, strike out "probation" and insert "juvenile."

In line 18 of section 10, strike out "probation" and insert "juvenile."

In line 26 of section 10, after the word "association," add the following: "and to the supervision of and further orders of said juvenile court."

In line 6 of section 12, after the word "purposes," add the following: "subject, however, to the supervision and further orders of the court."

Strike out all of line 2 in section 15 and the three words "of this act" in line 3 of section 15 and insert the word "if" in the place of same.

After the word "be" in line 5 of section 15, insert the following: "given into the care of a juvenile officer of said county." Also strike out the words "taken directly," in line 5, and words "before the county court of such county," in line 6. In line 7 of section 15, strike out "county" and insert "juvenile," and in line 8 of section 15, strike out "county" and insert "juvenile."

In line 1 of section 19, after the word "visitors," add the following: "and children's guardians." Also in line 1 of section 19, strike out "county" and insert "district." Also in line 2 of section 19, strike out "county" and insert "district." Strike out the words "who will," in line 2 of section 19, and the words "serve without compensation, to constitute a board of visitation," in line 3 of section 19. In line 4 of section 19, strike out the words "whose duty it shall be" and insert the following: "in each of the counties of his district. Three of the members of said board shall be women. They shall serve without any compensation, except their necessary expenses, which shall be audited by and allowed in the discretion of the said district judge and paid by the counties for which said persons are appointed. It shall be the duty of said board." In line 5 of section 19, after the word "associations," insert the following: "and all persons." In line 10 of section 19, strike out the first "and" and after

the word "institutions" insert "and persons." Also in line 10 of section 19, strike out "county" and insert "district." Also in line 11 of section 19, strike out the word "commissioner" and insert "judge."

Add at the end of section 19 the following: "In addition thereto the said board shall act as the board of children's guardians, and shall investigate into the conditions and nature and number of the dependent and neglected children in their said counties, and whenever they shall have knowledge of facts such as will cause the substantial belief that any child in said county is delinquent, dependent or neglected, as these terms are used and defined in this act, and no steps have been taken for the care of such child, it shall be their duty to themselves present to the juvenile court of their said district the petition provided for in section 5 of this act. In all cases also where a child, or children, have been committed or entrusted to the state home for the feeble-minded and either voluntarily by their parents or guardians or under due process of law and are sought to be released therefrom, and in all cases where waifs or illegitimate or other dependent children are sought to be released from care and guardianship or adopted, domiciled or apprenticed, the said board shall investigate into the matter within ten days after notice of the attempted action, which shall in every case be given to them in writing by the person or institution seeking to release, discharge or adopt such child, whether temporarily or permanently, and said board shall advise the said district court as to the advisability and wisdom of such action, and no such action shall take place without the consent of said district judge."

In line 4 of section 26, strike out "probation" and insert "juvenile."

Mr. Duis moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

REPORT OF SELECT COMMITTEE.

The report of the select committee on capitol building was laid before the senate.

Mr. Turner moved the adoption of the majority report.

Mr. Cashel moved

That the reports be made a special order for 3 o'clock Wednesday.

Which motion prevailed.

Mr. Bessen introduced the following concurrent resolution:

WHEREAS, This is a government of the people and by the people, all power and authority being derived from the people; and

WHEREAS, The legislators of the several states are often unable to make choice of senators without long continued balloting, resulting in "deadlock" and the detriment of legislation; and

WHEREAS, It has been charged that corrupt influences and bribery are sometimes introduced to secure the election of political bosses and men of

inferior ability, thereby causing degeneracy in the personnel of the most august legislative body in the world; and

WHEREAS, The people of the United States are entitled to elect their senators by direct vote, and twenty-nine states have already made a demand upon Congress for a constitutional amendment providing for the election of United States senators by direct vote of the people; and

WHEREAS, The fundamental principle of our republic is that the will of the people be expressed by a free and untrammelled ballot and majority rule;

Therefore, Be it Resolved by the Senate of North Dakota, the House of Representatives Concurring:

That this Legislative Assembly put itself on record in favor of an amendment to the constitution of the United States for the election of United States senators by direct vote of the people, and

Be it Further Resolved:

That the Senate and House of Representatives of the United States be and are hereby respectfully urged to vote for and pass a resolution amending the constitution of the United States providing for the election of United States senators by a direct vote of the people, which amendment shall be submitted to the several states for ratification, in accordance with the federal constitution; and

Be it Further Resolved:

That a copy of this resolution be forthwith sent to each of our United States senators and representatives in Congress.

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

Mr. Bessesen moved

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

Which motion was lost.

FIRST READING OF SENATE BILLS.

Mr. Stevens introduced

Senate Bill No. 256.

A bill for an act to amend Section 1833 of the Revised Codes of North Dakota for the year 1905, relating to additional assessments for drains.

Which was read the first time.

Mr. Duis introduced

Senate Bill No. 257.

A bill for an act entitled, an act regulating the erection of telegraph, telephone, electric light, power and other poles carrying wires conveying electricity in incorporated cities.

Which was read the first time.

Mr. Kennedy (by request) introduced

Senate Bill No. 258.

A bill for an act to prevent the cropping of farm land to the same kind of grain during successive years.

Which was read the first time.

Mr. Williams introduced

Senate Bill No. 259.

A bill for an act making an appropriation to compensate P. G. Johnson for services as assistant attorney general, especially authorized to enforce the prohibitory law of this state.

Which was read the first time.

Mr. Walton introduced

Senate Bill No. 260.

A bill for an act to regulate the names of corporations and to prohibit the use of misleading words in the names of corporations organized or authorized to do business in this state.

Which was read the first time.

Mr. Wallin introduced

Senate Bill No. 261.

A bill for an act regulating the practice in county court having increased jurisdiction.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 256.

A bill for an act to amend Section 1833 of the Revised Codes of North Dakota for the year 1905, relating to additional assessments for drains.

Was read the second time and

Referred to the committee on drainage.

Senate Bill No. 257.

A bill for an act entitled, an act regulating the erection of telegraph, telephone, electric light, power and other poles carrying wires conveying electricity in incorporated cities.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 258.

A bill for an act to prevent the cropping of farm land to the same kind of grain during successive years.

Was read the second time and

Referred to the committee on agricultre.

Senate Bill No. 259.

A bill for an act making an appropriation to compensate P. G. Johnson for services as assistant attorney general, especially authorized to enforce the prohibitory law of this state.

Was read the second time and

Referred to the committee on temperance.

Senate Bill No. 260.

A bill for an act to regulate the names of corporations and to prohibit the use of misleading words in the names of corporations organized or authorized to do business in this state.

Was read the second time and

Referred to the committee on corporations other than municipal.

Senate Bill No. 261.

A bill for an act regulating the practice in county court having increased jurisdiction.

Was read the second time and

Referred to the committee on judiciary.

Mr. Gilbert moved

That the vote by which House Bill No. 82 passed be reconsidered.

Which motion prevailed,

Mr. Gilbert moved

That House Bill No. 82 be re-referred to the committee on railroads.

Which motion prevailed.

SENATE COMMITTEE ON ENROLLED AND ENGROSSED BILLS.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 17.

A bill for an act to amend and re-enact Section 468 of the Revised Codes of North Dakota for the year, A. D., 1905, as amended by Chapter 159 of the Laws of 1907, relating to judicial districts within the state.

Also,

Senate Bill No. 44.

A bill for an act to amend Section 6237 of the Revised Codes, as amended by Chapter 158 of the Session Laws of 1909, relating to mechanic's liens.

Also

Senate Bill No. 48.

A bill for an act regulating the speed of locomotives and trains while passing through cities, towns and villages in North Dakota.

Also

Senate Bill No. 75.

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

Also,

Senate Bill No. 113.

A bill for an act defining and taxing the occupation of transient merchants, regulating the licensing of persons engaged in such occupation, increasing the state revenue by such taxation, and prescribing penalties for violation of its provisions.

Also,

Senate Bill No. 121.

A bill for an act to amend Section 1976 and Section 1979, relating to estrays.

Also

Senate Bill No. 149.

A bill for an act to require sheriffs in all counties of the State of North Dakota to issue receipts and to file with the county auditor of their respective counties all duplicate receipts issued for the payment of delinquent taxes collected by them or their deputies during their term of office.

Also,

Senate Bill No. 178.

A bill for an act prohibiting county superintendents of schools, deputies, school district officers, school officials, principals and teachers from receiving commission or fees or reward for or on account of any school books, furniture or other supplies purchased during the incumbency of such office, and providing for a penalty therefor.

Also

Senate Bill No. 216.

A bill for an act to amend and re-enact Section 8023 of the Revised Codes of North Dakota for 1905, relating to time to apply for letters of administration and providing when the statute of limitations shall run against claims against decedents.

Also,

Senate Bill No. 217.

A bill for an act to amend and re-enact Section 9015 of the Revised Codes of North Dakota for 1905, as amended by Chapter 163 of the laws of 1909, validating marriages performed without authority, or where licenses have been issued by a clerk of the county court.

Also,

Senate Bill No. 219.

A bill for an act, making an appropriation to meet the deficiency incurred by William Blake of Stutsman county, North Dakota, in carrying on the work of state humane agent.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

Senate Bill No. 17.

A bill for an act to amend and re-enact Section 468 of the Revised Codes of North Dakota for the year, A. D., 1905, as amended by Chapter 159 of the Laws of 1907, relating to judicial districts 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 35 ayes, no nays, 14 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steel of Stutsman
Baker	Jacobsen	Stevens
Bessesen	Johnson	Syvertson
Carter	Kennedy	Thoreson
Cashel	Martin	Trimble
Davis	McDonald	Turner
Duis	McDowell	Wallin
Duncan	McLean	Walton
Elken	Overson	Welch
Ellingson	Pierce	Williams
Garden	Plain	Young
Gibbens	Putnam	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	LaMoure	Steele of Renville
Gilbert	Linde	Talcott
Gronvold	Movius	Welo
Hookway	Ruzicka	Whitcher
Kretschmar	Simpson	

So the bill passed and the title was agreed to.

Mr. Stevens introduced the following concurrent resolution:

A concurrent resolution providing for a joint committee to attend the meeting of the State Dairymen's Association, held at Jamestown, North Dakota, February eighth and ninth, nineteen hundred and eleven, and report to the Senate and House the results of such meeting and their observations and conclusions.

WHEREAS, The dairy interest is recognized as one of the greatest industries of this state; and

WHEREAS, The state dairymen of North Dakota are holding their annual meeting in the city of Jamestown, North Dakota, February eighth and ninth, nineteen hundred and eleven;

Therefore, Be it Resolved by the Senate of North Dakota, the House Concurring:

That the president of the Senate be authorized to appoint a committee of two and the speaker of the House be authorized to appoint a committee of three to attend said meeting at Jamestown, and report to the Senate and House the results of such meeting and their observations and conclusions.

Mr. Stevens moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Bessesen in the chair.

Senate Bill No. 48.

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.

The question being on the final passage of the bill,

The roll was called and there were 35 ayes, no nays, 14 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steel of Stutsman
Baker	Jacobsen	Stevens
Bessesen	Johnson	Syverson
Carter	Kennedy	Thoreson
Cashel	Martin	Trimble
Davis	McDonald	Turner
Duis	McDowell	Wallin
Duncan	McLean	Walton
Ellingson	Overson	Welch
Garden	Pierce	Williams
Gibbens	Plain	Young
Gilbert	Putnam	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Elken	LaMoure	Steele of Renville
Ganssle	Linde	Talcott
Grouvold	Movius	Welo
Hookway	Ruzicka	Whitcher
Kretschmar	Simpson	

So the bill passed and the title was agreed to.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred Senate Bill No. 224.

A bill for an act to amend Section 98 of the Revised Codes of North Dakota of 1905.

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

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.
The President in the chair.

Mr. Martin moved
That Senate Bill No. 163 be recalled.
Which motion prevailed

Mr. Davis moved
That the rules be suspended and that Senate Bill No. 224 be considered engrossed and be placed on its third reading and final passage.
Which motion prevailed.

Senate Bill No. 224.

A bill for an act to amend Section 98 of the Revised Codes of North Dakota of 1905.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 36 ayes, 1 nay, 12 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Putnam
Baker	Jacobsen	Steel of Stutsman
Bessesen	Johnson	Stevens
Carter	Kennedy	Syvertson
Cashel	LaMoure	Thoreson
Davis	Martin	Trimble
Duis	McDonald	Turner
Duncan	McDowell	Wallin
Ellingson	McLean	Walton
Garden	Overson	Welch
Gibbens	Pierce	Williams
Gilbert	Plain	Young

Mr. Elken voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Linde	Steele of Renville
Gronvold	Movius	Talcott
Hookway	Ruzicka	Welo
Kretschmar	Simpson	Whitcher

So the bill passed and the title was agreed to.

Mr. Davis moved

That the vote by which Senate Bill No. 224 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Davis moved

That the consideration of Senate Bill No. 73 be laid over for one day.

Which motion prevailed.

Senate Bill No. 75.

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

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 36 ayes, no nays, 13 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gilbert	Putnam
Baker	Gunderson	Steel of Stutsman
Bessesen	Jacobsen	Stevens
Carter	Johnson	Syverson
Cashel	Kennedy	Thoreson
Davis	LaMoure	Trimble
Duis	McDonald	Turner
Duncan	McDowell	Wallin
Elken	McLean	Walton
Ellingson	Overson	Welch
Garden	Pierce	Williams
Gibbens	Plain	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Martin	Steele of Renville
Gronvold	Movius	Talcott
Hookway	Ruzicka	Welo
Kretschmar	Simpson	Whitche
Linde		

So the bill passed and the title was agreed to.

Mr. Thoreson moved

That the vote by which Seante Bill No. 75 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Duis moved

That Senate Bill No. 113 be re-referred to the committee on judiciary.

Which motion prevailed.

Senate Bill No. 121.

A bill for an act to amend Section 1976 and Section 1979, relating to estrays.

Was read the third time.

Mr. Plain moved

To amend Senate Bill No. 121 by striking out the word "six" in lines five and seventeen of the printed bill, and inserting in lieu thereof the word "nine."

Which motion was lost.

The question being on the final passage of the bill,

The roll was called and there were 25 ayes, 10 nays, 14 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Garden	Stevens
Baker	Gunderson	Syverson
Bessesen	Johnson	Thoreson
Carter	McDowell	Trimble
Cashel	McLean	Turner
Duis	Pierce	Wallin
Duncan	Plain	Welch
Elken	Steel o. Stutsman	Young
Ellingson		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Davis	Kennedy	Overson
Gibbens	LaMoure	Walton
Gilbert	McDonald	Williams
Jacobsen		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Martin	Steele & Renville
Gronvold	Movius	Talcott
Hookway	Putnam	Welo
Kretschmar	Ruzicka	Whitcher
Linde	Simpson	

So the bill passed and the title was agreed to.

Senate Bill No. 149.

A bill for an act to require sheriffs in all counties of the State of North Dakota to issue receipts and to file with the county auditor of their respective counties all duplicate receipts issued for the payment of delinquent taxes collected by them or their deputies during their term of office.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 35 ayes, no nays, 14 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gilbert	Putnam
Baker	Gunderson	Steel of Stutsman
Bessesen	Jacobsen	Stevens
Carter	Johnson	Syverson
Cashel	Kennedy	Thoreson
Davis	LaMoure	Turner
Duis	McDonald	Wallin
Duncan	McDowell	Walton
Elken	McLean	Welch
Ellingson	Overson	Williams
Garden	Pierce	Young
Gibbens	Plain	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Martin	Talcott
Gronvold	Movius	Trimble
Hookway	Ruzicka	Welo
Kretschmar	Simpson	Whitcher
Linde	Steele of Renville	

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

February 7, 1911.

Mr. President:

I have the honor to inform you that the House has concurred in the Senate concurrent resolution relating to ap-

pointment of committee to attend meeting of State Dairy-men's association held at Jamestown.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Senate Bill No. 178.

A bill for an act prohibiting county superintendents of schools, deputies, school district officers, school officials, principals and teachers from receiving commission or fees or reward for or on account of any school books, furniture or other supplies during the incumbancy of such office, and providing for a penalty therefor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 32 ayes, no nays, 17 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gilbert	Steel of Stutsman
Baker	Gunderson	Stevens
Bessesen	Jacobsen	Syverson
Carter	Johnson	Thoreson
Cashel	Kennedy	Turner
Duis	LaMoure	Wallin
Duncan	McDonald	Walton
Elken	McDowell	Welch
Ellingson	McLean	Williams
Garden	Oversen	Young
Gibbens	Plain	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Martin	Steele of Renville
Ganssle	Movius	Talcott
Gronvold	Pierce	Trimble
Hookway	Putnam	Welo
Kretschmar	Ruzicka	Whitcher
Linde	Simpson	

So the bill passed and the title was agreed to.

Senate Bill No. 216.

A bill for an act to amend and re-enact Section 8023 of the Revised Codes of North Dakota for 1905, relating to

time to apply for letters of administration and providing when the statute of limitations shall run against claims against decedents.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 33 ayes, no nays, 16 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gilbert	Steel or Stutsman
Baker	Gunderson	Stevens
Bessesen	Jacobsen	Syvertson
Carter	Johnson	Thoreson
Cashel	Kennedy	Trimble
Duis	LaMoure	Turner
Duncan	McDonald	Wallin
Elken	McD well	Walton
Ellingson	McLean	Welch
Garden	Overson	Williams
Gibbens	Plain	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Martin	Simpson
Ganssle	Movius	Steele of Renville
Gronvold	Pierce	Talcott
Hookway	Putnam	Welo
Kretschmar	Ruzicka	Whitcher
Linde		

So the bill passed and the title was agreed to.

Senate Bill No. 217.

A bill for an act to amend and re-enact Section 9015 of the Revised Codes of North Dakota for 1905, as amended by Chapter 163 of the laws of 1909, validating marriages performed without authority, or where licenses have been issued by a clerk of the county court.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 29 ayes, 4 nays, 16 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gilbert	Steel of Stutsman
Baker	Gunderson	Syverson
Bessesen	Jacobsen	Thoreson
Carter	Johnson	Trimble
Cashel	Kennedy	Turner
Duis	McDonald	Wallin
Duncan	McDowell	Walton
Elken	McLean	Williams
Ellingson	Overson	Young
Gibbens	Putnam	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Stevens	Welch
Plain		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Linde	Simpson
Ganssle	Martin	Steele of Renville
Garden	Movius	Talcott
Gronvold	Pierce	Welo
Hookway	Ruzicka	Whitcher
Kretschmar		

So the bill passed and the title was agreed to.

Senate Bill No. 219.

A bill for an act, making an appropriation to meet the deficiency incurred by William Blake of Stutsman county, North Dakota, in carrying on the work of state humane agent.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 31 ayes, no nays, 18 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Stevens
Baker	Johnson	Syverson
Bessesen	Kennedy	Thoreson
Carter	LaMoure	Trimble
Cashel	McDonald	Turner
Duis	McD w·l	Wallin
Duncan	McLean	Walton

Messrs.—	Messrs.—	Messrs.—
Elken	Overson	Welch
Ellingson	Plain	Williams
Gilbert	Steel of Stutsman	Young
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Kretschmar	Ruzicka
Ganssle	Linde	Simpson
Garden	Martin	Steele of Renville
Gibbens	Movius	Talcott
Gronvold	Pierce	Welo
Hookway	Putnam	Whitcher

So the bill passed and the title was agreed to.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 173.

A bill for an act to amend and re-enact Section 4201 of the Civil Code of the Revised Codes of North Dakota of 1905, relating to by-laws of private corporations.

Was read the first and second times, and

Referred to the committee on corporations other than municipal.

House Bill No. 9.

A bill for an act to amend section 4037 of the Revised Codes of North Dakota for 1905, relating to issuing of marriage license.

Was read the third time.

Mr. McDonald moved

That the consideration of House Bill No. 9 be laid over for one day.

Which motion prevailed.

The President of the Senate named as members of the committee to visit the State Dairymen's association, Messrs Duncan and Thoreson.

The courtesies of the floor were extended to the following:

Dr. Halldorson, Souris.

R. P. Erving, Sargent county.
J. Austin Regan, Fessenden.
Tracy R. Bangs, Grand Forks.
Hon. V. B. Noble, Bottineau.
Dr. George Newsalt, Fargo.
Dr. A. Aossger, Lisbon.
Dr. N. P. Nelson, Fargo.
J. F. Callahan.
T. Twichell.
R. J. Hughes, Wahpeton.
Joseph M. Kelly.

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

J. W. FOLEY,
Secretary.

THIRTY-SEVENTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA, .

February 8, 1911.

The Senate convened at 2 o'clock.

The president presiding.

Prayer by Rev. Newcomb.

Roll call.

All present except Ganssle, Johnson, Kretchmar and Linde, 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 of the 36th day, have carefully examined the same and recommend that the same be corrected as follows:

"Senate Bill No. 93," in the third line from the bottom of page 2, to be changed to "Senate Bill No. 92." The title of Senate Bill No. 92 to be substituted for that of Bill No. 93 as printed, at bottom of page 2.

"Mr. Watson," in line 19, page 6, be changed to "Mr. Walton."

The name "Elken" be stricken out of the list of those who voted in the affirmative on Senate Bill No. 224, on page 13.

"24," in line 15 of page 15, be changed to "25." Also "15" in the same line be changed to "14."

The words "was lost" be stricken out of the last line on page 15, and the following words be inserted in lieu thereof: "passed and the title was agreed to."

The name "Duman," in the fourth line from the bottom of page 20, be changed to "Duncan."

And when so corrected recommend that the same be approved.

J. E. STEVENS,
Chairman.

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

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 8, 1911.

Mr. President:

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

WHEREAS, The edition of the Revised Codes of North Dakota of 1905 is entirely exhausted, and there is a general demand and necessity for a compilation that shall embrace all laws and conform to all amendments made by the Legislative Assembly since 1905, up to and including the Twelfth Legislative Assembly; and

WHEREAS, The secretary of state is already empowered by law, in the publication of codes and statutes, to have general supervision over the compilation, renumbering and readjusting of sections, chapters, articles and subdivisions, and general arrangement thereof; and

WHEREAS, It is advisable to secure at least expense to the state the compilation of laws up to date,

Now, Therefore, Be it Resolved by the House of Representatives, the Senate Concurring:

As soon as practicable after the adjournment of the Twelfth Legislative Assembly, the secretary of state, with the approval of the governor, is authorized, on the general plan of the Revised Codes of 1905, to eliminate such sections, articles and chapters therein as shall have been repealed by the Legislative Assemblies of 1907, 1909 and 1911, substitute and incorporate all amendments and include all new statutes, without change or modification,

renumber the sections, articles and chapters, where necessary to perfect and harmonize the statutes, revise and rearrange the index and table of contents, according to the most modern system of indexing, and in a general way supervise the compilation of a Revised edition of the Codes, to be known as the Revised Codes of 1911. The said Revised Codes shall contain by appropriate references annotations to each section, so far as decided by the supreme courts of the territory of Dakota and the state of South Dakota and the state of North Dakota. In order that the said edition of the Revised Codes may be issued as speedily as possible, and with the least expense to the state, the secretary of state is hereby empowered to employ, with the approval of the governor, one or more competent compilers and digestors who shall be versed in the law and familiar with the work to be performed, and he may also employ one or more stenographers and typewriters, as may in his judgment, with the approval of the governor, deemed necessary to facilitate the work and prepare the copy for the said publication, the same to be completed and the codes ready for delivery as early as possible. The public printing commission shall have charge of and is hereby authorized to order the publication and printing of such Revised Codes.

When the revision herein provided for shall be completed and the books delivered to the secretary of state, the governor shall issue a proclamation setting forth the fact. Thirty days thereafter said Revised Codes shall be in full force and be received as evidence of the laws of this state in all courts thereof. The entire cost to the state for the compilation, annotations and printing herein authorized shall not exceed the sum of five dollars per volume for five thousand copies, and after allotting a sufficient number of said Revised Codes of 1911 to supply all state and other officers entitled thereto, and the public libraries and other institutions authorized by law to receive the same, the secretary of state shall keep for sale the remainder for the benefit of the state, at seven dollars and fifty cents per volume. All vouchers for the payment of services and furnishing the supplies called for by this act shall be audited by the governor and commissioners of public printing, a sufficient amount being thereby appropriated out of the general fund of the state, not otherwise appropriated to pay the same.

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

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith

Senate Bill No. 66.

A bill for an act to amend and re-enact Section 437 of the Revised Codes of the State of North Dakota, for 1905, relating to the qualifications of deputies, clerks and employes of the state, county and municipal governments of and within the State of North Dakota, and members of the official boards.

Also

Senate Bill No. 88.

A bill for an act to amend Section 2768 of the Revised Codes of North Dakota for 1905, relating to the repairs of city sidewalks.

Also

Senate Bill No. 25.

A bill for an act to authorize boards of trustees of incorporated villages to regulate the use of streets, alleys and public grounds by automobiles, traction engines and other self propelled vehicles, and to provide for registration and identification of the same, at the expense of the owners or operators thereof.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith

Senate Bill No. 70.

A bill for an act regulating and governing contracts relative to the shipment of live stock, and the giving of notice or claim for loss or damage thereto.

Which the House has amended as follows:

Strike out the words "four months" in line 8 and insert the words "thirty days."

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to transmit herewith

House Bill No. 72.

A bill for an act to appropriate the sum of sixty-five thousand dollars, or as much thereof as may be necessary to indemnify persons who have lost animals from the disease known as glanders.

Also

House Bill No. 172.

A bill for an act to amend Section 2084 of the Revised Codes of North Dakota of 1905, relating to proof of planting trees.

Also

House Bill No. 112.

A bill for an act amending Section 2400 of the Revised Codes of 1905, relating to additional powers of the board of county commissioners.

Also,

House Bill No. 55.

A bill for an act reinstating and validating the charters of corporations that have been cancelled for failure to make and file with the secretary of state, reports as required by and under Section 4186, Revised Codes of 1905.

Also,

House Bill No. 133.

A bill for an act to amend Section 2763 of the Revised Codes of the State of North Dakota for the year 1905, providing for the vacation of streets and alleys, establishing the procedure and providing for an appeal.

Also

House Bill No. 168.

A bill for an act providing for the appointment of a commission to draft a revision of the probate code of the State of North Dakota, and appropriating money therefor.

Also,

House Bill No. 28.

A bill for an act providing a penalty for obstructing water courses or diverting the water therefrom.

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

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

UNFINISHED BUSINESS.

House Bill No. 9.

A bill for an act to amend section 4037 of the Revised Codes of North Dakota for 1905, relating to issuing of marriage license.

Was laid before the Senate.

The question being on the final passage of the bill.

The roll was called and there were 35 ayes, 7 nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Kennedy	Syverson
Carter	Martin	Talcott
Cashel	McDonald	Thoreson
Davis	McDowell	Trimble
Duis	Movius	Turner
Elken	Overson	Wallin
Garden	Pierce	Walton
Gibbens	Plain	Welo
Gilbert	Ruzicka	Welch
Gunderson	Simpson	Whitcher
Hookway	Steele of Renville	Young
Jacobsen	Stevens	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Ellingson	LaMoure
Bessesen	Gronvold	Williams
Duncan		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Linde	Putnam
Johnson	McLean	Steel of Statsman
Kretschmar		

So the bill passed and the title was agreed to.

The majority and minority reports on
Senate Bill No. 73.

A concurrent resolution amending the constitution of the State of North Dakota, relating to the elective franchise, defining who are qualified electors.

Were laid before the Senate.

Mr. Talcott moved

That the Senate do now resolve itself into a committee of the whole for the consideration of

Senate Bill No. 73.

A concurrent resolution amending the constitution of the State of North Dakota, relating to the elective franchise, defining who are qualified electors.

Which motion prevailed.

The President called Mr. Duis to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose it made the following report:

Mr. President:

Your committee of the whole to whom was referred
Senate Bill No. 73.

A concurrent resolution amending the constitution of the State of North Dakota, relating to the elective franchise, defining who are qualified electors.

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

GEO. E. DUIS,
Chairman.

Mr. Gibbens moved

That the report be adopted.

Roll call demanded.

The question being on the adoption of the report.

The roll was called and there were 22 ayes, 22 nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	LaMoure	Syvertson
Baker	Pierce	Wallin
Bessesen	Plain	Walton
Cashel	Putnam	Welo
Davis	Steel of Stutsman	Whitcher
Duis	Steele of Renville	Williams
Garden	Stevens	Young
Gibbens		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Carter	Jacobsen	Overson
Duncan	Kennedy	Ruzicka
Elken	Martin	Talcott
Ellingson	McDonald	Thoreson
Gilbert	McDowell	Trimble
Gronvold	McLean	Turner
Gunderson	Movius	Welch
Hookway		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Kretschmar	Simpson
Johnson	Linde	

The vote being a tie, the President voted "aye" on the adoption of the report, and

The report was adopted.

Senate Bill No. 9.

A bill for an act to repeal House Bill numbered 156, enacted by the Eleventh legislative assembly.

Was laid before the Senate.

Mr. Gunderson moved

That the bill be referred to the committee on game and fish.

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

Senate Bill No. 214.

A bill for an act to amend sub-division 3 of Section 5001 of the Revised Codes of North Dakota of 1905, relative to the recording of instruments in the office of register of deeds.

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

ALFRED STEEL,
Chairman.

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

Also,

Mr. President:

Your committee on ways and means to whom was referred

Senate Bill No. 221.

A bill for an act providing for the transferring of the so-called "Oil Inspection Fund" in the hands of the state treasurer to the general fund of the state and providing that future collections by the state inspector of oils shall be credited to the general fund of the state.

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

ALFRED STEEL,
Chairman.

Mr. Steel moved
That the report be adopted.

Which motion prevailed, and
The report was adopted.

Also,

Your committee on ways and means to whom was referred

Mr. President:

Senate Bill No. 155.

A bill for an act to amend Section 8103 of the Revised Codes of 1905, of the State of North Dakota, relating to endorsement of allowance or rejection of claims by executive or administrators and providing for notice thereof.

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

Strike out the emergency clause.

And when so amended recommend the same do pass.

ALFRED STEEL,
Chairman.

Mr. Steel moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also,

Mr. President:

Your committee on ways and means to whom was referred

Senate Bill No. 193.

A bill for an act to amend and re-enact Section 1486 of the Revised Codes of 1905, relating to listing of property for taxation.

Have had the same under consideration and recommend that the same be re-referred to the committee on state affairs.

ALFRED STEEL,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 53.

A bill for an act entitled, an act to amend Section 4049
of the Civil Code of North Dakota, relating to causes for
divorce.

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

L. A. SIMPSON,
Acting Chairman.

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

And the further consideration of the bill was indefinitely
postponed.

Also

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 55.

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:

That in line two (2) of reprinted bill, section 1, insert parenthesis before
"except" and parenthesis after "procedure" in line three (3). Also strike
out "bond" within the parenthesis, in line two (2) of section 1, and insert
"bonds." After "as" in line four (4) insert "in the." After "of" in line
five (5), insert "a." After "direct" in line four (4) of section 3, strike
out period and insert comma. In line fifteen (15) of section 4, insert
"by" after "paid."

And when so amended recommend that the re-printed bill do pass.

L. A. SIMPSON,
Acting Chairman.

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

Also

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 94.

A bill for an act regulating inheritance in case of unlawful killing.

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

L. A. SIMPSON,
Acting Chairman.

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

Also

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 195.

A bill for an act regulating the discharge of liens, not dependent upon possession, and to provide for the release of liens, filed of record against real property and personal property, and the giving of an undertaking for the payment thereof.

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

In line 44, page three (3) of printed bill, after word "exception" insert "be made." In line forty-nine (49), page three (3), strike out words

"of the date." In line fifty-five (55), page three (3), strike out words "three dollars" and insert "one dollar."

And when so amended recommend the same do pass.

L. A. SIMPSON,
Acting Chairman.

Mr. Simpson 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. 130.

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 annual statements of insurance companies.

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 words "first Monday in February" and insert in lieu thereof "the first day of March."

In line 19, on page 2 of the printed bill, after the word "agency," insert the following: "provided, however, that the statements of domestic mutual insurance companies need only be published once, in a newspaper, published in the city wherein the home office of said company is located."

And when so amended recommend the same do pass.

L. A. SIMPSON,
Acting Chairman.

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

The committee on banking made the following report:

Mr. President:

Your committee on banking to whom was referred
Senate Bill No. 184.

A bill for an act fixing the liability of a bank to its depositor for payment of forged and 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 was adopted.

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

Your committee on education to whom was referred
Senate Bill No. 10.

A bill for an act to amend Sections 1031, 1034, 1035 and 1036, of the Revised Codes of 1905, relating to education.

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

Section 1. Section 1031 of the Revised Codes of 1905 is hereby amended to read as follows:

Section 1031. High School Board. How Composed and Duties.) The superintendent of public instruction and the president of the state university, ex-officio, two members to be chosen from among the superintendent of the city schools, in which are located high schools of first class, and one member (male) who shall not be officially connected in any manner with the educational system of the state, shall be appointed by the governor as herein provided, and shall constitute and be called "The State High School Board," and shall perform the duties and have and exercise the powers hereinafter mentioned.

One of the members chosen from among the superintendents of the city schools of first class, shall be appointed for a term of four years, and one member, chosen from among the superintendents of city schools of first class, shall be appointed for a term of two years. The member of the board at large shall be appointed for a term of two years; thereafter the members shall be appointed for a term of four years, as provided by law in the case of other state boards.

In section 2 of the printed bill, in line 6, strike out the word "three" and insert in lieu thereof the word "two."

In line 7 of the same section, strike out the word "three" and insert the word "two."

In line 10, strike out the words "appropriation for state aid to high schools," and insert the words "the general fund of the state."

In line 12, after the word "duties," insert "which expenses shall be paid as provided by law out of the general fund of the state."

In line 12, after the word "shall," insert "visit at least once a year and."

In line 13, strike out the word "the" at the end of the line, and insert the word "each" in lieu thereof.

In line 32, strike out the word "more" and insert the word "less" in lieu thereof.

In section 3 of the printed bill, in lines six and seven, strike out the words "any clerical officer of the board and high school inspector," and insert in line seven, after the word "manner," the words "as provided by law for other state officers," and strike out the balance of section three.

In section 4, line eight, after the word "law," insert the following: "Provided not more than five schools in any one county shall have the right to aid under the apportionment of the state high school fund until all other schools eligible under the provisions of this act shall have received their proportionate share of such high school aid."

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 was adopted.

The committee on temperance made the following report:

Mr. President:

Your committee on temperance to whom was referred

House Bill No. 114.

A bill for an act to prevent the giving away or otherwise disposing of intoxicating liquors as a beverage at public sales and gatherings.

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

E. L. GARDEN,
Chairman:

Mr. Garden moved

That the report be adopted.

Mr. LaMoure objected to the consideration of the report.

Which went over one day.

REPORT OF SELECT COMMITTEES.

Mr. President:

Your special committee named under the joint resolution of the House and Senate to visit and inquire into the needs and work of the North Dakota State Agricultural College at Fargo begs leave to submit the following report:

Your committee, consisting of Senators H. J. Bessesen and John Young and Representatives O. J. Sorlie and N. O. Johnson, left Bismarck for

Fargo on the evening of February third and spent February fourth in thoroughly going over all of the buildings and departments of the State Agricultural College at Fargo and inquiring into their needs.

The State Agricultural College requests the following, viz.: First, an appropriation for the maintenance of \$50,000 annually. Second, an appropriation of \$50,000 for Ceres Hall (girls' dormitory), to pay for the deficit upon said building and for furnishing the same. Third, an appropriation of \$12,000 for a new boiler and new smoke stack. Fourth, an appropriation of \$15,000 for the purchase of a half section of land, lying immediately west of the college grounds. Fifth, an appropriation of \$85,000 to complete the new chemical laboratory and to furnish equipment therefor. Sixth, the college also desires a boys' dormitory, as they have none at all at the present time. Seventh, the college also desires a recitation hall, as there is now no recitation building, the various classes being held in different buildings, in basements, garrets, store rooms, etc., there being only seven class rooms suitable for holding classes in the ordinary subjects. Eighth, the college desires a dairy building, but does not urge the same at this time.

In commenting upon the foregoing requests, your committee makes the following report, viz.:

In reference to the first request for \$50,000 annual maintenance, it appears that if the state does not give liberal support to the government experiment station there located, that there is grave danger of this experiment station losing its financial support from the United States government, since the government demands that the state do its share in supporting this institution, which is primarily for the benefit of the people of our state.

As to the second request of \$50,000 to pay the deficit on Ceres Hall and for furnishing the same, we believe that this is necessary, since indebtedness has been incurred to that extent and must be paid for. This is the girls' dormitory and is a magnificent building, and well suited for its purpose.

As to the third request for \$12,000 for a new boiler and smoke stack, we find that the present heating plant is taxed to its limit, and that as soon as the new chemical laboratory is completed and connected up with the heating system, that the heating system will not be adequate to do the work necessary to heat all the buildings. The present smoke stack is a very short one, built of metal, and is absolutely inadequate to the needs of the heating plant. A new, tall smoke stack, built of brick should be furnished as soon as possible.

As to the fourth request for \$15,000 with which to buy a half section of land lying immediately west of the college grounds, we recommend this most urgently, since the college has an option to buy this half section of land if taken by April 1, 1911. If the college does not avail itself of this option by that time, it will cost considerably more. This land is very valuable, adjoining the city of Fargo and being first class, tillable soil, and if the college owned this land all of the feed necessary for the Agricultural College could be raised upon the same. During the present year the college paid out for feed \$5,372.38, and therefore we believe that in three years' time, by raising their own feed, this land could be paid for. This land should be purchased at once by all means.

As to the fifth request for \$85,000 with which to complete, furnish and equip the new chemical laboratory, we report that it is necessary to complete, furnish and equip the same. It was an accident that the old chemical laboratory burned down, and therefore this college is short of this most necessary building, and this building can scarcely be chargeable to the account of the Agricultural College since the old building was destroyed by fire. They have gone as far as they can with the insurance money from the old building, and now need enough to complete, furnish and equip the new chemical building. The new chemical laboratory is a

beautiful structure, absolutely fireproof and fully adequate for its purpose. Your committee does not know the exact amount which it will take to complete, furnish and equip this laboratory building.

As to the sixth request for a boys' dormitory, your committee believes that the Agricultural College should have a boys' dormitory, since it has never had such a dormitory and since certain other state institutions have already been furnished with a boys' dormitory, and for the further reason that more than two-thirds of all the students at the Agricultural College are boys and are now compelled to occupy rooms, many of which are cold, among the surrounding homes, and owing to their being compelled to practice economy, sometimes as many as six boys are quartered in a bedroom.

As to the seventh and eighth requests for recitation hall and dairy building, your committee believes that the Agricultural College can get along without these two buildings for a couple of years, if necessary.

The State Agricultural College at Fargo is doing a most important work for the boys and girls and farmers of this state. We are primarily an agricultural and farming state, and the subjects taught there directly tend to increase our efficiency along these lines. The Agricultural College also reaches a large class of students who are not able to attend any other institution.

Respectfully submitted,

H. J. BESSESEN,
O. J. SORLIE,
JOHN YOUNG,
N. O. JOHNSON,

Committee.

MOTIONS AND RESOLUTIONS.

Mr. Plain moved

That the vote by which Senate Bill No. 121 was passed, be reconsidered and that it now be referred to the committee on live stock.

Which motion prevailed.

FIRST READING OF SENATE BILLS.

Mr. Thoreson introduced

Senate Bill No. 262.

A bill for an act to establish a revolving fund out of the net profits derived from the operation of the twine plant at the state penitentiary, and to provide for the disposal thereof.

Which was read the first time.

Mr. Wallin (by request) introduced

Senate Bill No. 263.

A bill for an act providing for and creating a new office of county adjuster.

Which was read the first time.

Mr. Talcott introduced

Senate Bill No. 264.

A bill for an act to amend Section 10430 of the Revised Codes of 1905, of the state of North Dakota, relating to the appointment and obligations of jailers, and manner of fixing compensation to be allowed for jail services.

Which was read the first time.

Mr. Kennedy introduced

Senate Bill No. 265.

A bill for an act to amend Sections 2772, 2775, 2776, 2777, 2786, Revised Codes of 1905, relating to the creation of improvement districts and the purposes for which special assessments may be levied in this state.

Which was read the first time.

Mr. Stevens introduced

Senate Bill No. 266.

A bill for an act to amend Section 3013 of the Revised Codes of 1905, relating to bridge funds to be turned over to cities of certain class.

Which was read the first time.

Mr. Duncan introduced

Senate Bill No. 267.

A bill for an act to amend Sections 2, 3, 4, 10, 14 and 28, of Chapter 92 of the Session Laws of the state of North Dakota of 1909, relating to the creation of 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 assistant dairy commissioners, fixing their compensation, defining their powers and duties, prescribing rules and regulations for the manufacture and

sale of dairy products, prescribing penalties for violations, providing for a license for creameries, cream stations, cheese factories and renovating or process butter factories, throughout the state.

Which was read the first time.

Mr. Duncan introduced

Senate Bill No. 268.

A bill for an act to amend Section 28 of Chapter 92, of the Session Laws of North Dakota for 1909.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 262.

A bill for an act to establish a revolving fund out of the net profits derived from the operation of the twine plant at the state penitentiary, and to provide for the disposal thereof.

Was read the second time and

Referred to the committee on agriculture.

Senate Bill No. 263.

A bill for an act providing for and creating a new office of county adjuster.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 264.

A bill for an act to amend Section 10430 of the Revised Codes of 1905, of the state of North Dakota, relating to the appointment and obligations of jailers, and manner of fixing compensation to be allowed for jail services.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 265.

A bill for an act to amend Sections 2772, 2775, 2776, 2777, 2786, Revised Codes of 1905, relating to the creation of im-

provement districts and the purposes for which special assessments may be levied in this state.

Was read the second time and

Referred to the committee on cities and municipal corporations.

Senate Bill No. 266.

A bill for an act to amend Section 3013 of the Revised Codes of 1905, relating to bridge funds to be turned over to cities of certain class.

Was read the second time and

Referred to the committee on highways and bridges.

Senate Bill No. 267.

A bill for an act to amend Sections 2, 3, 4, 10, 14 and 28, of Chapter 92 of the Session Laws of the state of North Dakota of 1909, relating to the creation of 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 assistant dairy commissioners, fixing their compensation, defining their powers and duties, prescribing rules and regulations for the manufacture and sale of dairy products, prescribing penalties for violations, providing for a license for creameries, cream stations, cheese factories and renovating or process butter factories, throughout the state.

Was read the second time and

Referred to the committee on agriculture.

Senate Bill No. 268.

A bill for an act to amend Section 28 of Chapter 92, of the Session Laws of North Dakota for 1909.

Was read the second time and

Referred to the committee on appropriations.

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 relating to children who are now or may hereafter become dependent, neglected or delinquent; to define these terms, and to provide for the treatment, control, maintenance, protection, adoption and guardianship of the persons of such children.

Also,

Senate Bill No. 44.

A bill for an act to amend Section 6237 of the Revised Codes, as amended by Chapter 158 of the Session Laws of 1909, relating to mechanic's liens.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

Senate Bill No. 92.

A bill for an act relating to children who are now or may hereafter become dependent, neglected or delinquent; to define these terms, and to provide for the treatment, control, maintenance, protection, adoption and guardianship of the persons of such children.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 39 ayes, no nays, 10 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Allen
Bessesen
Cashel
Davis
Duis
Duncan
Elken
Ellingson
Gibbens

Messrs.—

Jacobsen
Kennedy
LaMoure
Martin
McDonald
McDowell
McLean
Movius
Pierce

Messrs.—

Steel of Stutsman
Stevens
Syvertson
Talcott
Thoreson
Turner
Wallin
Walton
Welo

Messrs.—

Gilbert
Gronvold
Gundersen
Hookway

Messrs.—

Plain
Putnam
Ruzicka
Simpson

Messrs.—

Welch
Whitcher
Williams
Young

Absent and not voting:

Messrs.—

Baker
Carter
Ganssle
Garden

Messrs.—

Johnson
Kretschmar
Linde

Messrs.—

Overson
Steele of Renville
Trimble

So the bill passed and the title was agreed to.

Mr. Duis moved

That the vote by which Senate Bill No. 92 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 44.

A bill for an act to amend Section 6237 of the Revised Codes, as amended by Chapter 158 of the Session Laws of 1909, relating to mechanic's liens.

Was read the third time.

Mr. Pierce requested that the consideration of the bill be laid over one day.

Which request was granted.

Mr. Martin asked unanimous consent to return to the 8th order of business.

Mr. Martin moved

That the Senate do now concur in the House amendment to Senate Bill No. 70.

Which motion prevailed.

Mr. Martin moved

That the rules be suspended, that the bill be considered engrossed and placed upon its third reading and final passage.

Which motion prevailed.

Senate Bill No. 70.

A bill for an act regulating and governing contracts relative to the shipment of live stock, and the giving of notice or claim for loss or damage thereto.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 41 ayes, 1 nay, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Kennedy	Steele of Renville
Baker	LaMoure	Stevens
Cashel	Martin	Syvertson
Davis	McDona'd	Talcott
Duis	McDowell	Thoreson
Duncan	McLean	Turner
Elken	Movius	Wallin
Ellingson	Overson	Walton
Gibbens	Pierce	Welch
Gilbert	Plain	Welo
Gronvold	Putnam	Whitcher
Gunderson	Ruzicka	Williams
Hookway	Simpson	Young
Jacobsen	Steel of Stutsman	

Mr. Bessesen voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carter	Johnson	Linde
Grassie	Kretschmar	Trimble
Garden		

Mr. Bessesen explained his vote, stating:

I vote "No" upon this bill because of cutting the limitations down to thirty days. I believe it should be a longer period than thirty days.

So the bill passed and the title was agreed to.

Mr. Martin moved

That the vote by which Senate Bill No. 70 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed,

The Secretary announced that the President was about to sign

House Bill No. 171.

A bill for an act to amend Section 1167 of the Revised Codes of 1905, as amended by Section 2 of Chapter 237, Session Laws of 1907.

Also,

House Bill No. 174.

A bill for an act to amend and re-enact Section 3, Chapter 137 of the Session Laws of 1907.

Also

House Bill No. 2.

A bill for an act to prohibit the introduction of intoxicating liquors, narcotics, or other habit-forming drugs, into any of the buildings or upon the premises of any of the penal or charitable institutions of the state.

Also

House Bill No. 13.

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.

And the President signed the same in the presence of the Senate.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 28.

A bill for an act providing a penalty for obstructing water courses or diverting the water therefrom.

Was read the first and second times and

Referred to the committee on drainage.

House Bill No. 72.

A bill for an act to appropriate the sum of sixty-five thousand dollars, or as much thereof as may be necessary to indemnify persons who have lost animals from the disease known as glanders.

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

House Bill No. 112.

A bill for an act amending Section 2400 of the Revised Codes of 1905, relating to additional powers of the board of county commissioners.

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

House Bill No. 133.

A bill for an act to amend Section 2763 of the Revised Codes of the State of North Dakota for the year 1905, providing for the vacation of streets and alleys, establishing the procedure and providing for an appeal.

Was read the first and second times, and
Referred to the committee on cities and municipal corporations.

House Bill No. 55.

A bill for an act reinstating and validating the charters of corporations that have been cancelled for failure to make and file with the secretary of state, reports as required by and under Section 4186, Revised Codes of 1905.

Was read the first and second times, and
Referred to the committee on corporations other than municipal.

House Bill No. 168.

A bill for an act providing for the appointment of a commission to draft a revision of the probate code of the State of North Dakota, and appropriating money therefor.

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

House Bill No. 172.

A bill for an act to amend Section 2084 of the Revised Codes of North Dakota of 1905, relating to proof of planting trees.

Was read the first and second times, and

Referred to the committee on agriculture.

The courtesies of the floor were extended to the following:

Dr. S. G. Larrabu of Rolette county.

Otto Saugstad of Northwood.

E. G. Warren of Minot.

Geo. A. McFarland and F. H. Packard of Valley City.

S. L. Wineman of Devils Lake.

O. J. Hegge of Minnewaukan.

F. G. Kneeland of Jamestown.

H. H. Perry of Ellendale.

George T. Webb of Ellendale.

S. V. Sanndus of Ellendale.

J. Austin Regan of Fessenden.

S. A. McKay of Williston.

John F. McKnight of Minneapolis.

Robert D. Berry, Dr. F. F. Rucker, H. C. Buehler of
Hettinger county.

Alex Currie of Cando.

Dr. Sorkness and A. L. Reinecke of Valley City.

Rev. Good of Beach.

J. H. Cramer and M. Zint of Marmarth.

E. A. Anderson of Steele.

Mr. Plain moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

JAMES W. FOLEY,
Secretary.

THIRTY-EIGHTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

February 9, 1911.

The senate convened at 2 o'clock.

The president presiding.

Prayer by Rev. Bruce Jackson.

Roll call.

All present except Mr. Ganssle, 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 of the 37th day, have carefully examined the same and recommend that the same be corrected as follows:

Line 16, page 6, change "36" to "35." Also in same line, change "6" to "7."

Line 1, page 12, the word "printed" be changed to "reprinted."

Line 20, page 15, "Senate Bill No. 114" be changed to read "House Bill No. 114."

Line 14 from bottom of page 17, change "Mr. Palin" to "Mr. Plain."

All of page 22 be inserted at the bottom of page 20 following the sentence: "The committee on enrolled and engrossed bills made the following report."

Page 21, line 14 from the bottom, change "Mr. Price" to "Mr. Pierce."

And when so amended recommend that the same be approved.

J. E. STEVENS,
Chairman.

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

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 9, 1911.

Mr. President:

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

WHEREAS, The interests of this state being largely agricultural, and there seems to be some difference of opinion as to the duties and effectiveness of the North Dakota Agricultural College, located at Fargo, North Dakota; and

WHEREAS, It is deemed necessary that some person having a complete knowledge of the workings and duties of said Agricultural College,

Therefore, Be it Resolved by the House of Representatives, the Senate Concurring:

That Hon. J. H. Worst, president of said college, be and he is hereby invited to address a joint session of the House and Senate assembled in the House of Representatives at three (3) o'clock Friday, the 10th, for the purpose of explaining to this Legislative Assembly the connections of the various sub-stations and experiment farms to the parent institution, and explain to such Legislative Assembly the necessary ways and means to fully develop the soil products of this state.

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

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

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 2nd 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 money arising from any appropriation for purposes above stated to be paid to the treasurer of the state of North Dakota, to be held as a special fund therefore; 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.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Talcott moved

That the Senate do now concur in the House resolution, just read.

Which motion prevailed.

PETITIONS AND COMMUNICATIONS.

The following communication was received from the land department:

Bismarck, N. D., February 9, 1911.

Mr. James W. Foley, Secretary Senate, Bismarck, N. D.

Dear Sir: In compliance with your request made under direction of the Senate on February 7th, I take pleasure in submitting herewith a statement showing the condition of the land grant and the funds of the capitol building of this state.

In addition to the attached report, I might state that the receipts last year from rentals of the land remaining unsold was \$1,578.00. This would probably be a good average for the coming years until further sales are made.

The interest shown on the attached statement is figured on a basis presuming that each contract holder pays his installments when due. Otherwise they will become delinquent and interest will be collected in addition to the amounts shown.

Respectfully submitted,
ALEX. MACDONALD,
Commissioner.

STATEMENT.

CAPITOL BUILDING LANDS AND FUNDS.

Total area of grant	82,000.00 acres.
Acres sold to date	51,504.08 acres.
Remaining unsold	30,495.92 acres.
Total purchase price of land sold	\$646,582.99
Installments on contracts paid	168,501.17
Balance due on delinquent and deferred payments.....	\$478,081.82

FUNDS AVAILABLE JANUARY 1ST AND FOLLOWING YEARS.

Cash on hand Jan. 1st, 1911, in permanent fund	\$ 15,622.13	
Cash on hand Jan. 1st, 1911, in interest and income		\$ 90,278.07
Delinquent payments past due on contracts.....	13,659.28	
Probable interest due on above		1,229.31
Contracts due Jan. 1st, 1911	51,197.99	
Interest due Jan. 1st, 1911		27,865.26
Contracts due Jan. 1st, 1912	12,294.96	
Interest due Jan. 1st, 1912		24,793.38
Contracts due Jan. 1st, 1913	22,490.11	
Interest due Jan. 1st, 1913		24,055.68
Contracts due Jan. 1st, 1914	19,454.62	
Interest due Jan. 1st, 1914		22,706.28
Contracts due Jan. 1st, 1915	23,831.76	
Interest due Jan. 1st, 1915		21,539.03
Contracts due Jan. 1st, 1916	50,860.12	
Interest due Jan. 1st, 1916		20,109.12
Contracts due Jan. 1st, 1917	12,294.96	
Interest due Jan. 1st, 1917		17,057.52
Contracts due Jan. 1st, 1918	22,490.11	
Interest due Jan. 1st, 1918		16,319.82
Contracts due Jan. 1st, 1919	19,454.62	
Interest due Jan. 1st, 1919		14,970.36
Contracts due Jan. 1st, 1920	23,831.76	
Interest due Jan. 1st, 1920		13,803.12
Contracts due Jan. 1st; 1921	50,860.12	

FUNDS AVAILABLE JANUARY 1ST AND FOLLOWING YEARS—*Continued.*

Interest due Jan. 1st, 1921		12,373.23
Contracts due Jan. 1st, 1922	12,294.96	
Interest due Jan. 1st, 1922		9,321.62
Contracts due Jan. 1st, 1923	22,490.11	
Interest due Jan. 1st, 1923		8,583.92
Contracts due Jan. 1st, 1924	19,454.62	
Interest due Jan. 1st, 1924		7,234.52
Contracts due Jan. 1st, 1925	23,831.86	
Interest due Jan. 1st, 1925		6,067.24
Contracts due Jan. 1st, 1926	50,860.12	
Interest due Jan. 1st, 1926		4,637.33
Contracts due Jan. 1st, 1927		
Interest due Jan. 1st, 1927		1,585.72
Contracts due Jan. 1st, 1928	3,543.17	
Interest due Jan. 1st, 1928		1,585.72
Contracts due Jan. 1st, 1929	15,007.25	
Interest due Jan. 1st, 1929		1,373.13
Contracts due Jan. 1st, 1930	7,879.32	
Interest due Jan. 1st, 1930		462.76
Total due on contracts and cash on hand..	\$493,703.95	
Total interest and income, with cash on hand		\$347,952.14

Mr. Welch moved

That the communication and report from the land department be printed in the Journal.

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. 180.

A bill for an act to amend and re-enact Section 1607 of the Revised Codes of North Dakota for the year 1905.

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

J. E. DAVIS,
Chairman.

Mr. Davis moved

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

Also

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 175.

A bill for an act to amend Section 417 of the Revised
Codes of North Dakota for the year 1905, relating to offic-
ers and offices, and the qualifications of officers.

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

J. E. DAVIS,
Chairman.

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

Also,

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 160.

A bill for an act to amend Section 3213, Revised Codes
of North Dakota, relating to township boards.

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

In the title of the bill, after the words "Revised Codes of North Da-
kota," insert "for the year of 1905."

Also in section 1 of the bill, after the words "Revised Codes of North
Dakota," insert "for the year of 1905."

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted.

Which motion prevailed, and
The report was adopted.

Also,

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 183.

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.

J. E. DAVIS,
Chairman.

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

Also

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 151.

A bill for an act to require county commissioners in all counties in the State of North Dakota, elected or appointed to the office of county commissioner, to furnish an official bond for the faithful performance of their duties, and providing for the approval of the bond.

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

In section 1, strike out the figures "\$8,000.00" and insert in lieu thereof "\$5,000.00."

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

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

Also,

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 179.

A bill for an act providing for the regulation and the use
of the public drinking cup and public towel.

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

J. E. DAVIS,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 194.

A bill for an act defining the Tenth judicial district and
providing for holding terms of court 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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 138.

A concurrent resolution 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 do pass.

H. H. STEELE,
Chairman.

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

Also

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 156.

A bill for an act to amend Section 8105 of the Revised Codes of 1905, relating to rejecting claims and providing how suit is instituted.

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

After the word "notice," in line eight (8) of section 1 of printed bill, insert words "by personal service or registered mail."

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 196.

A bill for an act to amend and re-enact Section 8841 of the Revised Codes of North Dakota for the year 1905, relating to kidnaping, defining same, providing punishment therefor, and prescribing punishment of aiders, assistors and abettors therein.

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

Strike out in line thirty-two (32) of printed bill the word "ten" and insert "three." In line nineteen (19) strike out "twenty" and insert "five."

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 was adopted.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

Senate Bill No. 187.

A bill for an act to encourage elementary education in North Dakota, and appropriate money therefor.

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

Sec. 4, page 5, line 42, strike out the word "five" and insert the word "three" in lieu thereof.

In section 6, page 7, lines 12 and 13, strike out the words "not less than eighteen hundred dollars nor more than twenty-five hundred dollars," and insert "two thousand" in lieu thereof.

Section 6, page 7, line 16, after the word "of," strike out "moneys appropriated for the purposes of this act," and insert in lieu thereof "any moneys in the general fund of the state not otherwise appropriated."

Section 12, page 11, line 5, strike out the words and figures "twenty" and insert in lieu thereof the words and figures "six."

In lines 6 and 7, strike out the words and figures "\$25,000," and insert in lieu thereof the words and figures "six."

Section 12, page 11, line 8, strike out the words and figures "5,000" and insert the word "three" and figures "\$3,000" in lieu thereof.

And when so amended recommend the same be re-referred to the committee on appropriations with recommendation to pass.

F. S. TALCOTT,
Chairman.

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

Also

Mr. President:

Your committee on education to whom was referred
Senate Bill No. 197.

A bill for an act to amend Article 2, Chapter 10 of the Session Laws of 1909, relating to normal 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 was adopted.
The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 67.

A bill for an act to repeal sections 6237, 6238, 6239, 6240, 6241, 6242, 6243, 6244, 6245, 6246, 6247, 6248, 6249, 6250 and 6251 of the Revised Codes of the State of North Dakota for A. D., 1905, and Chapter 167 of the Session Laws of 1907 and Chapter 158 of the Session Laws of 1909, relating to mechanic's liens, and the filing of mechanic's liens, the giving of notice to contractors and sub-contractors, and the record and priority of liens, and all matters appertaining to the creation, existence and enforcement of mechanic's liens.

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

Strike out the title and substitute the following:

"Senate Bill No. 67.

"A bill for an act to Amend and Re-enact Section 6237 as amended by the Session Laws of North Dakota for 1909, and Sections 6238, 6240, 6242, 6243, 6244 and 6250 of Chapter 79 of the Revised Codes of North Dakota for the year of 1905, Relating to Mechanics' Liens, the Filing of Mechanics' Liens, the Giving Notice to Contractors and Subcontractors, and the Recording and Priority of Liens and All Matters Appertaining to the Creation, Existence and Enforcement of Mechanics' Liens."

Strike out all after the enacting clause and substitute the following:

"(Section 1. Amendment.) Section 6237 of the Revised Codes of North Dakota for 1905, as amended by Chapter 158 of the Session Laws, 1909, is amended and re-enacted to read as follows:

"Section 6237. Mechanics' Liens, Who May and For What.) Any person who shall perform any labor for the construction or repair of any work of internal improvement or of the erecting, altering or repair of any buildings or other structures upon land, or in making any other improvements thereon, including fences, sidewalks, paving, wells, grades, drains, or excavations under a contract with the owner of such land, his agent, trustee, contractor or subcontractor, or with the consent of such owner, shall, upon complying with the provisions of this chapter, have for his labor done, a lien upon each building, erection, or improvement, and upon the land belonging to such owner on which the same is situated or to improve which the work was done, to secure the payment for such labor. The owner shall be presumed to have consented to the doing of any such labor and the alteration, improvement or repair, if at any time he had knowledge thereof and did not give notice of his objection thereto to the person entitled to the lien.

"(Section 2. Amendment.) Section 6238 of the Revised Codes of North Dakota for 1905 is hereby amended and re-enacted to read as follows:

"Section 6238. If labor is done under a single contract for several buildings, erections or improvements, the person or persons performing said labor shall be entitled to a lien therefor as follows:

"1. If such buildings, erections or improvements are upon a single farm, tract or lot, upon all such buildings, erections and improvements and the farm, tract or lot upon which the same are situated.

"2. If such buildings, erections or improvements are upon separate farms, tracts or lots, upon all such buildings, erections and improvements and the farms, tracts or lots upon which the same are situated, and upon the foreclosure of such lien, the court may, in the cases provided for in this subdivision, apportion the amount of the claim among the several farms, tracts or lots in proportion to the enhanced value of the same produced by means of such labor, if such apportionment is necessary to protect the rights of third persons.

"(Section 3. Amendment.) Section 6240 of the Revised Codes of North Dakota for 1905 is hereby amended and re-enacted to read as follows:

"Section 6240. Account to be Filed with Clerk.) Every person who wishes to avail himself of the provisions of this chapter shall file with the clerk of the district court of the county or judicial sub-division in which the property to be charged with the lien is situated and within ninety days after the labor is done a just and true account of the work performed and the amount due him after allowing all credits, and containing a correct description of the property to be charged with such lien and verified by affidavit, but a failure to file the same within the time aforesaid shall not defeat the lien, except as against purchasers and incumbrancers in good faith and for value, whose rights accrue after the ninety days and before

any claim for the lien is filed, or as against the owner, except the amount paid the contractor after the expiration of ninety days and before the filing of the same.

"Section 4. Amendment.) Section 6242 of the Revised Codes of North Dakota for 1905 is hereby amended and re-enacted to read as follows:

"Section 6242. Priority of Mechanics' Liens.) Liens under the provisions of this chapter shall have priority in the following order:

1. Manual labor.
2. Subcontractors, other than manual laborers.
3. Original contractors.

Liens in the same class filed within the ninety days shall share ratably in the security, but liens in the same class filed thereafter shall have priority in the order of filing of the accounts thereof as aforesaid. Liens under the provisions of this chapter shall be preferred to all other liens or incumbrances upon such building, erection or other improvement, and the land upon which the same is situated, or to improve which the labor was done, filed or docketed subsequent to the commencement of such building, erection or other improvement.

"Section 5. Amendment.) Section 6243 of the Revised Codes of North Dakota for 1905 is hereby amended and re-enacted to read as follows:

"Section 6243. Land Subject to Lien.) The entire land upon which any such building, erection or other improvement is situated, or to improve which the labor was done, including that portion of the same not covered therewith, shall be subject to the liens created by this chapter to the extent of all the right, title and interest therein by the owner thereof for whose immediate use or benefit such labor was done, and when the interest owned in such land by such owner of such building, erection or other improvement is only a leasehold interest, the forfeiture of such lease for the nonpayment of rent or for noncompliance with any of the other stipulations therein shall not forfeit or impair such lien so far as it concerns such buildings, erections and improvements, but the same may be sold to satisfy such lien and be removed within thirty days after the sale thereof by the purchaser.

"Section 6. Amendment.) Section 6244 of the Revised Codes of North Dakota for 1905 is hereby amended and re-enacted to read as follows:

"Section 6244. Buildings on Homesteads.) Whenever any work or labor is done on the erection or construction of any building or improvements upon land held or occupied under a filing under any of the land laws of the United States and by virtue of any contract with the party so holding or occupying said land, the party so furnishing such work or labor shall, upon compliance with the provisions of this chapter, have a lien upon such building or improvement for the value of the work and labor so furnished, and the party enforcing such lien may have such building or improvement sold on execution and may remove the same from such land within the time to be fixed by the court.

"Section 7. Amendment.) Section 6250 of the Revised Codes of North Dakota for 1905 is hereby amended and re-enacted to read as follows:

"Section 6250. Subcontractor Defined.) All persons doing work provided for in this chapter shall be considered subcontractors, except such as have therefor contracts directly with the owner, proprietor, his agents or trustee.

"Section 8. Nothing contained in this act shall be construed as affecting the validity of any mechanics' lien filed prior to the passage and approval of this act.

"Section 9. All acts or parts of acts in conflict herewith are hereby repealed."

And when so amended recommend the same do pass.

H. H. STEELE.
Chairman.

Mr. Steele of Renville, moved the adoption of the report.

MINORITY REPORT OF SENATE JUDICIARY COMMITTEE.

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

The minority of your committee on judiciary to whom was referred

Senate Bill No. 67.

A bill for an act to repeal sections 6237, 6238, 6239, 6240, 6241, 6242, 6243, 6244, 6245, 6246, 6247, 6248, 6249, 6250 and 6251 of the Revised Codes of the State of North Dakota for A. D., 1905, and Chapter 167 of the Session Laws of 1907 and Chapter 158 of the Session Laws of 1909, relating to mechanic's liens, and the filing of mechanic's liens, the giving of notice to contractors and sub-contractors, and the record and priority of liens, and all matters appertaining to the creation, existence and enforcement of mechanic's liens.

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

L. A. SIMPSON,
H. J. LINDE,
W. B. OVERSON,
E. A. MOVIUS,
J. L. CASHEL,
F. S. TALCOTT,

Mr. Simpson objected to the consideration of the reports.
Which went over one day.

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

Your committee on railroads to whom was referred
House Bill No. 82.

A bill for an act to amend Section 4392 of the Revised Codes of the state of North Dakota for the year 1905, re-

lating to the construction of transfer facilities; also providing for the application of a short rate in the absence of "wyes;" and providing for a penalty for the violation thereof.

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

In lines 10 and 11 of section 1 of the printed bill, after the word "as," in line 10, the following words be stricken out: "building of platforms, station houses," and insert in lieu thereof the following: "waiting rooms."

Line 9, section 3 of the printed bill, after the word "including," the following words be stricken out: "platforms, station," and in line 10 of the same section the word "houses," and insert in lieu thereof the words "waiting rooms."

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.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 9, 1911.

Mr. President:

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

WHEREAS, There has been introduced by the Hon. L. B. Hanna in the House of Representatives of the United States a bill entitled "A bill for the relief of the families of certain Indian policemen who were killed during the engagement at Sitting Bull's camp, on Grand River, December 15th, eighteen hundred and ninety, and for the relief of Alexander Middle, who was wounded in said engagement; and

WHEREAS, It is known to the people of North Dakota, and particularly to those in the western half of the state residing here in 1890, that the prompt action of the Indian policemen in the Grand River affair prevented serious trouble on the Standing Rock reservation, and probably prevented the loss of many lives, both of Indians and white men, for the reason that had Sitting Bull been allowed to carry out his plans there would undoubtedly have been on such reservation a duplication of the Wounded Knee affair, in South Dakota, in which there was much loss of life; and

WHEREAS, There are now living on said Standing Rock reservation several Indians who were in the government service as policemen at the time of the attempted arrest of Sitting Bull and took part in the fight which resulted in the death of six policemen, Sitting Bull and seven of his followers. No recognition of the services of these men has ever been made by the federal government, although it was their loyalty to duty that caused the death of Sitting Bull and prevented a duplication of the Standing Rock reservation of the serious loss of life which occurred at Wounded Knee; and

WHEREAS, Bills have passed one or the other of the houses of Congress at past sessions, appropriating a few hundred dollars for the purpose of purchasing medals to be presented to the surviving Indian policemen who took part in the fight at Grand River, but such bills have never passed more than one house at the same session;

Therefore, Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That, in justice to the Indians who were loyal to their trust in the Grand River fight, Bill No. 20426, introduced in the United States House of Representatives by Mr. Hanna, providing pensions for the widows of the policemen killed in that fight, ought to pass.

Be it Further Resolved:

That recognition of the loyalty and bravery of the Indian policemen who took part in the Grand River fight ought to be shown by the presentation to each of the survivors of a medal commemorating the prompt action taken by them twenty years ago in preventing a disastrous uprising on the Standing Rock reservation; and

Be it Further Resolved:

That the chief clerk of this House be instructed to forthwith transmit an authenticated copy of this resolution to each of the North Dakota senators and representatives in the Congress of the United States.

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

Very respectfully,

E. H. GRIFFIN.

Chief Clerk.

Also,

Mr. President:

I have the honor to transmit herewith

House Bill No. 11.

A bill for an act to create a permanent non-partizan tax commission, defining its power and duties and making an appropriation for the maintenance thereof.

Also

House Bill No. 97.

A bill for an act to amend Section 2869 of the Revised Codes of 1905 providing for the contracting of loans and for the incurring of indebtedness by villages and providing for the creation of a sinking fund for the liquidation of such loans and indebtedness.

Also,

House Bill No. 12.

A bill for an act to prohibit the use of public drinking cups in the state of North Dakota.

Also,

House Bill No. 158.

A bill for an act to amend Section 7117 of the Revised Codes of North Dakota, 1905, relating to additional exemptions allowed the head of a family residing in North Dakota.

Also

House Bill No. 153.

A bill for an act to amend and re-enact Section 1597 of Chapter 219, Laws of 1907, relative to duty of county auditor, and requirements of tax deeds.

Also,

House Bill No. 84.

A bill for an act to amend Section 7575 of the Revised Codes of North Dakota for A. D. 1905, and prescribing the instances where the right of eminent domain may be exercised for public uses.

Also,

House Bill No. 27.

A bill for an act to amend Section 1575, Chapter 20, of the Revised Codes of 1905, relating to the disposition of penalty and interest.

Also,

House Bill No. 21.

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 thereof.

Also,

House Bill No. 178.

A bill for an act entitled, an act to amend Section 4429 of the Revised Codes of North Dakota of 1905, as amended by Chapter 147 of the Session Laws of 1909, relating to the capital stock of domestic stock insurance companies.

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

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

The report of the committee on temperance, on

House Bill No. 114.

A bill for an act to prevent the giving away or otherwise disposing of intoxicating liquors as a beverage at public sales and gatherings.

Was laid before the Senate.

Mr. Garden moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

REPORT OF SELECT COMMITTEES.

The following reports were laid before the Senate:

The President of the Senate:

The committee appointed to inspect the State Normal School at Valley City, and report on its condition and needs, begs leave to report that they spent the day of Monday, February 5th, at the institution. The committee was much pleased with the condition of the buildings and general conduct of the institution. Good care is everywhere in evidence. The new dormitory provided for by the Eleventh Legislative Assembly is well finished and commodious and represents good value for the money expended. The heating and ventilating plant, also recently completed, seems well planned, but economies enforced, owing to limited funds, proves inadequate in the coldest weather owing to too small boiler capacity. The first two items mentioned in the appropriation bill listed below would be required to make adequate the heating plant, and to furnish the dormitory.

ITEMS OF APPROPRIATION BILL, STATE NORMAL SCHOOL, VALLEY CITY, N. D.

To pay for the furniture in the new dormitory and to complete the furnishing, the sum of	\$ 7,100
To install additional boilers and to complete the heating plant of the State Normal School	8,000
Total	\$ 15,100
For building of industrial arts	\$ 75,000
For a students' hospital	15,000
For a dormitory for the young men	40,000
For the erection of a barn	2,000
For the repair and painting of present buildings	3,000
For the improvement of grounds and preparation of school garden	3,000
For furniture, apparatus and equipment	5,000
For library purposes	2,000
For partial maintenance July 1, 1911, to June 30, 1913	45,000
Total	\$190,000

The item of \$45,000.00 requested for maintenance will be necessary to maintain the school at its present standard of efficiency. We find the average salary of teachers at this institution, including the president, to be \$1,023.00, which we believe is too low for a school of this class. The maintenance fund should not be reduced, but rather increased.

The institution is much in need of a building for its classes in agriculture, drawing, manual training and domestic science. All of these departments are in basement rooms that require electric light in the day time, and in some cases the departments are conducting this work in rooms widely separated. The basement rooms are needed for coat rooms. The institution should be provided with a building for these departments, for which the sum of \$75,000 is requested.

With a somewhat uniform attendance of 650 students, the institution should be provided with some hospital conveniences for the proper care of students who are taken sick, most of them being long distances from home.

The committee believes the normal school work would be advanced by the erection of a dormitory for the young men. The management of the school represents that too few men are qualifying for the work of teaching. \$40,000.00 would not be too much, if the state funds will permit it, to enter that field of effort.

The institution is also requesting a small sum for a barn. The present shed is obviously inadequate for their needs and use unsanitary, and should be replaced by another structure. The request is for \$2,000, and we recommend that it be granted.

We do not feel that we are in a position to speak with assurance as to the needs of the institution on the other minor items of this bill, except that we observe that a few repairs are urgently required.

Unfortunately, we visited the institution on a day when the school was not in session, so we can not speak of the work that is being conducted. Everything seemed to indicate that the school is doing a strong grade of work and that the institution is rendering the state efficient service.

From the office the following data regarding the school was secured:

SUMMARY OF ATTENDANCE AND OTHER INFORMATION.

	1908-1909.	1909-1910.	1910-1911.
Normal department	624	624	581
Summer school	517	580	645

	1908-1909.	1909-1910.	1910-1911.
Model school	191	208	194
Music department	249	98	...
Total	1,634	1,427	...
Average age of students	19.5	19.3	....
Number of counties represented	42	42	48
Number of other states represented	10	10	11
Average salary of teachers .....	...	\$925	\$1,023

The record for the present year is, of course, incomplete.

The committee is pleased to most highly commend and endorse the efficient work being done at this institution by President McFarland and his able body of assistants.

Respectfully submitted,

W. S. DEAN,
FRANK H. HYLAND.

Mr. President: The committee selected to make an examination of the present condition and needs of the State Hospital for the Insane at Jamestown, N. D., beg leave to submit the following report:

House Bill Number 86 provided the following appropriations:

Ward building for women	\$ 95,000
Tuberculosis hospital for men	65,000
Dairy barn and silos	15,000
Living house for patients and employees doing manual labor.....	12,000
Addition to laundry	12,000
Boiler house alterations	1,600
Building of a main sewer	1,250
Slaughter house and yards	2,500
Improvement to grounds	1,000
Concrete mixer	350
Making a total of	\$205,700

The ward building for women is an absolute necessity. Your committee were shown a room which is being used as a bedroom for eighteen women, who are sleeping in eleven single cots. The room is 20x22, with a low ceiling, and is in the basement of one of the old buildings.

The tuberculosis hospital for the men is very badly needed, as has been proven by tests made upon the inmates, sixty patients are known to have the disease.

The institution should have at least 100 cows giving milk; at present they have about 50. The 50 milch cows are crowded into space that would hold 24 in a proper condition. Besides the room the cattle are occupying is in the horse barn, and with a 1,200 acre farm more horses and horse room is needed to make the land a paying proposition.

The men who are employed at the institution are at present sleeping in an attic of a building, the two lower floors of which are used by the inmates, which necessitates the locking of doors. The building, by the underground tunnel route, is 2,000 feet from the barns, and contents would be consumed before these men could get there. Besides this, they eat at the main dining room and must be there at 7, 12 and 6, which means very short hours for farm labor. Some kind of a living house should be built.

The laundry and equipment was built to accommodate 300 inmates, and with the present 718 inmates it is entirely too small.

The boiler house needs repairs and the idea in a large main sewer, the steward informed us, was an absolute necessity.

The institution is situated quite a distance from town, and we were informed that very often meat in transit would become tainted. Besides, your committee feel that under the present management cattle, hogs and sheep could be bought much cheaper, if bought alive and slaughtered at the institution.

The concrete mixer should be gotten by all means, as many basement floors are needed and extra fine work has already been done by the old shovel mixing method.

Steps should be taken to put in a track from the city of Jamestown and connecting with the railroads. Six teams are used in hauling coal and supplies; this makes a big expense item.

Your committee requested Supt. McAllister to mail a detailed report of the needs of the institution and he has complied with our request, and we are attaching his letter to the report given the speaker.

Respectfully submitted,

FRANK H. HYLAND,
W. S. DEAN.

P. S.—Your committee highly commend the work being done at this institution by Supt. McAllister and Steward Williams and their corps of assistants.

MOTIONS AND RESOLUTIONS.

Mr. Talcott moved

That the concurrent resolution from the House regarding the publication of the Revised Codes of North Dakota, be referred to the committee on judiciary.

Which motion prevailed.

Mr. Welch moved

That the Senate do now concur in the House resolution, regarding the furnishing of medals for survivors of the Grand River fight on the Standing Rock Reservation.

Mr. Simpson moved

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

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. 25.

A bill for an act to authorize boards of trustees of incorporated villages to regulate the use of streets, alleys and public grounds by automobiles, traction engines and other self propelled vehicles, and to provide for registration and identification of the same, at the expense of the owners or operators thereof.

Also,

Senate Bill No. 66.

A bill for an act to amend and re-enact Section 437 of the Revised Codes of the State of North Dakota, for 1905, relating to the qualifications of deputies, clerks and employes of the state, county and municipal governments of and within the State of North Dakota, and members of the official boards.

Also

Senate Bill No. 88.

A bill for an act to amend Section 2768 of the Revised Codes of North Dakota for 1905, relating to the repairs of city sidewalks.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The Secretary announced that the President was about to sign

Senate Bill No. 25.

A bill for an act to authorize boards of trustees of incorporated villages to regulate the use of streets, alleys and public grounds by automobiles, traction engines and other self propelled vehicles, and to provide for registration and identification of the same, at the expense of the owners or operators thereof.

Also,

Senate Bill No. 66.

A bill for an act to amend and re-enact Section 437 of the Revised Codes of the State of North Dakota, for 1905, re-

lating to the qualifications of deputies, clerks and employes of the state, county and municipal governments of and within the State of North Dakota, and members of the official boards.

Also

Senate Bill No. 88.

A bill for an act to amend Section 2768 of the Revised Codes of North Dakota for 1905, relating to the repairs of city sidewalks.

And the President signed the same in the presence of the Senate.

FIRST READING OF SENATE BILLS.

Mr. Baker introduced

Senate Bill No. 269.

A bill for an act creating a reserve at Devils Lake, North Dakota, and providing for the protection of birds and their nests within such reserve.

Which was read the first time.

Mr. Duis (by request) introduced

Senate Bill No. 270.

A bill for an act entitled, an act requiring the payemnt of road and road poll tax in money, and providing for the expenditure thereof under the contract system.

Which was read the first time.

Mr. Kretchmar introduced

Senate Bill No. 271.

A bill for an act for the organization of villages in territory embracing more than one county.

Which was read the first time.

Mr. Thoreson introduced

Senate Bill No. 272.

Concurrent resolution amending Sec. 121 of the Constitution of the state of North Dakota, relating to the elective franchise.

Which was read the first time.

Mr. Kennedy introduced

Senate Bill No. 273.

A bill for an act amending Section 49 of the Revised Codes of North Dakota of 1905, relating to how printing shall be done.

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 274.

A bill for an act making an appropriation for the Dickinson experiment station located in the city of Dickinson.

Which was read the first time.

Mr. Elken introduced

Senate Bill No. 275.

A bill for an act authorizing the county commissioners to condemn and purchase right of way for highways whenever the cost of constructing such highway or any part thereof is to be borne by the county.

Which was read the first time.

Mr. Elken introduced

Senate Bill No. 276.

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, relating to the supervision and repairs of bridges.

Which was read the first time.

Mr. Baker introduced

Senate Bill No. 277.

A bill for an act relating to trespassing while hunting game.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 269.

A bill for an act creating a reserve at Devils Lake, North Dakota, and providing for the protection of birds and their nests within such reserve.

Was read the second time and

Referred to the committee on game and fish.

Senate Bill No. 270.

A bill for an act entitled, an act requiring the payemnt of road and road poll tax in money, and providing for the expenditure thereof under the contract system.

Was read the second time and

Referred to the committee on highways and bridges.

Senate Bill No. 271.

A bill for an act for the organization of villages in territory embracing more than one county.

Was read the second time and

Referred to the committee on municipal corporations.

Senate Bill No. 272.

Concurrent resolution amending Sec. 121 of the Constitution of the state of North Dakota, relating to the elective franchise.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 273.

A bill for an act amending Section 49 of the Revised Codes of North Dakota of 1905, relating to how printing shall be done.

Was read the second time and
Referred to the committee on public printing.
Senate Bill No. 274.

A bill for an act making an appropriation for the Dickinson experiment station located in the city of Dickinson.

Was read the second time and
Referred to the committee on appropriations.
Senate Bill No. 275.

A bill for an act authorizing the county commissioners to condemn and purchase right of way for highways whenever the cost of constructing such highway or any part thereof is to be borne by the county.

Was read the second time and
Referred to the committee on highways and bridges.
Senate Bill No. 276.

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, relating to the supervision and repairs of bridges.

Was read the second time and
Referred to the committee on highways and bridges.
Senate Bill No. 277.

A bill for an act relating to trespassing while hunting game.

Was read the second time and
Referred to the committee on game and fish.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 10.

A bill for an act to amend Sections 1031, 1034, 1035 and 1036, of the Revised Codes of 1905, relating to education.

Also

Senate Bill No. 55.

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

Also,

Senate Bill No. 73.

A concurrent resolution amending the constitution of the State of North Dakota, relating to the elective franchise, defining who are qualified electors.

Also,

Senate Bill No. 94.

A bill for an act regulating inheritance in case of unlawful killing.

Also,

Senate Bill No. 184.

A bill for an act fixing the liability of a bank to its depositor for payment of forged and raised checks.

Also

Senate Bill No. 195.

A bill for an act regulating the discharge of liens, not dependent upon possession, and to provide for the release of liens, filed of record against real property and personal property, and the giving of an undertaking for the payment thereof.

Also

Senate Bill No. 214.

A bill for an act to amend sub-division 3 of Section 5001 of the Revised Codes of North Dakota of 1905, relative to the recording of instruments in the office of register of deeds.

Also

Senate Bill No. 221.

A bill for an act providing for the transferring of the so-called "Oil Inspection Fund" in the hands of the state treasurer to the general fund of the state and providing that future collections by the state inspector of oils shall be credited to the general fund of the state.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

Senate Bill No. 10.

A bill for an act to amend Sections 1031, 1034, 1035 and 1036, of the Revised Codes of 1905, relating to education.

Was read the third time.

Mr. Talcott moved, as amendments,

That the word "course" on page 2, section 3, line 25, be stricken out, and the word "curriculum" be substituted in lieu thereof. Further that the same substitution be made in line 25, page 3; also on lines 27 and 29, page 3.

Also, after the word "expenses," on line 35, page 3, insert "except the salary and expenses of the high school inspector."

Also, after the word "board," on line 6, page 4, insert "salary and expenses of the clerk of the examiner and of the readers of the high school board examination papers."

Which motion prevailed, and

The amendments were adopted.

The question being on the final passage of the bill,

The roll was called and there were 47 ayes, no nays, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Allen
Baker
Bessesen
Carter
Cashel
Davis
Duis
Duncan
Elken
Ellingson

Messrs.—

Jacobsen
Johnson
Kennedy
Kretschmar
Linde
Martin
McDonald
McDowell
McLean
Movius

Messrs.—

Steel of Stutsman
Steele of Renville
Stevens
Syvertson
Talcott
Thoreson
Trimble
Turner
Wallin
Walton

Messrs.—	Messrs.—	Messrs.—
Garden	Overson	Welo
Gibbens	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway	Simpson	

Messrs. Ganssle and LaMoure were absent and not voting.

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

Mr. Gunderson moved.

That the vote by which Senate Bill No. 10 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 44.

A bill for an act to amend Section 6237 of the Revised Codes, as amended by Chapter 158 of the Session Laws of 1909, relating to mechanic's liens.

Was read the third time.

Mr. Hookway moved

That Senate Bill No. 44 be made a special order for Monday at 3 o'clock.

Which motion prevailed.

Senate Bill No. 55.

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 46 ayes, no nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Simpson
Baker	Kennedy	Steel of Stutsman
Bassesen	Kretschmar	Stevens

Messrs.—	Messrs.—	Messrs.—
Carter	LaMoure	Syvertson
Cashel	Linde	Talcott
Davis	Martin	Thoreson
Duis	McDonald	Trimble
Duncan	McDowell	Turner
Elken	McLean	Wallin
Ellingson	Movius	Walton
Garden	Overson	Welo
Gibbens	Pierce	Welch
Gronvold	Plain	Whitcher
Gunderson	Putnam	Williams
Hookway	Ruzicka	Young
Jacobson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Gilbert	Steele of Renville

So the bill passed and the title was agreed to.

Senate Bill No. 73.

A concurrent resolution amending the constitution of the State of North Dakota, relating to the elective franchise, defining who are qualified electors.

Was read the third time.

Mr. Jacobsen moved

That Senate Bill No. 73 be made a special order for 3 o'clock tomorrow.

Which motion was lost.

Mr. Simpson moved

That Mrs. O. J. DeLendrecie be permitted to address the Senate on the subject of Senate Bill No. 73.

Which motion prevailed.

Mrs. DeLendrecie addressed the Senate.

Mr. Simpson moved

That the bill be re-referred to a special committee consisting of Messrs. Steele, Bessesen and McDowell, to be reported back tomorrow.

Roll call demanded.

The question being upon referring the bill to said committee.

The roll was called and there were 22 ayes, 26 nays, 1 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Duncan	Kretschmar	Simpson
Gilbert	Linde	Stevens
Gronvold	Martin	Talcott
Gunderson	McDonald	Thoreson
Hookway	McLean	Trimble
Jacobsen	Movius	Walton
Johnson	Overson	Young
Kennedy		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Garden	Steele of Renville
Baker	Gibbens	Syverson
Bessesen	LaMoure	Turner
Carter	McDowell	Wallin
Cashel	Pierce	Welo
Davis	Plain	Welch
Duis	Putnam	Whitcher
Elken	Ruzicka	Williams
Ellingson	Steel of Stutsman	

Mr. Ganssle was absent and not voting.

So the motion was lost.

The question being on the final passage of the bill.

The roll was called and there were 23 ayes, 25 nays, 1 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Turner
Baker	LaMoure	Wallin
Bessesen	Pierce	Walton
Cashel	Plain	Welo
Davis	Putnam	Whitcher
Duis	Steel of Stutsman	Williams
Garden	Steele of Renville	Young
Gibbens	Syverson	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Carter	Kennedy	Overson
Duncan	Kretschmar	Ruzicka
Elken	Linde	Simpson
Ellingson	Martin	Stevens
Gilbert	McDonald	Talcott
Gronvold	McDowell	Thoreson
Gunderson	McLean	Trimble
Hookway	Movius	Welch
Jacobsen		

Mr. Ganssle being absent and not voting.

Mr. Stevens explained his vote.

Mr. Talcott explained his vote.

So the bill was lost.

Mr. Elken moved

That the vote by which Senate Bill No. 73 was lost, be reconsidered and the motion to reconsider be laid on the table.

Which motion was lost.

Mr. Simpson requested that the consideration of Senate Bill No. 94 be laid over one day.

Which request was granted.

Senate Bill No. 184.

A bill for an act fixing the liability of a bank to its depositor for payment of forged and raised checks.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 48 ayes, no nays, 1 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Simpson
Baker	Johnson	Steel of Stutsman
Bessesen	Kennedy	St. ele o. Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syvertson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Garden	Movius	Walton
Gibbens	Overton	Welo
Gilbert	Pierce	Welch
Gronvold	Plain	Witcher
Gunderson	Putnam	Williams
Hookway	Ruzicka	Young

Mr. Ganssle was absent and not voting.

So the bill passed and the title was agreed to.

Senate Bill No. 195.

A bill for an act regulating the discharge of liens, not dependent upon possession, and to provide for the release of liens, filed of record against real property and personal property, and the giving of an undertaking for the payment thereof.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 46 ayes, 1 nay, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Johnson	Steel of Stutsman
Bessesen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	Linde	Syvertson
Davis	Martin	Talcott
Duis	McDonald	Thoreson
Duncan	McDowell	Trimble
Elken	McLean	Turner
Elungson	Movius	Wallin
Garden	Overson	Walton
Gibbens	Pierce	Welo
Gilbert	Plain	Welch
Gronvold	Putnam	Whitche:
Gunderson	Ruzicka	Williams
Hookway	Simpson	Young
Jacobsen		

Mr. Allen voted in the negative.

Messrs. Ganssle and LaMoure were absent and not voting.

So the bill passed and the title was agreed to.

Senate Bill No. 214.

A bill for an act to amend sub-division 3 of Section 5001 of the Revised Codes of North Dakota of 1905, relative to the recording of instruments in the office of register of deeds.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Simpson
Baker	Johnson	Steel of Stutsman
Bessesen	Kennedy	Steel of Renville
Carter	Kretschmar	Syverson
Cashel	LaMoure	Talcott
Davis	Linde	Thoreson
Duis	Martin	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Garden	Movius	Walton
Gibbens	Overson	Welo
Gilbert	Pierce	Welch
Gronvold	Plain	Whitcher
Gunderson	Putnam	Williams
Hookway	Ruz'ka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duncan	McDonald	Stevens
Ganssle		

So the bill passed and the title was agreed to.

Senate Bill No. 221.

A bill for an act providing for the transferring of the so-called "Oil Inspection Fund" in the hands of the state treasurer to the general fund of the state and providing that future collections by the state inspector of oils shall be credited to the general fund 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 48 ayes, no nays, 1 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Simpson
Baker	Johnson	Steel of Stutsman
Bessesen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syverson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner

Messrs.—	Messrs.—	Messrs.—
Ellingson	McLean	Wallin
Garden	Movius	Walton
Gibbens	Overson	Welo
Gilbert	Pierce	Welch
Gronvold	Plain	Whitcher
Gunderson	Putnam	Williams
Hookway	Ruzicka	Young

Mr. Ganssle was absent and not voting.

So the bill passed and the title was agreed to.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 11.

A bill for an act to create a permanent non-partizan tax commission, defining its power and duties and making an appropriation for the maintenance thereof.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill. No. 12.

A bill for an act to prohibit the use of public drinking cups in the state of North Dakota.

Was read the first and second times and

Referred to the committee on public health.

House Bill No. 21.

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 thereof.

Was read the first and second times and

Referred to the committee on agriculture.

House Bill No. 27.

A bill for an act to amend Section 1575, Chapter 20, of the Revised Codes of 1905, relating to the disposition of penalty and interest.

Was read the first and second times and

Referred to the committee on ways and means.

House Bill No. 84.

A bill for an act to amend Section 7575 of the Revised Codes of North Dakota for A. D. 1905, and prescribing the instances where the right of eminent domain may be exercised for public uses.

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 2869 of the Revised Codes of 1905 providing for the contracting of loans and for the incurring of indebtedness by villages and providing for the creation of a sinking fund for the liquidation of such loans and indebtedness.

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

House Bill No. 153.

A bill for an act to amend and re-enact Section 1597 of Chapter 219, Laws of 1907, relative to duty of county auditor, and requirements of tax deeds.

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

House Bill No. 158.

A bill for an act to amend Section 7117 of the Revised Codes of North Dakota, 1905, relating to additional exemptions allowed the head of a family residing in North Dakota.

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

House Bill No. 178.

A bill for an act entitled, an act to amend Section 4429 of the Revised Codes of North Dakota of 1905, as amended by Chapter 147 of the Session Laws of 1909, relating to the capital stock of domestic stock insurance companies.

Was read the first and second times, and

Referred to the committee on insurance.

The courtesies of the floor were extended to the following:

O. H. Houge of Williston.

E. C. Bowen and Dick Band of Bottineau.

J. W. Ellingson, Eli Topp, Wm. Kuhfus of McHenry county.

M. Burseth of Cooperstown.

Fred E. Smith of Wahpeton.

J. B. Wineman of Grand Forks.

Mr. Talcott moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

THIRTY-NINTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

February 10, 1911.

The Senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All present except Messrs. Ganssle and Gronvold, 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 of the 38th day, have carefully examined the same and recommend that the same be corrected as follows:

The word "to," in line 9 of page 1, be changed to "of."

After the names of those who voted in the negative on Mr. Simpson's motion to re-refer Senate Bill No. 73 to a special committee, on page 31, insert the following: "Mr. Ganssle was absent and not voting."

And when so corrected recommend that the same be approved.

J. E. STEVENS,
Chairman.

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

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 10, 1911.

Mr. President:

I have the honor to return herewith
Senate Bill No. 22.

An act requiring railroad companies to provide suitable rooms in railroad station waiting rooms, or in places adjacent thereto.

Which the House has amended as follows:

By inserting after "Section 1" the words "Railroad Companies to Maintain Toilet Room in Certain Cases. Power of Railroad Commissioners.)"

By inserting after "Sec. 2" the word "Penalty.)"

By striking out all of section 3.

Also

Mr. President:

I have the honor to return herewith
Senate Bill No. 16.

A bill for an act creating and defining the Eleventh judicial district, within the State of North Dakota, providing for the appointment and election of a judge therein and fixing the boundaries thereof, and fixing the terms of court therein.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to transmit herewith

House Bill No. 78.

A concurrent resolution to amend Article 19, Section 216 of the Constitution of the State of North Dakota, pertaining to public institutions.

Also

House Bill No. 181.

A bill for an act entitled, an act to amend Section 2 of Chapter 204 of the laws of 1909, entitled, "An act to amend Sections 811, 829, 882 and 883 of the Revised Codes of 1905, pertaining to education."

Also

House Bill No. 189.

A bill for an act amending and re-enacting Section 2597 of the Revised Codes of 1905, relating to the fees of the office of the register of deeds.

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

Very respectfully,

E. H. GRIFFIN,
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. 244.

A bill for an act prohibiting public administrators from acting as attorneys in the estates of decedents.

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 174.

A bill for an act relating to desertion and non-support of wife by husband, or of children by either father or mother, and providing punishment therefor; and providing for manner of procedure and evidence required in such cases; and to promote uniformity between the states in reference thereto.

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

On page 1, in line 9, after the word "punished," add "by imprisonment in the state penitentiary for a period not to exceed three years."

Also strike out all after "Section 9," and insert "Remedies Cumulative.) The provisions of this act shall be construed as cumulative and not exclusive."

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 233.

A bill for an act to amend Section 7045 of the Revised Codes of 1905, relating to the calling of another judge on account of prejudice or bias.

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

H. H. STEELE,
Chairman.

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

Also

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 225.

A bill for an act to amend and re-enact Sections 4071, 4073 and 4074 of the Revised Codes of the State of North Dakota for the year 1905, relating to alimony, support and maintenance of the children of a marriage or of either party thereto in divorce actions.

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

In line 25 of printed bill, after word "homestead," insert "or such part thereof as may to the court seem just."

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 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. 100.

A bill for an act to regulate the practice of medicine and surgery in the State of North Dakota.

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

F. T. GRONVOLD,
Chairman.

Mr. Gronvold moved
That the report be adopted.
Which motion prevailed, and
The report 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. 14.

A bill for an act to provide a refuge or breeding ground for certain game birds and to protect the same.

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

By striking out of the printed bill, lines 1, 2, 3, and the word "two" in line 4 of section 1 of the printed bill and inserting in lieu thereof the words "That the north tier of townships, according to the government survey, in each county in the state and, where the said townships are not regularly surveyed, then a strip of territory six miles wide across the north side of each of said counties, be, and the same."

In line six, strike out the words "Geese, brant, duck, plover, snipe, woodcock."

In section 2, strike out all of line 6, after the word "territory," and all of lines 7 and 8.

In section 5, strike out all of line 4 after the word "days," all of lines 5, 6, 7, 8, 9 and the words "his deputy" in line 10.

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 was adopted.

The committee on public land made the following report:

Mr. President:

Your committee on public lands to whom was referred
Senate Bill No. 238.

A bill for an act authorizing the board of university and school lands to make examination of all state and school lands to determine the extent, depth and thickness of any lignite coal veins underlying the surface, and to show the soil characteristics and topographical features of such land, and providing an appropriation therefor.

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

Strike out the word "annually" in line 4 of section 4, page 2 of the printed bill.

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 was adopted.

Also

Mr. President:

Your committee on public lands to whom was referred
Senate Bill No. 248.

A bill for an act to provide for the better preservation of section corner, quarter section corner and meander corner monuments on any government line of survey, and to provide a penalty for their destruction or defacement.

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

In line 15, section 3, of the original bill, strike out the word "high," and insert therefor the word "length."

In line 7, section 4, of the original bill, after the word "engineer," add the words, "designated by the board of county commissioners."

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 was adopted.

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. 22.

A bill for an act to amend Section 46, Chapter 128, Laws of North Dakota, for the year 1909, relating to the taking of fish.

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 was adopted.

The committee on warehouse and grain grading made the following report:

Mr. President:

Your committee on warehouse and grain grading to whom was referred

House Bill No. 46.

A bill for an act to prevent unfair discrimination in the purchase of grain, dairy products or other commodities.

Have had the same under consideration and recommend

that the same be reported back to the Senate without recommendation.

OLE SYVERTSON,
Chairman.

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

The committee on insurance made the following report:

Mr. President:

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

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.

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 was adopted.

Also

Mr. President:

Your committee on insurance to whom was referred
Senate Bill No. 46.

A bill for an act establishing a hail insurance department and making the commissioner of agriculture and labor also the commissioner of hail insurance; prescribing rules, regulations and duties of all officers and persons connected therewith; prescribing how premiums, expenses and indemnity for losses by hail shall be paid.

Have had the same under consideration and recommend that the same be reported back to the Senate without recommendation.

L. A. SIMPSON,
Chairman.

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

The committee on highways, bridges and ferries made the following report:

Mr. President:

Your committee on highways, bridges and ferries to whom was referred

Senate Bill No. 173.

A bill for an act to amend Section 2169 of the Revised Codes of North Dakota for 1905, regulating the speed of automobiles, horses and vehicles.

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 was adopted.

Also,

Mr. President:

Your committee on highways, bridges and ferries to whom was referred

Senate Bill No. 206.

A bill for an act to amend Section 1346 of the Revised Codes of North Dakota for 1905, relating to highways.

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 was adopted.

The committee on elections and privileges made the following report:

Mr. President:

Your committee on elections and privileges to whom was referred

Senate Bill No. 222.

A bill for an act to amend and re-enact Section 2, Section 16 and Section 24 of Chapter 109 of the Session Laws of the year 1907, of the State of North Dakota, relating to primary election.

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

In first line of title of printed bill change the word "section" to "sections." In second line of title of printed bill, after "24" insert "and 26." In line one, page one, printed bill, change the word "section" to "sections;" and after the number "24" insert "and 26."

After line 43, page 3, printed bill, add: "Section 26. State Board of Canvassers.) For the purpose of canvassing and ascertaining the result of any primary election the state board of canvassers shall meet at the office of the secretary of state on the third Tuesday in September next following a primary election, and be composed of the following members, viz.: Clerk of the supreme court, secretary of state, superintendent of public instruction and the chairman of the state central committee of the two political parties that cast the highest votes for governor at the last general election. After taking the usual oath of office the said board shall proceed to open and publicly canvass the primary election returns made by the several county auditors. Three members of said board shall constitute a quorum and are authorized to make the canvass herein provided and to certify to the result thereof.

And when so amended recommend the same do pass.

H. J. BESSESEN,
Chairman.

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

The committee on banks and banking made the following report:

Mr. President:

The committee on banks and banking to whom was referred

Senate Bill No. 171.

A bill for an act relating to payment of deposits in trust, in any bank, banking institution or trust company.

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 was adopted.

Also

Mr. President:

Your committee on banks and banking to whom was referred

Senate Bill No. 120.

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 the payment of the same.

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

By striking out lines 8 and 9 and the first five words of line 10 of the printed bill.

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 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. 81.

A bill for an act to amend Section 1564 of the Revised Codes, relating to fees of sheriffs for the collection of delinquent personal property taxes.

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

H. H. STEELE,
Chairman.

Mr. President:

The minority of your committee on judiciary to whom was referred

Senate Bill No. 81.

A bill for an act to amend Section 1564 of the Revised Codes, relating to fees of sheriffs for the collection of delinquent personal property taxes.

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

C. W. PLAIN,
JOHN E. WILLIAMS,
W. B. OVERSON.

Mr. Williams 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 23 ayes, 22 nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Bessesen
Carter
Davis

Messrs.—

Kretschmar
Overson
Plain

Messrs.—

Syverson
Thoreson
Turner

Messrs.—	Messrs.—	Messrs.—
Duncan	Putnam	Wallin
Ellingson	Ruzicka	Whitcher
Garden	Steel of Stutsman	Williams
Gibbens	Steele of Renville	Young
Johnson	Stevens	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Movius
Baker	Kennedy	Pierce
Cashel	LaMoure	Simpson
Duis	Linde	Talcott
Elken	Martin	Trimble
Gilbert	McDonald	Walton
Gronvoit	McLear	Welch
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	McDowell	Welo
Jacobsen		

Mr. Martin explained his vote.

So the minority report was adopted.

The committee on highways, bridges and ferries made the following report:

Mr. President:

Your committee on highways, bridges and ferries to whom was referred

Senate Bill No. 172.

A bill for an act to amend Section 2170 of the Revised Codes of North Dakota for 1905, providing automobiles and motor cycles must have bell, horn or whistle.

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

In line 4 of printed bill, after the word "mobile" insert the word "bicycle." In line 5 printed bill, strike out the words "capable of being heard over two hundred feet away." In line 6 of printed bill, strike out the words "outside of a city or village."

And when so amended recommend the same do pass.

T. WELO,
Chairman.

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

The majority and minority reports of
Senate Bill No. 67.

A bill for an act to repeal sections 6237, 6238, 6239, 6240, 6241, 6242, 6243, 6244, 6245, 6246, 6247, 6248, 6249, 6250 and 6251 of the Revised Codes of the State of North Dakota for A. D., 1905, and Chapter 167 of the Session Laws of 1907 and Chapter 158 of the Session Laws of 1909, relating to mechanic's liens, and the filing of mechanic's liens, the giving of notice to contractors and sub-contractors, and the record and priority of liens, and all matters appertaining to the creation, existence and enforcement of mechanic's liens.

Were laid before the Senate.

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

REPORTS OF SELECT COMMITTEES.

To the President of the Senate and the Speaker of the House:

We, the undersigned, members of the Committee to visit the Agricultural Experiment Station at Dickinson and the briquetting plant at Hebron, herewith respectfully present our report.

The members of your Committee left Bismarck Saturday, February 4, 1911, to visit the institutions above named.

THE DICKINSON EXPERIMENT STATION.

We reached Dickinson about 3 o'clock p. m. The same afternoon we went out from the Stark county metropolis to the farm, about a mile distant from the city. Owing to the season, the efforts of your committee were necessarily confined to an investigation of the plant, an examination of the methods of keeping the records of experiments, etc. We found everything in excellent condition, under the able management of Prof. L. B. Waldron. Every question propounded by a member of the committee in regard to experiments so far made in the introduction of improved farming methods—such as the comparative value of grains, as to earliness, hardiness and yield, the prospects as to alfalfa-raising, the rotation of crops, etc.—was promptly answered by Mr. Waldron, the same

invariably being accompanied by diagrams and by statistical tabulated figures showing plainly the results in each case.

Your committee also found, by making inquiries among citizens, that each succeeding year shows increased interest by farmers in the work of the station, and more frequent visits by them to the farm during the planting, growing and harvesting season.

There is a yearly appropriation of \$5,000 for the maintenance of the Dickinson station. The modest sum of \$1,000 a year for the ensuing biennial period is needed with which to experiment in the development of a hardy strain of winter wheat, and for other purposes.

Your committee believe that the sum should be granted. Better farming and cheaper fuel are the two great problems of the state, and we believe that a liberal policy should be pursued in dealing with these paramount interests of our commonwealth.

THE STATE BRIQUETTING PLANT AT HEBRON.

Remaining over Sunday in Dickinson, the members of your committee went Monday forenoon to Hebron to look over the briquetting plant—that institution whose recent experiments are attracting the profound attention of the people of the New Northwest in general and of our home state in particular.

Before starting on their westward trip the members of your committee had communicated with Prof. Babcock, of the School of Mines department of the state university at Grand Forks, and that gentleman at once left for Hebron to be present at the briquetting plant when the committee made their visit.

The plant is not at present in operation, owing to the fact that the small appropriation, in comparison with the magnitude of the work, made at the 1909 session of the general assembly, has been exhausted. And a knowledge of the facts causes the members of your committee to wonder that it was possible to get so far along as the making of briquettes before the sum appropriated—\$12,000—was used up. It should be remembered that the amount named was to cover the building of a plant from the ground up. After the appropriation had been made and the beginning of the work assured, the first thing to do was to arrange for procuring the special machinery necessary for such work. A visit to the east made manifest to Prof. Babcock that it would be utterly impossible with the entire appropriation to buy the machinery needed, much of it being of a special nature and requiring the preparation of diagrams as a guide to its makers. After repeated interviews with the big builders of machinery in the east, Prof. Babcock interested one firm to such an extent—knowing as its members did what the successful commercial making of lignite briquettes meant to the mining and gas machinery business—that the manager of the firm stated that he would furnish the machinery required at not much more than a third of its selling price, and he claims—and the profession believes—that the machinery was sold to this state at between two and three thousand dollars less than the material and labor cost the firm which made it. Surely, when men in New York are sufficiently public spirited and intelligent to understand and appreciate the magnitude of the problem of converting lignite coal into a perfect fuel, we people of the state ought to be liberal in dealing with that problem.

With the report giving details of the establishment and operation of the state's briquetting plant in the hands of the printers, which will be on the desks of senators and members in a few days, it is unnecessary—and it could not well be done with sufficient brevity—to give such details herein. The facts are, however, that it is doubtful whether investigation of a great problem has ever been begun with less money in sight than was appropriated two years ago for the Hebron plant. That not a

dollar of it has been wasted is the firm conviction of the members of your committee.

As to results, evidence was such at Hebron—evidence that is indisputable—as to convince us that the great problem of a cheap and perfect fuel in North Dakota has been solved. And the comparative simplicity of the process was astonishing to us.

It appears that the success of the Hebron method of lignite briquette-making over former experiments along the same lines lies largely in the expulsion of the gas and other by-products before the lignite is briquetted. The presence of a large volume of gas in the lignite has, we understand, been the chief cause of failure of the many attempts heretofore made to briquette the raw lignite.

The conclusions of your committee are that:

The lignite briquettes are harder than anthracite. In fact, when a briquette and a piece of anthracite are struck the one against the other, the anthracite is invariably broken. At Hebron we saw the new fuel burned for several hours. It is almost identical with anthracite in its fuel qualities. It has an advantage over anthracite in at least one particular—it is an excellent fuel in cook stove or range. It has been used for both heating and cooking at the Hebron station, and gives perfect satisfaction when used in either way. Of course the making of briquettes would be of no consequence were it not possible to make them so cheaply that they could be sold in large volume in competition with other fuels. Everything hinges on this proposition. Prof. Babcock is firm in the belief that lignite briquettes can be made by a commercial plant and sold in competition with anthracite in North Dakota at a price from a dollar to a dollar and a half less than the latter. It should be borne in mind also, that this lesser price does not take into consideration the value of the by-products, of which gas is the chief. Repeated experiments at Hebron have shown that lignite coal contains from eleven to twelve thousand cubic feet of gas per ton. Its price will, of course, be governed by the facilities for its use, of which there seems to be no limit, for the reason that its energy can be converted into electricity and transmitted many miles. Other products, such as creosote, ammonia and paraffin, are also obtained from the coal in commercial quantities. The "binder" used in making the briquettes is the cheapest grade of coal-tar, such as is used in some sections for the laying of dust on streets and roads. Some five per cent of tar is used in making the briquettes. About two per cent of tar is obtained from the coal during the process of briquetting; but this tar contains such a large amount of paraffin that it will probably be found that the price obtained for the paraffin will largely meet the outlay for the cheap tar binder. It will thus be seen that, with the briquettes themselves being put on the market at a price lower than anthracite, when the value of the gas and other by-products is subtracted from that cheaper price, the making of lignite into a cheap and perfect fuel is full of possibilities.

At Hebron the members of your committee saw the briquettes burning in a heating stove several hours. They ignite as easily as bituminous coal, requiring a very small amount of kindling. Like anthracite, they become red throughout. Owing to the small quantity required to produce a certain amount of heat, in comparison with lignite, there is but little residue in the form of ashes. There are no clinkers or small unburned portions with the ash. Red-hot briquettes taken from the stove and dropped in a pan of water did not disintegrate, and, though having a roughened surface from the burning, were as hard as ever when taken from the water, at the end of an hour, and were soon red-hot when again placed in the stove. The briquettes are entirely impervious to moisture, owing to the tar binder. At the plant they had been placed in water a continuous period of several days, without changing or softening them in the least.

Among the purposes sought to be accomplished with the appropriation asked for are the following:

To improve the briquetting plant by the use of conveyors, etc., so as to make the process continuous and capable of a larger output.

To further improve the methods of manufacture and thus reduce still lower the profitable selling price of the output.

To put in additional gas-retorts adapted to cheap and quick carbonizing.

To add to the gas-storage capacity needed in the tests.

To install a special gas engine to use the lignite in running the plant.

To put in electric dynamos to be run by the gas engine for the purpose of ascertaining how cheaply electricity for power can be produced from lignite through the use of the by-product, gas.

To provide facilities for experimenting with and testing the by-products, such as paraffin tars, ammonia, creosote oils, etc.

To enable the manager to engage sufficient help with which to run the plant a much longer time each year.

This is necessary to the end of discovering wherein present manufacturing methods may be improved.

To finish the heating system, so that work may be carried on during the cold weather.

To line the inside of the building with cement or brick for the purpose of making the plant more safe from fire, and to assist in making it more comfortable during the winter months.

To pay for the small office and laboratory building situated on the block of ground at the time it was given to the state by the people of Hebron, and which building is now rented.

To erect another small building for clay-testing and gas-burning kilns in which to demonstrate the best methods of using gas in the clay manufacturing industry.

To install and perfect a producer-power plant for lignite.

To open a model mine and show the proper method of lignite mining.

Your committee wish to impress upon the members of Senate and House the paramount importance of the fuel problem in this state. We much regretted that every senator and representative was not with us at Hebron, to see for himself the great progress that has been made in converting the bulky, watery, easily-disintegrated lignite into a compact, durable and efficient fuel. Lignite coal is the one great mineral resource of our state. We have a larger discovered coal area than Pennsylvania. Yet this plant at Hebron is the only station in America devoted to an investigation of the fuel possibilities of this species of coal—a fuel which must be the prime factor in our future development as a manufacturing state.

The visit of your committee to Hebron was a revelation to its members. We are firmly of the opinion that the missing link leading to a great discovery has been reached. The extraction of the by-products of lignite and the elimination of its large volume of water have made the manufacture of briquettes from lignite possible. We believe that every dollar of the appropriation of two years ago has been carefully expended. We are impressed with the intelligence and faithfulness manifested by Professors Babcock and Snyder in the working out of the details of the great problem. The necessity for an increased appropriation is great. There is need for an enlargement of the capacities of the plant, so that samples of the briquettes to the extent of several hundreds of pounds, may be sent to each county of the state, to the end that the people of the whole state may see for themselves just what the advantages of this new fuel are. The plant should be kept running the larger part of each year, so that capital seeking investments may have its representatives at the plant day after day that they may give the matter that investigation which capital always requires before it risks a large sum in a new industry.

The work of the station, though showing such momentous results, has practically only begun with a successful demonstration of the feasibility

of manufacturing lignite briquettes at a satisfactory profit to invested capital. The great mineral wealth of the western half of North Dakota along other lines is yet to be developed. The plant at Hebron was not founded for the purpose alone of investigating the making of briquettes. The act creating it entails upon it the duty of mineral experimentation along such other lines as may be deemed proper by the authorities of the School of Mines.

Second only to the fuel problem is that of the development of the clay industry. Vast quantities of the best of clays suitable for the making of superior brick, pottery, queensware and many other clay products have been discovered in this state, and it is the mission of those in charge of the Hebron station to take up the investigation of the clays of the state and give to such investigation the same faithful and intelligent work that has been given to the lignite problem.

President McVey, of the State University, informs your committee that steps will at once be taken to secure patents for the state of the principal original processes in making of lignite briquettes.

The members of your committee wish to extend their thanks to the people of Dickinson and Hebron for the many courtesies extended by them to us.

Respectfully submitted,

G. S. TRIMBLE,
W. L. CARTER,
D. R. STREETER.

MOTIONS AND RESOLUTIONS.

The majority and minority reports on the matter of constructing a new capitol building were laid before the Senate.

Mr. Welch moved

That the majority report be adopted.

Roll call demanded.

The question being on the adoption of the majority report.

The roll was called and there were 10 ayes, 37 nays, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Kretschmar	Simpson
Cashel	McDonald	Turner
Duis	Ruzicka	Welch
Jacobsen		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Johnson	Steele of Renville
Bessen	Kennedy	Stevens
Carter	LaMour	Syverson

Messrs.—	Messrs.—	Messrs.—
Davis	Linde	Talcott
Duncan	Martin	Thoreson
Elken	McLean	Trimble
Ellingson	Movius	Wallin
Garden	Overson	Walton
Gibbens	Pierce	Welo
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Steel of Stutsman	Young
Hookway		

Messrs. Ganssle and McDowell were absent and not voting.

So the motion to adopt the majority report was lost.

Mr. Kennedy moved

That the minority report be adopted.

Which motion prevailed, and

The minority report was adopted.

Mr. Plain moved

That Senate Bill No. 46 be re-referred to the committee on agriculture.

Which motion prevailed.

Mr. Walton moved

That the Senate do now concur in the amendments made by the House on Senate Bill No. 22.

The roll was called and there were 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Simpson
Baker	Johnson	Steele of Renville
Bossesen	Kennedy	Stevens
Carter	Kretschmar	Syverson
Cashel	LaMoure	Talcott
Davis	Linde	Thoreson
Duis	Martin	Trimble
Duncan	McDonall	Turner
Ellingson	McLean	Wallin
Garden	Movius	Walton
Gibbens	Overson	Welo
Gilbert	Pierce	Welch
Gronvold	Plain	Whitcher
Gunderson	Putnam	Williams
Hookway	Ruzicka	Young

Absent and not voting:

Messrs.—
Elken
Ganssle

Messrs.—
McDowell

Messrs.—
Steel of Stutsman

So the House amendments were concurred in.

Mr. Pierce introduced the following concurrent resolution:

Whereas, the eighth legislative assembly enacted a provision of law commonly known as chapter 176 of the laws of 1903, providing a method of leasing the coal lands of the state; and

Whereas, said act has been held by the legal department of the state to be unconstitutional, and a measure is now pending before this legislative assembly for the repeal of the same; and

Whereas, acting under the supposed authority contained in said act, the board of university and school lands has made and entered into, with sundry persons, a large number of so called coal land leases, under which said persons are engaged in mining coal and removing the same therefrom; and

Whereas, by reason of the unconstitutionality of said law, the said leases are void and the state cannot legally collect the small rentals provided for therein, and large amounts of coal are being mined and lost to the state with no adequate return therefor; therefore,

Be It Resolved by the Senate, the House of Representatives Concurring:

That the attorney general be and he is hereby authorized and requested to institute such proceedings as may be necessary and proper to cancel all of such so-called leases, to require the lands covered thereby to be vacated, to protect the same from trespass in the future, and to recover to the state such amounts as may be due to it for coal taken therefrom.

Mr. Pierce moved

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

Mr. Trimble introduced the following resolution:

Whereas, there are many bills of importance now pending before this legislative assembly in behalf of the people of the State of North Dakota, and in their interests, and

Whereas, many persons have, at great expense of time and trouble, patriotically left their homes and business and come to the state capitol for the purpose of appearing before the legislative committees and shedding a necessary light upon these measures, and,

Whereas, the interests of these persons in matters now before the legislative assembly is to be commended and the persons who have thus patriotically and self-sacrificingly come to the capitol are to be congratulated upon their devotion to the public interest and welfare,

Now, Therefore, Be It Resolved by the Senate of the State of North Dakota:

That due appreciation is felt of the patriotism of these citizens who have left their homes, their business cares and their personal interests to lobby in various capacities against measures introduced into this Senate, and

Be It Further Resolved:

That the appropriations committee of the Senate be authorized to investigate the matter of the necessary personal losses of these patriots in their absence from home and business with a view to providing a reimbursement for them should their benefits from lobbying not equal their losses in their absence from personal business.

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. 70.

A bill for an act regulating and governing contracts relative to the shipment of live stock, and the giving of notice or claim for loss or damage thereto.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The Secretary announced that the President was about to sign

Senate Bill No. 70.

A bill for an act regulating and governing contracts relative to the shipment of live stock, and the giving of notice or claim for loss or damage thereto.

And the President signed the same in the presence of the Senate.

A committee from the House announced that they were ready for the joint session with the Senate to listen to an address by Prof. J. H. Worst of the Agricultural college.

Mr. Talcott moved

That the Senate do now proceed to the House for the joint session.

Which motion prevailed.

The Senate re-assembled.

Mr. Simpson requested that the third reading of Senate Bill No. 94 be laid over one day.

Which request was granted.

FIRST READING OF SENATE BILLS.

Mr. Steele (by request) introduced

Senate Bill No. 278.

A bill for an act to amend and re-enact Section 13 of the Session Laws for the year 1907 of the state of North Dakota, relating to primary election.

Which was read the first time.

Mr. McLean introduced

Senate Bill No. 279.

A bill for an act to provide that the counties of the state may adopt a uniform system of text books.

Which was read the first time.

Mr. Steele of Renville, introduced

Senate Bill No. 280.

A bill for an act to amend and re-enact Section 9 of the Session Laws for the year 1907, of the state of North Dakota, relating to primary election.

Which was read the first time.

Mr. Bessesen introduced

Senate Bill No. 281.

A concurrent resolution for an amendment to the Constitution of the state of North Dakota, providing for the recall of public officers by the people.

Which was read the first time.

Mr. Linde introduced

Senate Bill No. 282.

A bill for an act to amend and re-enact Section 2563 of the Revised Codes of the state of North Dakota for the

year 1905, relating to the power of counties to issue bonds for the purpose of purchasing sites and constructing county buildings.

Which was read the first time.

Mr. Martin introduced

Senate Bill No. 283.

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. Martin moved

That the resolutions in Senate Bill No. 283 be printed in the Journal.

Which motion prevailed.

Whereas, False and misleading reports have been circulated, detrimental to the best interests of this state regarding the failure of crops, and the financial condition of its farmers, and

Whereas, there is now pending before Congress a bill which, if it becomes a law, will remove the tariff on all grain raised in Canada and permit the same to be imported into this country, free of duty, which will work an irreparable injury to North Dakota, and retard immigration and possibly reduce land values, and

Whereas, Canada appropriates over a million dollars annually to induce citizens of the United States to become inhabitants of the Dominion, and is sending its emissaries to all parts of this country to distribute broadcast literature portraying what it has to offer the people who desire to change their location, and,

Whereas, the agricultural department during the past six years has extensively and profitably advertised the resources of this state, and has placed in a favorable manner the many excellent advantages North Dakota offers to the settlers, and,

Whereas, The said agricultural department has through the many exhibits it has made of North Dakota products at the different state and county fairs held in eastern states, and by the distribution of literature containing a description of the state, succeeded in inducing many thousands of people to locate within its borders, and,

Whereas, North Dakota was one of the first of the northwestern states to inaugurate the plan of exploiting and advertising its resources, and has taken a front rank in securing an intelligent and progressive class of new settlers, and attracted the attention of all parts of the world, and,

Whereas, adjoining and other western states have realized the value of the advertising done and the exploitations made by North Dakota, are appropriating for these purposes immense sums of money to stem the tide of immigration to this state and induce eastern settlers to locate within the confines of their respective states, as well as to prevent their people from moving to North Dakota; therefore,

Be It Enacted, etc.

FIRST READING OF SENATE BILLS.

Mr. Johnson (by request) introduced

Senate Bill No. 284.

A bill for an act making an appropriation for the purpose of re-imbursing members of the railroad commission of North Dakota for money actually and necessarily expended in the conduct of the business of the office, and for which bills there has never been funds with which to make payment.

Which was read the first time.

Mr. Davis introduced

Senate Bill No. 285.

A bill for an act establishing a temporary educational commission and appropriating one thousand dollars for the expenses thereof.

Which was read the first time.

Mr. Gunderson introduced

Substitute for Senate Bill No. 211.

A bill for an act to amend Sections 1, 3, 5, 8 and 13 of Chapter 161 of the Session Laws of 1909, entitled, an act to regulate the public service of stallions in North Dakota and providing a penalty for violation thereof.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 278.

A bill for an act to amend and re-enact Section 13 of the Session Laws for the year 1907 of the state of North Dakota, relating to primary election.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 279.

A bill for an act to provide that the counties of the state may adopt a uniform system of text books.

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

Senate Bill No. 280.

A bill for an act to amend and re-enact Section 9 of the Session Laws for the year 1907, of the state of North Dakota, relating to primary election.

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

Senate Bill No. 281.

A concurrent resolution for an amendment to the Constitution of the state of North Dakota, providing for the recall of public officers by the people.

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

Senate Bill No. 282.

A bill for an act to amend and re-enact Section 2563 of the Revised Codes of the state of North Dakota for the year 1905, relating to the power of counties to issue bonds for the purpose of purchasing sites and constructing county buildings.

Was read the second time and
Referred to the committee on counties and county boundaries.

Senate Bill No. 283.

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 immigration.

Senate Bill No. 284.

A bill for an act making an appropriation for the purpose of re-imbursing members of the railroad commission of North Dakota for money actually and necessarily ex-

pended in the conduct of the business of the office, and for which bills there has never been funds with which to make payment.

Was read the second time and

Referred to the committee on appropriations.

Senate Bill No. 285.

A bill for an act establishing a temporary educational commission and appropriating one thousand dollars for the expenses thereof.

Was read the second time and

Referred to the committee on education.

Substitute for Senate Bill No. 211.

A bill for an act to amend Sections 1, 3, 5, 8 and 13 of Chapter 161 of the Session Laws of 1909, entitled, an act to regulate the public service of stallions in North Dakota and providing a penalty for violation thereof.

Was read the second time and

Referred to the committee on live stock and animal husbandry.

SENATE COMMITTEE ON ENROLLED AND ENGROSSED BILLS.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 130.

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 annual statements of insurance companies.

Also,

Senate Bill No. 151.

A bill for an act to require county commissioners in all counties in the State of North Dakota, elected or appointed to the office of county commissioner, to furnish an official bond for the faithful performance of their duties, and providing for the approval of the bond.

Also,

Senate Bill No. 155.

A bill for an act to amend Section 8103 of the Revised Codes of 1905, of the State of North Dakota, relating to endorsement of allowance or rejection of claims by executive or administrators and providing for notice thereof.

Also

Senate Bill No. 156.

A bill for an act to amend Section 8105 of the Revised Codes of 1905, relating to rejecting claims and providing how suit is instituted.

Also,

Senate Bill No. 160.

A bill for an act to amend Section 3213, Revised Codes of North Dakota, relating to township boards.

Also

Senate Bill No. 175.

A bill for an act to amend Section 417 of the Revised Codes of North Dakota for the year 1905, relating to officers and offices, and the qualifications of officers.

Also

Senate Bill No. 179.

A bill for an act providing for the regulation and the use of the public drinking cup and public towel.

Also,

Senate Bill No. 180.

A bill for an act to amend and re-enact Section 1607 of the Revised Codes of North Dakota for the year 1905.

Also

Senate Bill No. 183.

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. 194.

A bill for an act defining the Tenth judicial district and providing for holding terms of court therein.

Also,

Senate Bill No. 196.

A bill for an act to amend and re-enact Section 8841 of the Revised Codes of North Dakota for the year 1905, relating to kidnaping, defining same, providing punishment therefor, and prescribing punishment of aiders, assistants and abettors therein.

Also,

Senate Bill No. 197.

A bill for an act to amend Article 2, Chapter 10 of the Session Laws of 1909, relating to normal schools.

And find the same correctly engrossed.

C. W. PLAIN,

Chairman.

Senate Bill No. 130.

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 annual statements 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 40 ayes, no nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steel of Stutsman
Baker	Kennedy	Steele of Renville
Bessesen	Kretschmar	Stevens
Carter	LaMoure	Syverson
Cashel	Linde	Talcott
Davis	Martin	Thoreson
Duis	McDonald	Trimble
Duncan	McLean	Turner
Elken	Movius	Wallin
Ellingson	Overson	Walton
Gibbens	Plain	Welch
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Johnson	Simpson
Garden	McDowell	Welo
Gilbert	Pierce	Whitchev

So the bill passed and the title was agreed to.

Senate Bill No. 138.

A concurrent resolution 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 42 ayes, no nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Ruzicka
Baker	Jacobsen	Steel of Stutsman
Bessesen	Johnson	Steele of Renville
Carter	Kennedy	Stevens
Cashel	Kretschmar	Syverson
Davis	LaMoure	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Trimble
Elken	McDonald	Turner
Ellingson	McLean	Wallin
Gibbens	Movius	Walton
Gilbert	Putnam	Whitchev
Gronvold	Overson	Williams
Gunderson	Plain	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Pierce	Welo
Garden	Simpson	Welch
McDowell		

So the bill passed and the title was agreed to.

The President appointed Messrs. Talcott and Movius as a committee to conduct former Lieutenant Governor J. H. Worst to the President's stand.

Senate Bill No. 151.

A bill for an act to require county commissioners in all counties in the State of North Dakota, elected or appointed to the office of county commissioner, to furnish an official bond for the faithful performance of their duties, and providing for the approval of the bond.

Was read the third time.

Mr. Hookway moved, as an amendment:

That after the word "clerk" in line 17, the words "of the district court" be added, and in line 21 after the word "judge," add "and the clerk of the district court."

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 38 ayes, 7 nays 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Stevens
Baker	Kennedy	Syverson
Bessesen	Kretschmar	Talcott
Cashel	LaMoure	Thoreson
Davis	Linde	Trimble
Duis	McDonald	Turner
Duncan	McLean	Wallin
Elken	Overson	Welo
Ellingson	Plain	Welch
Garden	Putnam	Whitcher
Gibbens	Ruzicka	Williams
Hookway	Steel or Stutsman	Young
Jacobsen	Steele or Renville	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Carter	Martin	Pierce
Gronvold	Movius	Walton
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	McDowell	Simpson
Gilbert		

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

Mr. Duncan moved

That the vote by which Senate Bill No. 151 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA.

February 10, 1911.

To the Senate:

I have the honor to transmit herewith the report of the Board of Trustees of Public Property as to the estimate of appropriations 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.

Such report being made in accordance with the provisions of section 239 of the Revised Codes of North Dakota for 1905.

Very respectfully,

JOHN BURKE,
Governor.

To the Twelfth Legislative Assembly, State of North Dakota:

The Board of Trustees of Public Property respectfully estimate that the appropriation necessary to defray the expenses of keeping the capitol building, executive mansion and public grounds in repair, and for fuel and other incidental expenses, for keeping and maintaining the state offices for the ensuing two years to be as follows, namely, \$90,120.

This estimate is based upon the cost of maintaining the capitol building, grounds, etc., for the last two years, as per the itemized account, namely:

MAINTENANCE CAPITOL.

Salary of janitors, firemen, engineers, motorman, etc.	\$	26,791.92
Coal delivered at power house		14,599.82
Telegraph and telephone service		3,210.70
Freight and drayage		1,275.92
Express		3,037.84
Postage		11,316.70
Water supply for lawns and power house and for building ..		2,925.00
Car line repairs		1,832.18
Miscellaneous supplies, such as adding and writing machines for the several offices, lumber for repair of offices, locks, stationery, furniture, such as desks, tables, chairs, etc. ..		20,878.19
Total cost of capitol maintenance 1909 and 1910	\$	85,868.27
Standing biennial appropriation	\$	75,000.00
Balance and credits		6,239.16
	\$	81,239.16
Trolley fares for 1909 and 1910 were ..	\$	5,528.35
Overdraft January 1, 1911	\$	4,631.11

JOHN BURKE,
Governor.
D. K. BRIGHTBILL,
State Auditor.
P. D. NORTON,
Secretary of State.

Senate Bill No. 155.

A bill for an act to amend Section 8103 of the Revised Codes of 1905, of the State of North Dakota, relating to endorsement of allowance or rejection of claims by executive or administrators and providing for notice thereof.

Was read the third time.

Mr. Williams moved, as an amendment:

That the words "said notice to be by personal service or registered mail" be added after the last word in line 23.

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill.

The roll was called and there were 46 ayes, no nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steel of Stutsman
Baker	Johnson	Steele of Renville
Bessesen	Kennedy	Stevens

Messrs.—	Messrs.—	Messrs.—
Carter	Kretschmar	Syverson
Cashel	LaMoure	Talcott
Davis	Linde	Thoreson
Duis	Martin	Trimble
Duncan	McDonald	Turner
Elken	McLean	Wallin
Ellingson	Movius	Walton
Garden	Overson	Welo
Gibbens	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	McDowell	Simpson

So the bill passed and the title was agreed to.

Senate Bill No. 156.

A bill for an act to amend Section 8105 of the Revised Codes of 1905, relating to rejecting claims and providing how suit is instituted.

Was read the third time.

Mr. Hookway moved, as an amendment:

That in line 8, the word "four" be changed to "three" and in line 9, the word "three" be changed to "two."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill,

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Jacobsen	Steele of Renville
Bessesen	Johnson	Stevens
Carter	Kennedy	Syverson
Cashel	Kretschmar	Talcott
Davis	LaMoure	Thoreson
Duis	Linde	Turner
Duncan	Martin	Wallin
Elken	McDonald	Walton
Ellingson	McLean	Welo
Garden	Movius	Welch

Messrs.—	Messrs.—	Messrs.—
Gibbens	Overson	Whitche
Gilbert	Pierce	Williams
Gronvold	Plain	Young
Gunderson	Ruzicka	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Putnam	Trimble
McDowell	Simpson	

So the bill passed and the title was agreed to.

The Secretary announced that the President was about to sign

House Bill No. 9.

A bill for an act to amend section 4037 of the Revised Codes of North Dakota for 1905, relating to issuing of marriage license.

And the President signed the same in the presence of the Senate.

Senate Bill No. 160.

A bill for an act to amend Section 3213, Revised Codes of North Dakota, relating to township boards.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 44 ayes, 1 nay, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Jacobsen	Stevens
Bessesen	Johnson	Syvertson
Carter	Kennedy	Talcott
Cashel	Kretschmar	Thoreson
Davis	Linde	Trimble
Duis	Martin	Turner
Duncan	McDonald	Wallin
Elken	McLean	Walton
Ellingson	Movius	Welo
Garden	Overson	Welch
Gibbens	Pierce	Whitcher
Gilbert	Plain	Williams
Gronvold	Putnam	Young
Gunderson	Ruzicka	

Mr. Steele of Renville, voted in the negative.

Absent and not voting:

Messrs.—
Ganssle
LaMoure

Messrs.—
McDowell

Messrs.—
Simpson

So the bill passed and the title was agreed to.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA.

February 10, 1911.

To the Senate of the Twelfth Legislative Assembly:

I have the honor to inform you that I have this day approved and filed with the Secretary of State:

Senate Bill No. 25.

A bill for an act to authorize boards of trustees of incorporated villages to regulate the use of streets, alleys and public grounds by automobiles, traction engines and other self propelled vehicles, and to provide for registration and identification of the same, at the expense of the owners or operators thereof.

Also

Senate Bill No. 66.

A bill for an act to amend and re-enact Section 437 of the Revised Codes of the State of North Dakota, for 1905, relating to the qualifications of deputies of the state, county and municipal governments of and within the state of North Dakota, and members of the official boards.

Also,

Senate Bill No. 88.

A bill for an act to amend Section 2768 of the Revised Codes of North Dakota for 1905, relating to the repairs of city sidewalks.

Codes of North Dakota for 1905, relating to the repairs of city sidewalks.

Very respectfully,

JOHN BURKE,
Governor.

Senate Bill No. 175.

A bill for an act to amend Section 417 of the Revised Codes of North Dakota for the year 1905, relating to officers and offices, and the qualifications of officers.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Jacobsen	Steele of Renville
Bessesen	Johnson	Stevens
Carter	Kennedy	Syvertson
Cashel	Kretschmar	Talcott
Davis	Linde	Thoreson
Duis	Martin	Trimble
Duncan	McDonald	Turner
Elken	McLean	Wallin
Ellingson	Movius	Walton
Garden	Overson	Welo
Gibbens	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gaensle	McDowell	Simpson
LaMoure		

So the bill passed and the title was agreed to.

Senate Bill No. 179.

A bill for an act providing for the regulation and the use of the public drinking cup and public towel.

Was read the third time.

Mr. Gunderson moved, as an amendment:

That in line 4, section 1, after the word "buildings" the words "and railroad trains" be added.

Which motion prevailed, and

The amendment was adopted.

Mr. Gunderson moved, as an amendment:

That in line 3 of the engrossed bill the word "and" be stricken out and the word "or" be substituted in lieu thereof.

Which motion was lost.

Mr. Overson moved, as an amendment:

That in line 1, section 2, the words "provisions of this act," be stricken out.

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill,

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Jacobsen	Steele of Renville
Bessesen	Johnson	Stevens
Carter	Kennedy	Syverson
Cashel	Kretschmar	Talcott
Davis	Linde	Thoreson
Duis	Martin	Turner
Duncan	McDonald	Wallin
Elken	McLean	Walton
Ellingson	Movius	Welo
Garden	Overson	Welch
Gibbens	Pierce	Whitcher
Gilbert	Plain	Williams
Gronvold	Putnam	Young
Gunderson	Ruzicka	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	McDowell	Trimble
LaMoure	Simpson	

So the bill passed and the title was agreed to.

Senate Bill No. 180.

A bill for an act to amend and re-enact Section 1607 of the Revised Codes of North Dakota for the year 1905.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 41 ayes, no nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Ruzicka
Baker	Jacobsen	Steel of Stutsman
Bessesen	Johnson	Stevens
Carter	Kennedy	Syverson
Cashel	Kretschmar	Talcott
Davis	Linde	Thoreson
Duncan	Martin	Turner
Elken	McDonald	Walton
Ellingson	McLean	Welo
Garden	Movius	Welch
Gibbens	Overson	Whitcher
Gilbert	Pierce	Williams
Gronvold	Plain	Young
Gundersen	Putnam	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duis	McDowell	Trimble
Ganssle	Simpson	Wallin
LaMoure	Steele of Renville	

So the bill passed and the title was agreed to.

Senate Bill No. 183.

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 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steel of Stutsman
Baker	Johnson	Steele of Renville
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syverson
Cashel	Linde	Talcott

Messrs.—	Messrs.—	Messrs.—
Davis	Martin	Thoreson
Duncan	McDonald	Turner
Elken	McLean	Wallin
Ellingson	Movius	Walton
Garden	Overson	Welo
Gibbens	Pierce	Welch
Gilbert	Plain	Williams
Gronvold	Putnam	Whitcher
Gunderson	Ruzicka	Young
Hookway		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duis	LaMoure	Simpson
Gaassle	McDowell	Trimble

So the bill passed and the title was agreed to.

Mr. Cashel moved

That the consideration of Senate Bill No. 194 be laid over one day.

Which motion prevailed.

Senate Bill No. 196.

A bill for an act to amend and re-enact Section 8841 of the Revised Codes of North Dakota for the year 1905, relating to kidnaping, defining same, providing punishment therefor, and prescribing punishment of aiders, assistants and abettors therein.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 42 ayes, no nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Ruzicka
Baker	Hookway	Steel of Stutsman
Bessesen	Jacobsen	Steele of Renville
Carter	Johnson	Stevens
Cashel	Kennedy	Syvertson
Davis	Kretschmar	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Turner
Elken	McDonald	Wallin
Ellingson	McLean	Walton
Garden	Movius	Welch

Messrs.—
Gibbens
Gilbert
Gronvold

Messrs.—
Overson
Plain
Putnam

Messrs.—
Whitcher
William
Young

Absent and not voting:

Messrs.—
Ganssle
LaMoure
McDowell

Messrs.—
Pierco
Simpson

Messrs.—
Trimble
Welo

So the bill passed and the title was agreed to.

Senate Bill No. 197.

A bill for an act to amend Article 2, Chapter 10 of the Session Laws of 1909, relating to normal schools.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—
Allen
Baker
Bessesen
Carter
Cashel
Davis
Duis
Duncan
Elken
Ellingson
Garden
Gibbens
Gilbert
Gronvold
Gunderson

Messrs.—
Hookway
Jacobsen
Johnson
Kennedy
Kretschmar
Linde
Martin
McLean
Movius
Overson
Plain
Putnam
Ruzicka
Steel of Stutsman

Messrs.—
Steele of Renville
Stevens
Syvertson
Talcott
Thoreson
Trimble
Turner
Wallin
Walton
Welo
Welch
Whitcher
Williams
Young

Absent and not voting:

Messrs.—
Ganssle
LaMoure

Messrs.—
McDonald
McDowell

Messrs.—
Pierce
Simpson

So the bill passed and the title was agreed to.

Mr. Talcott moved

That the vote by which Senate Bill No. 197 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 78.

A concurrent resolution to amend Article 19, Section 216 of the Constitution of the State of North Dakota, pertaining to public institutions.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 181.

A bill for an act entitled, an act to amend Section 2 of Chapter 204 of the laws of 1909, entitled, "An act to amend Sections 811, 829, 882 and 883 of the Revised Codes of 1905, pertaining to education."

Was read the first and second times and

Referred to the committee on education.

House Bill No. 189.

A bill for an act amending and re-enacting Section 2597 of the Revised Codes of 1905, relating to the fees of the office of the register of deeds.

Was read the first and second times, and

Referred to the committee on judiciary.

The courtesies of the floor were extended to the following:

Wellington Irysh of Hettinger county.

W. M. Kern of Ellendale.

E. J. Walton of Oakes.

M. L. Walton of Oakes.

M. Burseth of Cooperstown.

Alexander Curry of Cando.

J. A. Mills and J. D. Halstad of Beach.

John Vallely of Grand Forks.

Simon Westby of Williston.

Mr. Movius moved.

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

FORTIETH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

February 11, 1911.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Mr. Ganssle, 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 of the 39th day, have carefully examined the same and recommend that the same be corrected as follows:

The word "corrected," in line 1, page 2, be changed to "amended."

In line 19 of page 13, following the word "and," the words "the minority" be inserted.

On page 25, following the title of substitute for Senate Bill No. 211,

the following be inserted, "which was read the first time."

Page 34, line 15 from the bottom, "45" be changed to "44," and "4" changed to "5."

Page 35, line 19 from the bottom, "45" be changed to "44," and "5" changed to "4."

Below line 8, page 38, the following words be inserted, "To the Senate."
Line 3, page 39, "42" be changed to "41," and "7" be changed to "8."

And when so corrected recommend that the same be approved.

J. E. STEVENS,
Chairman.

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

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 11, 1911.

Mr. President:

I have the honor to transmit herewith

House Bill No. 242.

A bill for an act to amend Section 1968 of the Revised Codes of 1905.

Also

House Bill No. 96.

A bill for an act creating a state board of dental examiners; to regulate the practice of dentistry in the state of North Dakota; to provide for licensing dentists; and to provide penalties for the violation of this Act.

Also,

House Bill No. 134.

A bill for an act to amend Sections 4324 and 4343 of the Revised Codes of 1905, relative to the powers and duties of the board of railroad commissioners.

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

Very respectfully,

E. H. GRIFFIN.
Chief Clerk.

REPORTS OF STANDING COMMITTEES.

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. 235.

A bill for an act to amend Sections 3, 4, 5, 6, 7, 8, 12, 15, 28, 35, 42, 43, 44 and 45 of Chapter 128 of the Session Laws of 1909, being 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, 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 printed bill be amended as follows:

Amend title by adding after "animals" the following, "and providing for maintenance of fish hatcheries."

Amend line fourteen (14), section 6, after the word "faithful," by inserting "performance of his duties and."

Amend line 19 of section 8, after the word "fund" by adding the following: "that annually after January 1st, 1912, there shall be transferred from the Game and Fish fund by the Game and Fish Board of Control the sum of \$2,000.00, to be known as the Expense and Improvement fund, to defray the necessary expense in and about the fish hatchery as directed by the fish commissioner."

Amend section 35 in line 19, after the word "provided" add the words "and had in possession," and in the same line, after the word "the" as it first appears, strike out the words "first day of April and the first day of May," and insert in lieu thereof "seventh day of September and the tenth day of May following."

And in line 21, section 35, after the word "variety" as it first appears, strike out "wild goose of any variety," and in line 22 of the same section, the word "brant."

Amend section 43 by striking out after the word "time" as it appears in line 13 and all of lines 14, 15, 16 and 17, and the words "game birds" in line 18.

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 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. 173.

A bill for an act to amend and re-enact Section 4201 of
the Civil Code of the Revised Codes of North Dakota of
1905, relating to by-laws of private corporations.

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

C. W. HOOKWAY,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 117.

A bill for an act providing for salary for sheriffs and
providing for fees collected by sheriffs to be turned into
the county treasurer of their respective counties and pre-
scribing for a penalty for failing to do so.

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 report was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 150.

A bill for an act to amend Section 1546 of the Revised Codes of North Dakota, 1905, relating to tax receipts, their contents, numbering and duplicates.

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

In line eight (8) of printed bill, strike out "lot or lots" and substitute "year or years."

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 168.

A bill for an act providing for the appointment of a commission to draft a revision of the probate code of the State of North Dakota, and appropriating money therefor.

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

In line two (2) of printed bill, strike out "not later than the first day of August, 1911," and insert "with the advice and consent of the Senate."

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 was adopted and referred to the committee on appropriations.

The committee on immigration made the following report:

Mr. President:

Your committee on immigration to whom was referred
Senate Bill No. 202.

A bill for an act making it the duty of the commissioner of agriculture and labor to furnish certain information, and making an appropriation for the payment of the expenses connected therewith.

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

A. L. MARTIN,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 85.

A bill for an act to place the office of sheriff upon a salary basis, and to provide for the salary thereof and the appointment of deputies and prescribing penalties for the violation of the provisions of said act.

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 report was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 86.

A bill for an act to provide a judicial procedure to determine the identity of the grantees and the shares of each in cases where lands have been or may be patented, granted or conveyed by the United States to the heirs or devisees of a deceased person without naming therein the persons so designated as grantees.

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 181.

A bill for an act to provide for the levy and collection of taxes in the villages of the state of North Dakota, and to repeal Sections 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882 and 2883 of the Revised Codes of 1905.

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 200.

A bill for an act to amend and re-enact Section 10371 and Section 10373 of the Revised Codes of North Dakota, for the year 1905, relating to parole of inmates of the state penitentiary.

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

In line five (5) of printed bill, strike out "trustees" and insert "experts."

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
House Bill. No. 68.

A bill for an act entitled, an act validating special assessments and taxes made or levied in cities since 1903 and establishing certain rules of evidence relating thereto.

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 113.

A bill for an act defining and taxing the occupation of transient merchants, regulating the licensing of persons engaged in such occupation, increasing the state revenue by such taxation, and prescribing penalties for violation of its provisions.

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 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. 124.

A bill for an act to amend Section 2594 of the Revised Codes of North Dakota.

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

In line forty (40) of the printed bill, after the words "twelve million dollars," add "but does not exceed thirteen million dollars, nor more than two thousand six hundred dollars in counties where the assessed valuation exceeds thirteen million dollars, but does not exceed fourteen million dollars; nor more than two thousand seven hundred dollars in counties where the assessed valuation does exceed fifteen million dollars."

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

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

Also,

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 203.

A bill for an act to repeal Section 1544 of the Revised
Codes of the State of North Dakota, relating to county
treasurers and the collection of taxes.

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

In the title of the bill, after the words "North Dakota" insert the fol-
lowing, "for the year 1905."

In line 2 of the printed bill, after the words "North Dakota" insert
the following, "for the year 1905."

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

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

Also,

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 205.

A bill for an act to amend Section 10381 of the Revised
Codes of 1905, as amended by Section 1, of Chapter 40, of
the Session Laws of 1907, relating to the manner of dis-
posing of the product of the state binder plant.

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

J. E. DAVIS,
Chairman.

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

Also

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 229.

A concurrent resolution amending the Constitution of the State of North Dakota, empowering the legislative assembly to provide by law for erection, leasing, purchasing and operating terminal elevators in the State of North Dakota.

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

J. E. DAVIS,
Chairman.

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

Also

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 234.

A bill for an act to authorize and empower the state auditing board to audit, approve and order paid, bills contracted by the capitol commission under Chapter 166 of the Session Laws of 1905, and making an appropriation therefor.

Have had the same under consideration and recommend that the same be favorably reported and be re-referred to the committee on appropriations.

J. E. DAVIS,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 72.

A bill for an act to amend Section 1582 of the Revised Codes of North Dakota for 1905, as amended by Chapter 199 of the Session Laws of North Dakota for 1909, relating to the redemption of real estate.

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 133.

A bill for an act to amend Section 1584 of the Revised Codes of the State of North Dakota, as amended by Chapter 220 of the Session Laws of 1907, relating to the rights of purchasers of land at sale for the non-payment of taxes.

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 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. 55.

A bill for an act reinstating and validating the charters of corporations that have been cancelled for failure to make and file with the secretary of state, reports as required by and under Section 4186, Revised Codes of 1905.

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

C. W. HOOKWAY,
Chairman.

Mr. Hookway moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred

Senate Bill No. 8.

A Concurrent Resolution, amending the constitution of the State of North Dakota, empowering the legislative assembly to establish a department of hail insurance within the State of North Dakota.

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

In line 4 of the printed bill, after the word "assembly" insert the words "if by it approved."

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 was adopted.

Also,

Mr. President:

Your committee on insurance to whom was referred
Senate Bill No. 167.

A bill for an act to provide for the non-forfeiture of
premiums on policies of life 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 was adopted.

The committee on temperance made the following report:

Mr. President:

A majority of your committee on temperance to whom
was referred

Senate Bill No. 103.

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

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

In section 5, line 2 of printed bill, strike out the word "first" and in-
sert in lieu thereof the word "fifth."

Also in same section, line 6, insert comma after word "kept."

In section 8, line 6, strike out the word "and," and insert in lieu
thereof the word "of."

In section 9, strike out all of section after the word "act" in line 4, and insert in lieu thereof "when furnished it for that purpose."

In section 10, line 3, change "i" in word "if" to "I."

Also in same section, line 3, insert comma after the word "found."

After section 16, insert the following:

"Section 17. Before any druggist shall be permitted to sell or keep for sale any intoxicating liquors under the provisions of this act, he shall file with the county judge, to be approved by him, a good and sufficient bond, running to the state of North Dakota, in the sum of one thousand dollars, executed by himself as principal, and five freeholders of the county as sureties, or executed by some responsible surety, fidelity insurance or bonding company authorized and qualified to do business within the state of North Dakota, who shall justify in double the amount of the bond, conditioned that such druggist will not violate and will in all things comply with all the provisions of this act; and on violation of any of the provisions of said bond, the same shall thereby become forfeited in the full amount thereof; and the conviction of any such druggist or any person in his employ shall be deemed conclusive evidence of such violation. In case of the refusal of the county judge to approve any such bond, an appeal will lie to the district court, and the same shall be taken and determined as near as may be, according to the provisions of Article 9 of Chapter 3 of the Probate Code."

Then re-number consecutively sections 17, 18, 19 and 20.

In section 18, line 2, strike out the words "of the laws of 1909."

In section 19, line 1, strike out the word "as." Also at end of same section add: "as provided in this act. Neither shall it be construed to prevent any druggist from selling intoxicating liquors to public or charity hospitals."

And when so amended recommend the same do pass.

E. L. Garden,
Chairman.

A minority of your committee on temperance to whom was referred

Senate Bill No. 103.

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

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

F. S. TALCOTT.

Mr. LaMoure objected to the consideration of the report.

The majority and minority reports on

Senate Bill No. 103.

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

Were laid before the Senate.

Mr. LaMoure objected to the consideration of these reports.

Which went over one day.

The committee on insurance made the following report:

Mr. President:

A majority of your committee on insurance to whom was referred

Senate Bill No. 164.

A bill for an act requiring life insurance companies transacting business in this state to invest in this state a percentage of the premiums collected on policies written on the lives of citizens of this state, and providing a penalty for the violation thereof.

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

In line 9 of section 2 of the printed bill, after the word "state," insert the following words, "and upon its policies in force in the state of North Dakota, at least," then in the same line of the same section, strike out "65" and insert "50."

And when so amended recommend the same do pass.

L. A. SIMPSON,
Chairman.

Mr. President:

A minority of your committee on insurance to whom was referred

Senate Bill No. 164.

A bill for an act requiring life insurance companies transacting business in this state to invest in this state a percentage of the premiums collected on policies written on the lives of citizens of this state, and providing a penalty for the violation thereof.

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

GEO. E. DUIS,

REPORT OF SPECIAL COMMITTEE.

Mr. President:

Your committee to whom was delegated the task of visiting and inspecting the State Normal school at Mayville, beg leave to report as follows:

We arrived at Mayville at about 9:30 a. m. Saturday, February 4th. We were the guests of President Hillyer and other members of the faculty at dinner in the girls' dormitory at 1:00 p. m. After fortifying the "inner man," we proceeded on a tour of inspection which was, we think, very thorough. The dormitory was carefully gone over from basement to attic, many of the cozy, home-like rooms of the students being thrown open for our inspection. This building is new, being completed in 1909, and is a credit to the state in general and Mayville in particular; but one omission, however, in its construction was very apparent—no provision whatever was made for a room for vegetables and fuel for the range used for cooking. As there are about five hundred meals cooked here daily during the school year, and as there is no economy in buying in very small quantities, as is here necessary, your committee, as a business proposition, recommend item number three of Senate Bill No. 109, "cellar and fuel bin, \$3,000."

From the dormitory we proceeded to the heating plant. The last item asked for is "additional boiler, \$3,000.00." We found here three boilers, two of medium size and a smaller one. We understand that under present conditions and in ordinary weather these answer very well, but in extremely cold weather the heating plant is forced beyond the capacity intended and considerably more fuel is consumed than would be necessary with the addition of another boiler, and with less satisfactory results, and when a hospital for \$10,000 is built, as asked for in item one, another boiler will be indispensable. The number of students having contagious diseases requiring segregation ranges from about two to twelve. Segregation at present is accomplished by hermetically sealing a number of rooms in the main building from all connection with the remainder of the building and reaching these rooms by means of a fire escape. It does not require much imagination to picture the discomforts attending the ingress and egress of attendants who provide food, medicine, etc., and the grave danger attending the entrance of the patients by this method, especially on cold and stormy days.

From the standpoint of humanity and as a means of preventing the spread of disease, we recommend an appropriation of \$10,000 for the building of a students' hospital.

The main building, which followed the heating plant in our course, was built at two different periods—the first half at the beginning of the career of the Normal School, and the latter half at a much more recent date. In this building we found the assembly room, which is commodious; recitation rooms, president's office, school library, laboratory, boys' and girls' gymnasium, domestic science department, etc., together with what used to be the girls' dormitory and in which many of them are at present rooming. There is no ventilating system in this building. In the old part there were formerly apertures between the walls which were connected with a chimney, but these proved very unsatisfactory and the connections with the chimney were removed. By using electric fans to draw the air from the shafts and making two or more main outlets, we think a fair system of ventilating might be evolved. We believe that next to having buildings to live in is the necessity of having them properly ventilated. Your committee, therefore, heartily endorses the application for \$4,000 for ventilation.

After as thorough an investigation as was possible, your committee unanimously are of the opinion that the appropriation asked for the Normal School located at Mayville is all of it necessary and imperative and to the best interests of that institution.

We are especially gratified that the Normal School has not padded its needs with the expectation of having its appropriation cut down.

Your committee takes this occasion to thank President Hillyer and other members of the faculty for their kindness in aiding us in our investigation. We also wish to express our appreciation to the citizens of Mayville, who made our stay in their midst so pleasant, and especially to Senator Elken and his estimable wife for their bountiful hospitality.

S. N. PUTNAM,
W. B. OVERSON,
T. E. TOSTENSON.

Mr. Putnam moved

That the report of the committee be printed in the Journal.

Which motion prevailed.

MOTIONS AND RESOLUTIONS.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 22.

An act requiring railroad companies to provide suitable rooms in railroad station waiting rooms, or in places adjacent thereto.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The Secretary announced that the President was about to sign

Senate Bill No. 22.

An act requiring railroad companies to provide suitable rooms in railroad station waiting rooms, or in places adjacent thereto.

And the President signed the same in the presence of the Senate.

Mr. Stevens moved

That the vote by which Senate Bill No. 81 was lost, be reconsidered.

Which motion prevailed.

Mr. Stevens moved

That Senate Bill No. 81 be re-referred to the committee on judiciary.

Which motion prevailed

The majority and minority report on
Senate Bill No. 164.

A bill for an act requiring life insurance companies transacting business in this state to invest in this state a percentage of the premiums collected on policies written on the lives of citizens of this state, and providing a penalty for the violation thereof.

Were laid before the Senate.

Mr. Trimble moved

That the Senate do now resolve itself into a committee of the whole for the consideration of the majority and minority reports on Senate Bill No. 164.

Which motion prevailed.

The President called Mr. Simpson to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose it made the following report:

Mr. President:

The committee of the whole to whom was referred the majority and minority reports on Senate Bill No. 164, has had the same under consideration and report progress.

L. A. SIMPSON,
Chairman.

Mr. Trimble moved

That the Senate do now resolve itself into a committee of the whole for the consideration of the majority and minority reports on Senate Bill No. 164.

Which motion prevailed.

The President called Mr. Talcott to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose it made the following report:

Mr. President:

Your committee of the whole to whom was referred the majority and minority reports on Senate Bill No. 164, has had the same under consideration and recommend that the minority report be adopted.

F. S. TALCOTT,
Chairman.

Mr. Duis moved

That the minority report be adopted.

Which motion prevailed, and

The report was adopted and the further consideration of the bill was indefinitely postponed.

FIRST READING OF SENATE BILLS.

Mr. Linde introduced

Senate Bill No. 286.

A bill for an act to amend and re-enact Section 2336 of the Revised Codes of North Dakota for the year of 1905, and to repeal Section 2338 of the Revised Codes of North Dakota for the year of 1905, relating to the settlement of assets and liabilities between counties growing out of the division of a county.

Which was read the first time.

Mr. Welch introduced

Senate Bill No. 287.

A bill for an act prescribing the duties of the county auditor upon receipt of tax levies certified to him.

Which was read the first time.

Mr. Talcott introduced

Senate Bill No. 288.

A bill for an act to amend Section 2755 of the Revised Codes of 1905, relating to powers of city councils to contract indebtedness.

Which was read the first time.

Mr. Duncan introduced

Senate Bill No. 289.

A bill for an act making it unlawful for any chairman of the board of county commissioners of any county in the state of North Dakota from signing any county warrant or warrants before such warrant or warrants are drawn by the county auditor, and all blanks filled out in full and compared with the bill for which the same was allowed.

Which was read the first time.

Mr. Pierce introduced

Senate Bill No. 290.

A bill for an act to amend and re-enact Section 496 of the Revised Codes of North Dakota, relating to qualifications of applicants for admission to the bar of the state of North Dakota.

Which was read the first time.

Mr. Walton introduced

Senate Bill No. 291.

A bill for an act authorizing the state auditing board to audit any claims the county of Dickey in said state, may have against the state of North Dakota, for moneys paid the state on collections of taxes by sale of lands, which sales were thereafter declared illegal and the county was compelled to refund the amount of such sales money with interest and no part of which has been refunded the county, which was paid the state on such sales, and making an appropriation therefor.

Which was read the first time.

The judiciary committee introduced

Senate Bill No. 292

A bill for an act to make uniform the law of sales of goods.

Which was read the first time.

Mr. Welo introduced

Senate Bill No. 293.

A bill for an act to regulate the practice of naturopathy in the state of North Dakota.

Which was read the first time.

Mr. Trimble introduced

Senate Bill No. 294.

A bill for an act to amend Chapter 183 of the 1909 Session Laws.

Which was read the first time.

Mr. Gibbens introduced

Senate Bill No. 295.

A bill for an act providing for the establishment of county agricultural and training schools and 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.

Which was read the first time.

Mr. Bessesen introduced

Senate Bill No. 296.

A bill for an act authorizing cities incorporated under the laws of this state to regulate and fix the rate 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. Pierce introduced

Senate Bill No. 297.

A bill for an act to amend Section 4655 of the Revised Codes of North Dakota for 1905, relating to the reserve fund of banking corporations.

Which was read the first time.

Mr. Stevens introduced

Senate Bill No. 298.

A bill for an act prescribing the amount of bonds which shall be furnished by the deputy state treasurer and the deputy state auditor for the faithful performance of their duties; appropriating funds with which to pay the premium of such bonds, and limiting the salary of the deputy state treasurer and deputy state auditor.

Which was read the first time.

Mr. Welch introduced

Senate Bill No. 299.

A bill for an act providing for the making of necessary repairs upon the capitol building and making an appropriation therefor.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 286.

A bill for an act to amend and re-enact Section 2336 of the Revised Codes of North Dakota for the year of 1905, and to repeal Section 2338 of the Revised Codes of North Dakota for the year of 1905, relating to the settlement of assets and liabilities between counties growing out of the division of a county.

Was read the second time and

Referred to the committee on counties and county boundaries

Senate Bill No. 287.

A bill for an act prescribing the duties of the county auditor upon receipt of tax levies certified to him.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 288.

A bill for an act to amend Section 2755 of the Revised Codes of 1905, relating to powers of city councils to contract indebtedness.

Was read the second time and

Referred to the committee on cities and municipal corporations.

Senate Bill No. 289.

A bill for an act making it unlawful for any chairman of the board of county commissioners of any county in the state of North Dakota from signing any county warrant or warrants before such warrant or warrants are drawn by the county auditor, and all blanks filled out in full and compared with the bill for which the same was allowed.

Was read the second time and

Referred to the committee on counties and county boundaries.

Senate Bill No. 290.

A bill for an act to amend and re-enact Section 496 of the Revised Codes of North Dakota, 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. 291.

A bill for an act authorizing the state auditing board to audit any claims the county of Dickey in said state, may have against the state of North Dakota, for moneys paid the state on collections of taxes by sale of lands, which sales were thereafter declared illegal and the county was compelled to refund the amount of such sales money with interest and no part of which has been refunded the county,

which was paid the state on such sales, and making an appropriation therefor.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 292

A bill for an act to make uniform the law of sales of goods.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 293.

A bill for an act to regulate the practice of naturopathy in the state of North Dakota.

Was read the second time and

Referred to the committee on public health.

Senate Bill No. 294.

A bill for an act to amend Chapter 183 of the 1909 Session Laws.

Was read the second time and

Referred to the committee on temperance.

Senate Bill No. 295.

A bill for an act providing for the establishment of county agricultural and training schools and 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 second time and

Referred to the committee on agriculture.

Senate Bill No. 296.

A bill for an act authorizing cities incorporated under the laws of this state to regulate and fix the rate 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. 297.

A bill for an act to amend Section 4655 of the Revised Codes of North Dakota for 1905, relating to the reserve fund of banking corporations.

Was read the second time and

Referred to the committee on banking.

Senate Bill No. 298.

A bill for an act prescribing the amount of bonds which shall be furnished by the deputy state treasurer and the deputy state auditor for the faithful performance of their duties; appropriating funds with which to pay the premium of such bonds, and limiting the salary of the deputy state treasurer and deputy state auditor.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 299.

A bill for an act providing for the making of necessary repairs upon the capitol building and making an appropriation therefor.

Was read the second time and

Referred to the committee on appropriations.

A sealed communication was received from the Governor.

Mr. Talcott moved

That the Senate do now go into executive session.

Which motion prevailed.

OPEN SESSION.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
February 11, 1911.

To the Senate:

I have the honor to inform you that I have this day approved and filed in the office of the Secretary of State:

Senate Bill No. 70.

A bill for an act regulating and governing contracts relative to the shipment of live stock, and the giving of notice or claim for loss or damage thereto.

Very respectfully,

JOHN BURKE,
Governor.

Mr. LaMoure in the chair.

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 to provide a refuge or breeding ground for certain game birds and to protect the same.

Also,

Senate Bill No. 120.

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 the payment of the same.

Also,

Senate Bill No. 171.

A bill for an act relating to payments of deposits in trust, in any bank, banking institution or trust company.

Also

Senate Bill No. 172.

A bill for an act to amend Section 2170 of the Revised Codes of North Dakota for 1905, providing automobiles and motor cycles must have bell, horn or whistle.

Also

Senate Bill No. 173.

A bill for an act to amend Section 2169 of the Revised Codes of North Dakota for 1905, regulating the speed of automobiles, horses and vehicles.

Also

Senate Bill No. 174.

A bill for an act relating to desertion and non-support of wife by husband, or of children by either father or mother, and providing punishment therefor; and providing for manner of procedure and evidence required in such cases; and to promote uniformity between the states in reference thereto.

Also,

Senate Bill No. 206.

A bill for an act to amend Section 1346 of the Revised Codes of North Dakota for 1905, relating to highways.

Also

Senate Bill No. 222.

A bill for an act to amend and re-enact Section 2, Section 16 and Section 24 of Chapter 109 of the Session Laws of the year 1907, of the State of North Dakota, relating to primary election.

Also

Senate Bill No. 225.

A bill for an act to amend and re-enact Sections 4071, 4073 and 4074 of the Revised Codes of the State of North Dakota for the year 1905, relating to alimony, support and maintenance of the children of a marriage or of either party thereto in divorce actions.

Also,

Senate Bill No. 233.

A bill for an act to amend Section 7045 of the Revised Codes of 1905, relating to the calling of another judge on account of prejudice or bias.

Also

Senate Bill No. 238.

A bill for an act authorizing the board of university and school lands to make examination of all state and school lands to determine the extent, depth and thickness of any lignite coal veins underlying the surface, and to show the soil characteristics and topographical features of such land, and providing an appropriation therefor.

Also,

Senate Bill No. 244.

A bill for an act prohibiting public administrators from acting as attorneys in the estates of decedents.

Also,

Senate Bill No. 248.

A bill for an act to provide for the better preservation of section corner, quarter section corner and meander corner monuments on any government line of survey, and to provide a penalty for their destruction or defacement.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

Mr. Steele introduced the following resolution:

WHEREAS, It is necessary to expedite and complete the work of this session of the Assembly,

Resolved by the Senate, the House Concurring:

That further introduction of bills be limited and that no further bills be introduced in either house after the forty-second day, except upon a two-thirds vote of the House into which it is offered.

Mr. Steele moved

That the report be adopted.

Mr. Martin moved, as an amendment:

That "forty-second day" be stricken out, and "forty-fifth day" be substituted in lieu thereof.

Which motion prevailed, and
The resolution was adopted.

Senate Bill No. 14.

A bill for an act to provide a refuge or breeding ground for certain game birds and to protect the same.

Was read the third time.

Mr. Hookway moved

That the consideration of the bill be made a special order for Tuesday at 3 o'clock.

Which motion prevailed.

Mr. Pierce moved

That the bill as amended, be reprinted.

Which motion prevailed,

Senate Bill No. 94.

A bill for an act regulating inheritance in case of unlawful killing.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 44 ayes, 1 nay, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Allen
Baker

Messrs.—

Hookway
Jacobsen

Messrs.—

Simpson
Steel of Stutsman

Messrs.—	Messrs.—	Messrs.—
Bessesen	Johnson	Stevens
Carter	Kennedy	Syvertson
Cashel	Kretschmar	Talcott
Davis	LaMoure	Thoreson
Duis	Linde	Turner
Duncan	Martin	Wallin
Elken	McDonald	Walton
Ellingson	McDowell	Welo
Garden	McLean	Welch
Gibbens	Movius	Whitcher
Gilbert	Overson	Williams
Gronvold	Plain	Young
Gunderson	Putnam	

Mr. Steele of Renville, voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Ruz'ka	Trimble
Pierce		

So the bill passed and the title was agreed to.

Mr. Steele of Renville, explained his vote, stating:

I believe that this bill is wholly unconstitutional, as it is a bill of pains and penalties, and a bill of attainder. I therefore vote "No."

Senate Bill No. 120.

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 the payment 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 39 ayes, 6 nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Plain
Baker	Johnson	Putnam
Carter	Kennedy	Steel of Stutsman
Cashel	Kretschmar	Stevens
Davis	LaMoure	Syvertson
Elken	Linde	Talcott
Ellingson	Martin	Thoreson
Garden	McDonald	Walton
Gibbens	McDowell	Welo
Gilbert	McLean	Welch
Gronvold	Movius	Whitcher

Messrs.—	Messrs.—	Messrs.—
Gunderson	Overson	Williams
Hookway	Pierce	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Duncan	Turner
Duis	Simpson	Wallin

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Steele of Renville	Trimble
Ruzicka		

So the bill passed and the title was agreed to.

Mr. Movius moved

That the vote by which Senate Bill No. 120 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Bessesen explained his vote, stating:

I vote "No" for the reason that we now have a law on our statute books which punishes for the crime of obtaining money, property or credit under false pretenses, which adequately covers the offense desired and intended to be covered, and because this Senate Bill No. 120 oversteps that law and goes to the point, which is dangerous in cases where a man overdraws, as it becomes a matter of proof at once as to whether or not he overdrawed with knowledge or not.

Mr. Simpson explained his vote.

Senate Bill No. 171.

A bill for an act relating to payments of deposits in trust, in any bank, banking institution or trust company.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Plain
Baker	Jacobsen	Putnam
Bessesen	Johnson	Steel of Stutsman
Carter	Kennedy	Stevens
Cashel	Kretschmar	Syverson
Davis	LaMoure	Talcott
Duis	Linde	Thoreson

Messrs.—	Messrs.—	Messrs.—
Duncan	Martin	Trimble
Elken	McDonald	Walton
Ellingson	McDowell	Welo
Garden	McLean	Welch
Gibbens	Movius	Whitcher
Gilbert	Overson	Williams
Gronvold	Pierce	Young
Gunderson		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Simpson	Turner
Ruzicka	Steele of Renville	Wallin

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. 16.

A bill for an act creating and defining the Eleventh judicial district, within the State of North Dakota, providing for the appointment and election of a judge therein and fixing the boundaries thereof, and fixing the terms of court therein.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The Secretary announced that the President was about to sign

Senate Bill No. 16.

A bill for an act creating and defining the Eleventh judicial district, within the State of North Dakota, providing for the appointment and election of a judge therein and fixing the boundaries thereof, and fixing the terms of court therein.

And the President signed the same in the presence of the Senate.

Senate Bill No. 172.

A bill for an act to amend Section 2170 of the Revised Codes of North Dakota for 1905, providing automobiles and motor cycles must have bell, horn or whistle.

Was read the third time.

Mr. Duis moved

That the bill be indefinitely postponed.

Roll call demanded.

The question being on the motion for indefinite postponement.

The roll was called and there were 16 ayes, 30 nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Carter	Linde	Pierce
Duis	McDonald	Steel of Stutsman
Gibbens	McDowell	Steele of Renville
Gronvold	McLean	Talcott
Hookway	Movius	Walton
LaMoure		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Stevens
Baker	Jacobsen	Syvertson
Bessesen	Johnson	Thoreson
Cashel	Kennedy	Trimble
Davis	Kretschmar	Turner
Duncan	Martin	Wallin
Elken	Overson	Welch
Ellingson	Plain	Whitcher
Garden	Putnam	Williams
Gilbert	Simpson	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Ruzicka	Welo

So the motion was lost.

The President in the chair.

Senate Bill No. 172.

A bill for an act to amend Section 2170 of the Revised Codes of North Dakota for 1905, providing automobiles and motor cycles must have bell, horn or whistle.

Was read the third time.

Mr. Davis moved, as an amendment:

That the bill be corrected by inserting wherever necessary the words, "when operated outside of a city or village."*

Which motion prevailed.

The amendment was adopted.

The question being on the final passage of the bill.

The roll was called and there were 39 ayes, 5 nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Simpson
Baker	Hookway	Steel of Stutsman
Bessesen	Johnson	Steele of Renville
Cashel	Kennedy	Stevens
Davis	Kretschmar	Syverson
Duis	Linde	Thoreson
Duncan	Martin	Trimble
Elken	McDonald	Turner
Ellingson	McDowell	Wallin
Garden	McLean	Welch
Gibbens	Overson	Whitcher
Gilbert	Plain	Williams
Gronvold	Putnam	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Carter	Movius	Walton
Jacobsen	Talcott	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Pierce	Welo
LaMoure	Ruzicka	

So the bill passed and the title was agreed to.

Mr. Steele moved

That the rules be suspended and that House Bill No. 168, as amended, be placed upon its third reading and final passage.

Which motion prevailed.

House Bill No. 168.

A bill for an act providing for the appointment of a commission to draft a revision of the probate code of the State of North Dakota, and appropriating money therefor.

Was read the third time.

Mr. Steele moved, as an amendment:

That the emergency clause be attached to the bill, as follows:
 "Whereas an emergency exists and that this bill shall be in effect from and after its passage and approval."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill,

The roll was called and there were 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steele of Renville
Baker	Johnson	Stevens
Bessesen	Kennedy	Syvertson
Carter	Kretschmar	Talcott
Cashel	Linde	Thoreson
Duis	Martin	Trimble
Duncan	McDowell	Turner
Elken	McLean	Wallin
Ellingson	Movius	Walton
Garden	Overson	Welo
Gibbens	Plain	Welch
Gilbert	Putnam	Whitcher
Gronvold	Simpson	Williams
Gunderson	Steel of Stutsman	Young
Hookway		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	LaMoure	Pierce
Ganssle	McDonald	Ruzicka

So the bill passed and the title was agreed to.

Mr. Steele moved

That the vote by which House Bill No. 168 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
February 11, 1911.

To the Senate:

I have the honor to inform you that I have this day approved and filed with the Secretary of State:

Senate Bill No. 22.

An act requiring railroad companies to provide suitable and sanitary rooms in railroad station waiting rooms, or in places adjacent thereto.

Very respectfully,

JOHN BURKE,
Governor.

Senate Bill No. 173.

A bill for an act to amend Section 2169 of the Revised Codes of North Dakota for 1905, regulating the speed of automobiles, horses and vehicles.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 21 ayes, 18 nays, 10 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Plain
Bessesen	Gunderson	Putnam
Cashel	Jacobsen	Syverson
Duncan	Kennedy	Wallin
Elken	Linde	Whitcher
Ellingson	McDowell	Williams
Gibbens	Overson	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Martin	Stevens
Davis	McLean	Talcott
Garden	Pierce	Thoreson
Gilbert	Simpson	Turner
Hookway	Steel of Stutsman	Walton
Johnson	Steele of Renville	Welch

Absent and not voting:

Messrs.—

Carter
Duis
Ganssle
Kretschmar

Messrs.—

LaMoure
McDonald
Movius

Messrs.—

Ruzicka
Trimble
Welo

So the bill was lost.

Mr. Davis moved

That the vote by which the bill was lost be reconsidered.

Which motion prevailed.

Mr. Simpson moved, as an amendment:

That all after the word "state" in the printed bill be stricken out.

Which motion was lost.

Mr. Davis moved, as an amendment:

That the words "twenty-five" in line 10 be stricken out and "thirty-one" be inserted in lieu thereof.

Which motion prevailed, and

The amendment was adopted.

Mr. Kennedy moved, as an amendment:

That the words "eight miles" in the bill be stricken out, and "twelve miles" inserted in lieu thereof."

Mr. Talcott moved

That the bill be re-referred to the committee on judiciary.

Which motion prevailed.

Senate Bill No. 174.

A bill for an act relating to desertion and non-support of wife by husband, or of children by either father or mother, and providing punishment therefor; and providing for manner of procedure and evidence required in such cases; and to promote uniformity between the states in reference thereto.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobson	Steel of Stutsman
Baker	Johnson	Steele of Renville
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syverson
Cashel	Linde	Talcott
Davis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Garden	Movius	Walton
Gibbens	Overson	Welch
Gilbert	Pierce	Whitcher
Gronvold	Plain	Williams
Gunderson	Putnam	Young
Hookway	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duis	LaMoure	Welo
Ganssle	Ruzicka	

So the bill passed and the title was agreed to.

Mr. Bessesen moved

That the vote by which Senate Bill No. 174 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The courtesies of the floor were extended to the following:

George W. Fraine of Rugby.

Jas. Leuger of Harvey.

Judge Davis of Minot.

Alfred Bolin of Plaza.

H. A. Bergeson, John F. Brodie, Joseph Brodie, Alex Brodie, George Brodie, L. Tobias, all of Stark county.

Mr. Welch offered the following resolution:

Be it Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

WHEREAS, It has come to the knowledge of the Legislative Assembly that within the twenty-four hours last past, one of the pioneers and foremost citizens of this state has been called by death; and

WHEREAS, In the death of Mr. Marshall H. Jewell the whole state mourns;

Therefore, It is Resolved:

That a joint committee, consisting of three members from the Senate and four members from the House of Representatives, be appointed by the presiding officer of the respective bodies to draft appropriate resolutions which shall express, in apt and appropriate language, the sentiment of the Legislative Assembly concerning the death of Mr. M. H. Jewell.

And further resolved, as a token of respect to the memory of our departed citizen, the Senate and House of Representatives adjourn.

Mr. Welch moved

The adoption of the resolution.

Which motion prevailed, and

The resolution was adopted and the Senate adjourned, after the President had named Messrs. Welch, LaMoure and Simpson as joint members of the Senate to draft such resolutions.

JAMES W. FOLEY,
Secretary.

FORTY-THIRD DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

February 14, 1911.

The Senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All present except Messrs. Ganssle 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 of the fortieth day have carefully examined the same and recommend that the same be corrected as follows:

Line 4, page 2, "5" be changed to "3."

Line 22, page 3, the word "same" be stricken out and the words "printed bill" be inserted in lieu thereof.

Line 9, page 5, "Senate Bill No. 168" be changed to "House Bill No. 168." Also the title following be stricken out, and the title of House Bill No. 168 be inserted in lieu thereof.

Line 1, page 7, the word "select" be stricken out and the word "special" be inserted in lieu thereof.

Line 8, page 37, following the word "suitable," the following words be inserted, "and sanitary."

Line 4 from bottom of page 33, "Senate Bill No. 173" be changed to "Senate Bill No. 172." Also strike out title following and insert in lieu thereof the title of Senate Bill No. 172.

And when so amended recommend that the same be approved.

J. E. STEVENS,
Chairman.

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

REPORTS OF STANDING COMMITTEES.

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. 269.

A bill for an act creating a reserve at Devils Lake, North Dakota, and providing for the protection of birds and their nests within such reserve.

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 was adopted.

The committee on judiciary made the following report:

Mr. President:

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

A bill for an act to prohibit the use of public drinking cups in the state of North Dakota.

Have had the same under consideration and recommend that the same be re-referred to public health committee.

H. H. STEELE,
Chairman.

Mr. Steele moved
That the report be adopted.
Which motion prevailed, and
The report 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 6787 of the Revised Codes of the State of North Dakota, A. D., 1905, in regard to the limitations of actions.

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 report was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 97.

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

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

In title of printed bill, strike out words "fixing the salaries and." Also strike out the words "receive and" in line 1 of section 1 and all of lines 2 and 3. Also strike out all of line 1 in section 2, and words "this act,

each judge shall," in line 2, and make all of section 2 a part of section 1 and re-number consecutively.

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 was adopted.

Also

Your committee on judiciary to whom was referred
Senate Bill No. 128.

A bill for an act regulating marriages and the issuance of marriage licenses, prohibiting marriages in certain cases, providing penalties for the violation of the provisions of this act and repealing all acts or parts of acts in conflict herewith.

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

After section 2 insert following: "No county judge shall issue a license for the marriage of any person within the classes above prescribed."
Also strike out all of section 3 and re-number consecutively.

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 was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 132.

A bill for an act appropriating money for the maintenance of the public health laboratory in the medical depart-

ment of the State University and School of Mines at Grand Forks, and its branches at Bismarck and at Minot, and to repeal Section 1, Chapter 26, Session Laws of 1907.

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

Amend section 1 of the printed bill by inserting after the word "annually," in line 5, the following, "and commencing January 1st, 1911."

Add to the bill the following:

"Sec. 3. Emergency.) An emergency is hereby declared to exist, and this act shall take effect and be in full force from and after its passage and approval."

And when so amended recommend the same do pass.

J. LA MOURE,
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 114.

A bill for an act to enlarge the powers and duties of the board of railroad commissioners, creating a public warehouse fund and making an appropriation.

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

Amend said bill by striking out of the engrossed copy thereof, at the end of section 2, the following words: "they shall prosecute any charge or charges growing out of any such discrimination at the expense of the state, before said interstate commerce commission."

Insert in lieu of such matter stricken out the following: "The Attorney General, with such other assistance as is now provided by law, shall prosecute any charge or charges growing out of any such discrimination."

Change the wording of the first two lines of section 5 of the engrossed bill to read as follows: "Section 5. There is hereby appropriated annually the sum of ten thousand (\$10,000) dollars, or so much."

And when so amended recommend the same do pass.

J. LA MOURE,
Chairman.

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

The committee on military affairs made the following report:

Mr. President:

Your committee on military affairs to whom was referred

House Bill No. 67.

A bill for an act to amend Section 1737 of the Revised Codes of North Dakota of 1905.

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 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. 188.

A bill for an act to license motor and other vehicles, and chauffeurs, defining the road regulations of such vehicles, providing that the funds received from such licenses shall be expended on the maintenance of public highways and making it a misdemeanor to take and remove motor and other vehicles from any warehouse, garage or building without the knowledge and consent of the owner, and repealing Sections 2169, 2170, 2171 and 2172 of the Revised Codes of 1905, and repealing Sections 2173 and 2174 of the Revised Codes of 1905, as amended in Chapter 42 of the Session Laws of 1909.

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

By striking out in the title of the printed bill the words "and chauffeurs" in the first line, and also by striking out all of the title after the number "2169" in the seventh line.

Also by striking out lines 8, 9, 10 and 11 of section 1 of the printed bill.

Also lines 12, 13 14, of section 2 of the printed bill.

Also in section 4 of the printed bill, strike out in lines 2 and 3 the words "and in section 11."

Also in lines 5 and 6 of section 4 of the printed bill, strike out the words "manufacturer or dealer, as the case may be."

Also in section 8, in line 2 of the printed bill, after the word "highways" insert the following, "or within the limits of any city, town or village."

Also after the word "fastened," in line 6 of section 8 of the printed bill, insert the following: "Provided that this section shall not apply to dealers in demonstrating automobiles offered for sale."

Also strike out all of line 21 of section 10 of the printed bill, after the word "plate," and all of lines 22, 23, 24, 25, 26, 27, 28 and 29.

Also by striking out all of sections 11, 12, 13 and 14.

Also in line 14 of section 15 of the printed bill, strike out the word "twelve" and insert in lieu thereof the word "eight."

Also in line 17 of section 15 of the printed bill, strike out the word "twenty-five" and insert in lieu thereof the word "thirty."

Also strike out sections 17, 18, 19, 20 and 21 of the printed bill.

Also section 29 of the printed bill be amended so as to read as follows: "Section 2169 of the Revised Codes of 1905 and all acts in conflict with this act are hereby repealed."

And when so amended recommend the same do pass.

T. WELO,
Chairman.

Mr. Welo moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also,

Mr. President:

Your committee on highways, bridges and ferries to whom was referred

Senate Bill No. 275.

A bill for an act authorizing the county commissioners to condemn and purchase right of way for highways whenever the cost of constructing such highway or any part thereof is to be borne by the county.

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 was adopted.

Also

Mr. President:

Your committee on highways, bridges and ferries to whom was referred

House Bill No. 64.

A bill for an act to amend Section 1380 of the Session Laws of 1907, relating to location and building 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 was adopted.

Also,

Mr. President:

Your committee on highways, bridges and ferries to whom was referred

Senate Bill No. 247.

A concurrent resolution amending Section 185 of the Constitution of the state of North Dakota, relating to state aid in the construction and improvement of public highways.

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 was adopted.

The committee on elections and privileges made the following report:

Mr. President:

Your committee on elections and privileges to whom was referred

Senate Bill No. 5.

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

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

On page 1, in line 2 of the title of the printed bill, strike out the word "bill."

In line 3 of the title, strike out the words "a bill," and insert in place thereof "concurrent resolution."

In line 6 of the title, strike out the word "enacted" and insert in place of it "resolved."

In line 6 of the title, strike out "legislative assembly" and insert in place thereof "senate."

In line 7 of the title, change the colon after "Dakota" to a comma and add "the House of Representatives concurring."

In line 1 of page 1 of the printed bill, after the word "constitution" add "of the state of North Dakota."

In line 3 of page 1, after "assembly" add "to be chosen at the next general election in said state."

In line 6, near the bottom of page 1 of the printed bill, strike out the words "and amendments to the constitution."

In line 11 of page 2 of the printed bill, change "in" to "is," and in the same line, after the word "initiative," add a comma and the following clause: "or the power to propose measures for enactment into laws," and in the same line, strike out "fifteen" and insert in place thereof "ten."

In line 12 of page 2, after the word "voters" add "to be secured."

In lines 15 and 16 of page 2, strike out the following: "but the same constitutional amendment shall not be proposed oftener than once in four years by initiative petition."

In line 40 of page 3, after the word "referendum" add comma and the following clause: "or the power to order any act, item or part of any act to be referred to the people for their approval or rejection at the polls."

In line 44 of page 3, change the word "fifteen" to "ten."

In line 56 of page 4, insert "a" before "referendum."

In line 67 of page 4, strike out "exclusive of a constitutional amendment."

On pages 4 and 5, strike out from the middle of line 70 to line 76 inclusive, the following: "Any constitutional amendment referred to the people shall take effect when it is approved by a majority of all the votes cast at each general election for two successive biennial general elections and not otherwise, and such constitutional amendment shall be in force from the

date of the official declaration of the second vote upon the same at the second general election."

In line 89 of page 5 of the printed bill, change the spelling of "especially" to "specially."

In line 91 of page 5, strike out the word "especially."

And when so amended recommend the same do pass.

H. J. BESSESEN,
Chairman.

Mr. Bessesen moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also,

Mr. President:

Your committee on elections and privileges to whom was referred

Senate Bill No. 84.

A concurrent resolution, amending the Constitution of the State of North Dakota, relating to the legislative department and providing for direct legislation, the proposing of constitutional amendments, reference of laws and recall of officers.

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

In line 6 of the title on page 1, after "amendments" add "and."

In line 7 of the title, strike out "and recall of officers."

In line 3 of page 1 of the printed bill, add a comma after "to be" and then add after "to be" "if approved."

In line 14, page 2 of the printed bill, strike out the words "recall any elective officer."

In line 30, page 2, after "ten per cent" add "or if an amendment to the constitution, not less than fifteen per cent."

In line 47, page 3 of the printed bill, after the word "rejected" add "or."

At the end of line 59, page 4, printed bill, add the following paragraph: "When any measure so approved, as provided herein, is a constitutional amendment, it shall be referred to the next legislative assembly, and should such amendment be approved by a majority of the members elected to each house thereof, such amendment shall become a part of the constitution of the state. If such amendment be rejected by the next legislative assembly, it shall again be submitted to the people at the next general election for approval or rejection, and if the said amendment receives a majority of all the votes cast thereon at such election, it shall become a part of the constitution of the state. When an amendment to the constitution has been proposed and ratified or adopted as provided herein, the provisions of section 202 of the constitution shall not apply."

On page 6 of the printed bill, strike out lines 102 to 119 inclusive, and strike out all of page 7, and on page 8 strike out lines 142 to 147 inclusive.

H. J. BESSESEN,
Chairman.

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

Also,

Mr. President:

Your committee on elections and privileges to whom was referred

Senate Bill No. 153.

A concurrent resolution amending the Constitution of the State of North Dakota, providing for the future amendment thereof.

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

In line 4 of section 1 of printed bill, after the words "to be" add "if approved."

In line 32 of page 2 of the printed bill, after the word "may" add "also."

Line 21, page 2, printed bill, after "duty of" add "the."

Line 30, page 2, printed bill, after "amendments" add "separately."

Line 42, page 3, printed bill, strike out "and."

And when so amended recommend the same do pass.

H. J. BESSESEN,
Chairman.

Mr. Bessesen 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. 106.

A bill for an act to amend Sections 1985 and 1986 of the Revised Codes, relating to cruelty to animals, and to pro-

vide for the organization and operation of societies for the purpose of inculcating humane principles and the prevention of cruelty especially to animals and children.

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

In the title of the bill, after the words "Revised Codes" insert the following, "of North Dakota for the year 1905." Also after the words "children and animals" add the following, "and recognizing the organization and incorporation of the North Dakota Humane Society."

Strike out all after the enacting clause and insert the following:

Section 1. Amendment.) That section 1985 of the Revised Codes of North Dakota for the year 1905 be and the same is hereby amended so as to read as follows:

Section 1985. The organization and incorporation of the society within this state known as the North Dakota Humane Society, for the purpose of inculcating humane principles, the enforcement of law and the prevention of inhumanity and cruelty, especially and children and animals, is hereby authorized. The governor shall appoint by and with the advice and consent of the Senate, a discreet and suitable person to be known as the State Humane Officer, whose term of office shall be for two years and until his successor is appointed and qualified, which appointment may be revoked and such officer removed at any time by the governor for cause. It shall be the duty of said humane officer to investigate all cases of violations of existing laws against inhumanity or cruelty to children and animals, of which information can be obtained, and bring the facts relating thereto before the proper authorities. It shall also be the duty of such humane officer, subject to the direction of the North Dakota Humane Society, to organize subordinate humane societies, whose members shall pledge themselves to act in accordance with the rules and regulations of the North Dakota Humane Society, and to use all reasonable means within the community in which each local society is organized to provide for the enforcement of laws relating to inhumanity or cruelty to children and animals, to receive and account for funds for the prosecution of said law, received by way of gratuities, gifts or bequests from any source, for the purpose of collecting information of and prosecuting any violation of the laws against inhumanity or cruelty to children or animals. The state humane officer and all agents appointed by the North Dakota Humane Society or by a local society regularly organized, whose appointment has been made a matter of record by the county judge of the county within which he has been appointed, may inform against and, when provided with the proper warrant, arrest any person in such county found violating any law for the prevention of cruelty or inhumanity to children and animals, and take him before any court or magistrate having jurisdiction for examination or trial, as the case may be. It is also made the duty of the state humane officer, whenever any child may come into his custody or control, in the performance of his duties, to immediately proceed in the proper court to place such child in some proper temporary or permanent home, and if there shall be created by law in any county or counties of the state a board of children's guardians, no adoption of such child shall be made without the recommendation of a majority of such board.

Section 2. Amendment.) That section 1986 be and the same is hereby amended so as to read as follows:

Section 1986. The state humane officer shall receive as compensation for his services the sum of \$1,200 annually, together with the payment of all necessary expense incurred by and in behalf of himself in traveling and enforcing the law pursuant to his duties as herein provided, which expense

shall in no case exceed the sum of \$1,600 per annum. Such salary and expense shall be audited and paid quarterly in the same manner as other expenses of government, upon presentation of itemized and verified accounts therefor; and there is hereby appropriated for such purpose out of any money of the state treasury not otherwise appropriated, the sum of \$2,800 annually, or so much thereof as may be necessary. The state humane officer shall, on or before the first day of February of each year, file with the governor a report of all his proceedings for the year ending December 31st next preceding, which report shall show in detail the cause by him investigated and the disposition of each and results obtained, and the appropriation for the current year shall not be available until such report is filed and approved by the governor. The North Dakota Humane Society shall also, at the same time, make a report of its proceedings and give a detailed account of its receipts and disbursements.

Section 3. All acts and parts of acts in conflict with this act are hereby repealed.

Section 4. Emergency.) Whereas, an emergency exists in this, that there is no adequate law in force at this time providing for the organization of societies and the prevention of cruelty and inhumanity to children and animals, 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. E. DAVIS,
Chairman.

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

House Bill No. 194.

A bill for an act regulating the issue of health certificates for live stock in transit or before shipment out of the state or upon entering the state and making certain acts in violation thereof misdemeanors.

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

J. H. WHITCHER,
Chairman.

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

The report was adopted.

The committee on elections and privileges made the following report:

Mr. President:

Your committee on elections and privileges to whom was referred

Senate Bill No. 223.

A bill for an act to amend and re-enact Section 39 and Section 40 of Chapter 109 of the Session Laws of the year 1907, of the State of North Dakota, relating to primary election.

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

In line 4 of the title, change the word "of" to "for."

In line 6 of the title, strike out "relating to primary election" and insert in place thereof the following: "relating to election of precinct committeemen, and relating to the county and state committee under the primary election law."

In line 4 of page 1 of printed bill, strike out all after line 4, and strike out all of page 2 and all of page 3, and insert in place thereof the following:

"Section 39. Precinct Committeemen. How Elected.) At the primary each voter may write in the space left on his ticket for that purpose the name of one qualified elector who is a member of his own party and a resident of his precinct, and the one receiving the highest number of votes shall be the precinct committeeman. The official returns made by the election board from each precinct shall show the name and address of such precinct committeeman thus chosen by each party.

"Section 40. County and State Committee, How Selected, Time and Place of Meeting.) The county committee of each party shall be composed of all the precinct committeemen of each party in addition to committeemen chosen at large by the following named county nominees of each party selected in the following manner, to-wit: The nominees for the following county offices, namely: Clerk of court, county treasurer, county auditor, register of deeds, sheriff, state's attorney, superintendent of schools and county judge, and the legislative nominees residing in such county shall each be entitled to select and appoint one committeeman at large, which committeeman thus appointed, together with the precinct committeemen elected as prescribed in section 39 hereof, shall constitute the county committee of each county, and they shall meet in the court house at the county seat of each county, at two o'clock p. m., on the second Wednesday after each primary election and organize by selecting a chairman, a secretary and treasurer, by adopting rules and modes of procedure, and by selecting an executive committee, consisting of from five to nine persons chosen from the county committee, of which executive committee the chairman and secretary shall be members. Such county committee shall at the same time select one person, who shall be a legal voter, to act upon and be a member of the state central committee of such party in all counties consisting of one legislative district, and in counties having more than one legislative district they shall select one person from each legislative district; and when

two or more counties are embraced in one legislative district the county committee of each county shall meet at the court house of the county seat of the senior county of such district, at two o'clock p. m., on the third Wednesday after each primary election and select one person, who shall be a legal voter, to act upon and be a member of the state central committee of such party. The members so selected as state central committee-men shall meet at the state capitol on the first Wednesday of September and organize by selecting a chairman, a secretary and treasurer, and shall adopt rules and modes of procedure and promulgate and publish a platform or principle upon which its candidates shall stand. Each member of any committee shall retain such position until his successor is chosen. Every member so selected shall be a legal voter. Vacancies shall be filled by a majority of the committee by appointment from the district in which such vacancy exists.

And when so amended recommend the same do pass.

H. J. BESSESEN,
Chairman.

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

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred
Senate Bill No. 148.

A bill for an act to amend Section 12 of Chapter 182, the same being Senate Bill No. 128 of the Session Laws for 1907, relating to the qualifications for registration of pharmacists.

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

Amend the bill by adding, at the close of line 38 of the printed bill, the following words:

"Provided, however, that this act shall not apply to trained nurses or the persons in charge of the laboratories or chemical departments of public hospitals when acting or engaged in the discharge of their duties as such."

And when so amended recommend the same do pass.

F. T. GRONVOLD,
Chairman.

Mr. Gronvold moved
That the report be adopted.

Which motion prevailed, and
The report was adopted.

The committee on agriculture made the following report:

Mr. President:

Your committee on agriculture to whom was referred
Senate Bill No. 46.

A bill for an act establishing a hail insurance department and making the commissioner of agriculture and labor also the commissioner of hail insurance; prescribing rules, regulations and duties of all officers and persons connected therewith; prescribing how premiums, 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:

By striking out all after the enacting clause, and amending it as follows:
Section 1. A hail insurance department of the state of North Dakota is hereby established, and the commissioner of agriculture and labor shall also be the commissioner of hail insurance, and the management of said hail insurance department shall be under his supervision.

He shall have the authority to appoint and engage such additional deputies and clerks, as he may find necessary to properly conduct the business and a salary of such deputies and clerks shall be allowed, not to exceed seventy-five dollars per month for each deputy or clerk, to be paid out of the hail insurance fund. He shall also prepare and provide the necessary blanks, books, stationery and postage and cause the same to be delivered to the proper officers and persons. This hail insurance department shall insure growing grain in any county in the state against loss by hail upon the terms and in the manner hereinafter set forth, and shall draw up and furnish a standard form of hail insurance policy.

Section 2. Assessors' Duties, and Bond.) It shall be and is hereby made the duty of each and every county, township, city and village assessor in the state, each within his respective district, at the time of listing the property for assessment, to inquire of the party assessed how many acres of crop, if any, such party desires to have insured in the said state hail insurance department for the year in which said assessment is made, and at the same time inform said party that as a premium for said hail insurance a payment of twenty (20) cents per acre for each and every acre so insured must be made; and if the party assessed is willing and consents to have all or part of his crops insured, it shall be the duty of said assessor to take said application for such hail insurance on blanks furnished him for that purpose by the county auditor, the form of which must have been approved by the commissioner of hail insurance, and carefully describe each piece of land that he so insures, describing particularly the section or quarter section, or any subdivision thereof, and the township and county wherein the same is situated; also stating separately the number of acres of wheat, oats, barley, flax, rye or other grain that said party so insures, and collect twenty (20) cents for each acre so insured, and in addition an application fee, to be paid to the assessor of twenty-five cents for one hundred sixty acres or less, and ten cents for each additional one hundred sixty acres or

fraction thereof, and the assessor shall forward the same promptly, together with the premiums so collected, to the county auditor. The assessor shall execute an official bond, in addition to the five hundred dollars regular assessor bond, to the state of North Dakota, in the sum of one thousand dollars, to be approved by the township supervisors.

Section 3. County Auditor's Duties.) Each county auditor in the state shall file and keep the insurance applications returned to him by the several assessors and turn all moneys collected for such insurance over to the county treasurer, taking his receipt therefor, and any party who fails to insure his crop with the assessor, as above described, may at any time up to and including the fifteenth day of August, apply to the county auditor of the county where the land is situated to have his crop insured, as provided in this act, by filing out and filing with the county auditor an application, as prescribed in section 2 hereof, and upon the payment of a fee of twenty-five cents for one hundred sixty acres or less and ten cents for each additional one hundred sixty acres or portion thereof to the county auditor for his services, in addition to the premium to be paid at that time to the county auditor for such insurance, which money shall be turned over to the county treasurer as above provided.

It is further provided that said insurance shall be in force and effect from the time of the filing of the application in the office of the county auditor, and until the grain is cut, but in no case later than September 1st of each year. He shall also keep a record of the time of filing such application. The county auditor shall immediately issue and mail to each applicant his policy upon the filing of said application.

Section 4. Duplicates and Abstracts.) On or before the first day of September in each year, each and every county auditor within the state shall make out in duplicate a list of all the hail insurance applications filed in his office and forward the same to the department of hail insurance at Bismarck, North Dakota.

Section 5. Duty of County Treasurer.) The county treasurer of each and every county in the state shall issue his receipt to the auditor for such premiums turned over to him, and shall keep a separate account of all moneys collected from such hail insurance premiums, and he shall pay the same over to the state treasurer, taking his receipt therefor, not less than ten per cent at the end of each month and the balance not later than August fifteenth of each year.

Section 6. Adjusters.) The several members of the board of county commissioners, each within their respective counties, shall be and are hereby constituted adjusters in the case of loss or damage caused by hail to any crop that has been insured, as provided in this act, and it is hereby made their duty to adjust all losses and damages within their respective counties of which they have been notified. When any party that is insured as herein provided has sustained a loss by hail, he shall within three days thereafter notify the nearest county commissioner of the district wherein the land is situated upon which said loss is sustained. If for any reason the said county commissioner of said district cannot act, then the county commissioner of the next nearest district within the county to the insured shall be notified, provided no county commissioner shall act as such adjuster in the district from which he was elected. Said county commissioner shall then choose a disinterested party, residing within his district, and the two shall, as soon as possible, visit the place of loss and proceed to estimate and adjust said loss. In so doing, it shall be their duty to carefully inquire into the condition of the crop before the loss occurred, as to whether it was poor, medium or good, and if they deem it necessary, they shall have the power to call witnesses to testify as to the condition of the crop before the same was damaged or destroyed, and they shall make their estimate and adjustment after ascertaining the condition of the crop before and after the loss occurred. In estimating the loss, they shall also take into consideration the costs of harvesting, threshing and marketing said

crop as if in case no loss had occurred, and deduct the same from the amount that the crop would have brought provided no loss had been sustained, and allow as damages the same proportion that the crop as damaged bears to the crop if no loss had occurred; provided, however, that in no case shall more than eight dollars per acre be allowed for wheat, flax, oats, barley, rye and other grain.

Section 7. In Case No Agreement.) In case that the party that has sustained the loss is dissatisfied with and refuses to accept the adjustment made by the adjusters, then he shall have the right to appoint one disinterested person as adjuster, and the county commissioner of said district shall appoint another person as adjuster, and the two shall elect a third disinterested person, and the three shall then proceed to adjust the loss in the same manner as specified in section 6, and the judgment of the majority shall be the judgment of said adjusters and shall be binding upon both parties as the final determination of said loss; provided, however, that if the insured does not recover an equal or greater sum than allowed by the county commissioner and his adjuster in the first instance, he shall pay the expenses of the said three adjusters and their witnesses in making said adjustment, but if he receives a larger sum, then the same shall be paid by the commissioner of hail insurance out of the hail insurance fund.

Section 8. Report of Adjusters.) At the final adjustment of each loss the adjusters shall then and there carefully fill out and make a report on an adjustment blank prepared for them for that purpose, stating the county, township and range, the number of the section and the quarter of the section or sub-division thereof on which the crop was damaged or destroyed, also the number of acres and the number of bushels and different kinds of grain estimated damaged or destroyed, stating the amount allowed for each separately, and that such estimate is true and not in excess of the actual loss sustained, which said adjustment papers must be signed and sworn to by both the county commissioner acting as adjuster or adjusters and the party whose loss has been adjusted, with the residence and post-office address of both. The adjusters shall then forward by registered mail said adjustment papers to the commissioner of hail insurance at Bismarck, North Dakota.

Section 9. Compensation of Adjusters.) The county commissioner, when serving as adjuster, shall receive for such services the same pay per day as he receives when serving on the board of county commissioners, and all other persons called on to assist in adjusting a hail loss, whether acting as adjusters or as witnesses, shall receive the sum of two dollars per day for all services so rendered. Said county commissioner acting as adjuster shall itemize said expense account for each loss or adjustment made, which account must be sworn to and forwarded to the commissioner of hail insurance, and the same shall be allowed and paid out of the state hail insurance fund.

Section 10. Duties of State Treasurer.) The state treasurer shall keep all moneys paid in by the several county treasurers from the collection of hail insurance in a separate fund, to be designated and known as the hail insurance fund, and the state treasurer shall pay out of said fund only upon a warrant issued and signed by the commissioner of hail insurance, as provided by section 12 of this act.

Section 11. The Duties of the Commissioner of Hail Insurance.) When the several county auditors of the state shall have made complete returns showing the number of acres insured for that year, the commissioner of hail insurance shall sum up the total hail insurance fund for that year, and when he shall have received a complete return from all the hail losses in the state as adjusted and allowed, he shall sum up the total of such amounts for that year. He shall then sum up the expenses of his office as follows:

First. The total amount allowed for adjusting losses.

Second. The total amount estimated necessary for deputies and clerk hire in the hail insurance department for said year.

Third. The amount estimated necessary for books, blanks, stationery, postage and other expenses incident to the running and operation of the said hail insurance department for said year.

The total sum of such expense account shall first be deducted from the total amount of the hail insurance receipts for that year and paid, and if the balance remaining is sufficient, all hail losses shall be paid in full, but if the expenses and hail losses shall exceed the amount of hail insurance receipts for that year, then the expenses shall be paid first and the losses shall be paid pro rata. However, should there in any one year, after all expenses and losses have been paid, still be a surplus, then such surplus shall remain in the hail insurance fund to be drawn upon in such future years as there might be a deficiency.

Section 12. When the commissioner of hail insurance has figured up the whole year's business, as indicated in section 11, he shall draw his warrants on the state treasurer, to be paid out of the hail insurance fund in such sums as the records of his office show, the several parties entitled thereto, and he shall forward the same to the county treasurers of the respective counties. It shall be the duty of the county treasurers to forward warrants for the amount due to the persons in their counties who have sustained losses and are entitled to receive warrants under the provisions of this act.

Section 13. The commissioner of hail insurance shall, on or about the first day of January in each year, issue and publish in four newspapers of general circulation within the state a concise statement of the work and condition of the hail insurance department during the preceding year. He shall also make a biennial report to the legislature.

Section 14. The commissioner of hail insurance shall execute an official bond to the state of North Dakota in the sum of ten thousand dollars (\$10,000), to be approved by the governor and filed in the office of the secretary of state.

Section 15. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Section 16. Emergency.) Whereas, it is deemed advisable that this act take effect in time for insurance of crops of 1911, therefore an emergency is hereby declared to exist, and 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.

LIVY JOHNSON,
Chairman.

Mr. Johnson moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

The committee on federal relations made the following report:

Mr. President:

Your committee on federal relations to whom was referred

House Bill No. 1.

A joint resolution ratifying the sixteenth amendment to the constitution of the United States.

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

In line 1 of the engrossed bill, strike out the words "both houses of."

In line 19 of the engrossed bill, strike out the words "Senate and House of Representatives," and insert in lieu thereof the words "legislative assembly."

In line 24 of the engrossed bill, strike out the words "further be it resolved," and insert in lieu thereof the words "be it further resolved."

And when so amended recommend the same do pass.

H. S. GIBBENS,
Chairman.

Mr. Gibbens moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

The majority and minority reports on

Senate Bill No. 103.

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

Were laid before the Senate.

Mr. Garden moved

That the majority report be adopted.

Mr. Talcott moved

A call of the Senate.

Mr. Talcott moved

That further proceedings under the call be dispensed with.

Which motion prevailed.

The question being upon the adoption of the majority report.

Roll call was demanded.

The roll was called and there were 18 ayes; 26 nays; absent and not voting, 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Davis	McDonald	Thoreson
Duis	McDowell	Turner
Ellingson	Putnam	Walton
Garden	Ruzicka	Welo
Jacobsen	Steel of Stutsman	Welch
Martin	Syvertson	Williams

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Pierce
Baker	Gunderson	Plain
Bessesen	Johnson	Steele of Renville
Carter	Kennedy	Stevens
Cashel	Kretschmar	Talcott
Duncan	LaMoure	Trimble
Elken	Linde	Wallin
Gibbens	McLean	Whitcher
Gilbert	Overson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Movius	Young
Hookway	Simpson	

So the motion to adopt the majority report was lost.

Mr. Garden moved

That the reports be referred to the committee of the whole Senate, and made a special order for 3 o'clock tomorrow.

Which motion prevailed.

REPORT OF SPECIAL COMMITTEE.

Mr. President:

Your special committee appointed to investigate the state treasurer's office beg leave to report as follows: That we have examined part of the records as well as gathered other evidence with reference to the manner of conducting the business of said office. That we have found it impossible to complete our work by this time and respectfully

ask that we be granted further extension of time in which to complete our report.

H. W. ALLEN,
G. L. ELKEN,

Mr. Pierce moved

That the committee be given until the 55th day of the session to make its report.

Which motion prevailed,

MOTIONS AND RESOLUTIONS.

Mr. Martin moved

That the vote by which Senate Bill No. 164 was indefinitely postponed be reconsidered and that it be now re-referred to the committee on insurance.

Which motion prevailed.

Mr. Bessesen moved

That Senate Bills Nos. 5 and 84 be reprinted, as amended.

Which motion prevailed.

FIRST READING OF SENATE BILLS.

Mr. Welo introduced

Senate Bill No. 300.

A bill for an act relating to the location and construction of new lines of railroads in the state and defining the powers and duties of the board of railroad commissioners in connection therewith, and prescribing penalties for violation thereof.

Which was read the first time.

Mr. Gunderson introduced

Senate Bill No. 301.

A bill for an act to amend and re-enact Section 237 of the Revised Codes of the state of North Dakota for the year 1905.

Which was read the first time.

Mr. Talcott introduced

Senate Bill No. 302.

A bill for an act to forfeit firearms or other weapons to the state when found on the person of any one arrested and convicted of a felony, misdemeanor or other crime.

Which was read the first time.

Mr. Whitcher introduced

Senate Bill No. 303.

A bill for an act to amend Sections 4695 and 4698 of the Revised Codes of North Dakota for 1905, relating to foreign corporations.

Which was read the first time.

Mr. Talcott introduced

Senate Bill No. 304.

A bill for an act requiring a more thorough and comprehensive system of instruction in all common and high schools of this state, and providing a penalty for the violation thereof.

Which was read the first time.

Mr. Williams introduced

Senate Bill No. 305.

A bill for an act to amend and re-enact Section 9363 of the Revised Codes of 1905 as amended by Chapter 183 of the Session Laws of 1909, relating to fees of clerk of a court.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 306.

A bill for an act amending Section 9358 of the Revised Codes of 1905, as amended and re-enacted by Section 5 of Chapter 183 of the Laws of 1909, regulating the sale of intoxicating liquors by druggists who are registered pharmacists, and to provide a method of such sales in cases of emergency.

Which was read the first time.

Mr. Steele introduced

Senate Bill No. 307.

A concurrent resolution for an amendment to 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 time.

Mr. Welch introduced

Senate Bill No. 308.

A bill for an act to amend Section 474 of the Revised Codes of North Dakota of 1905, relating to the boundaries and terms of court in the Sixth judicial district.

Which was read the first time.

Mr. Welch introduced

Senate Bill No. 309.

A bill for an act to provide for the purchase of the paintings of "Mink Woman," "Bear's Necklace" and "Bad Brave."

Which was read the first time.

Mr. Stevens introduced

Senate Bill No. 310.

A bill for an act to amend and re-enact Section 733 of the Revised Codes of 1905 relating to the registration of voters.

Which was read the first time.

Mr. Duncan introduced

Senate Bill No. 311.

A bill for an act to amend and re-enact Sections 6240 and 6241 of Chapter 79 of the Revised Codes of North Dakota for 1905, relating to accounts to be filed with clerk of court in mechanic's liens; and clerk's records thereof.

Which was read the first time.

Mr. Gronvold introduced

Senate Bill No. 312.

A bill for an act to amend and re-enact Section 264 of the Revised Codes of 1905, in relation to the compensation of superintendents of county boards of health.

Which was read the first time.

Mr. Gronvold introduced

Senate Bill No. 313.

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. Garden introduced

Senate Bill No. 314.

A bill for an act to amend section 2, chapter 80, Laws of 1909, relating to practice in county courts.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 300.

A bill for an act relating to the location and construction of new lines of railroads in the state and defining the powers and duties of the board of railroad commissioners in connection therewith, and prescribing penalties for violation thereof.

Was read the second time and

Referred to the committee on railroads.

Senate Bill No. 301.

A bill for an act to amend and re-enact Section 237 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. 302.

A bill for an act to forfeit firearms or other weapons to the state when found on the person of any one 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. 303.

A bill for an act to amend Sections 4695 and 4698 of the Revised Codes of North Dakota for 1905, relating to foreign corporations.

Was read the second time and

Referred to the committee on corporations other than municipal.

Senate Bill No. 304.

A bill for an act requiring a more thorough and comprehensive system of instruction in all common and high schools of this state, and providing a penalty for the violation thereof.

Was read the second time and

Referred to the committee on education.

Senate Bill No. 305.

A bill for an act to amend and re-enact Section 9363 of the Revised Codes of 1905 as amended by Chapter 183 of the Session Laws of 1909, relating to fees of clerk of a court.

Was read the second time and

Referred to the committee on ways and means.

Senate Bill No. 306.

A bill for an act amending Section 9358 of the Revised Codes of 1905, as amended and re-enacted by Section 5 of Chapter 183 of the Laws of 1909, regulating the sale of intoxicating liquors by druggists who are registered pharmacists, and to provide a method of such sales in cases of emergency.

Was read the second time and

Referred to the committee on temperance.

Senate Bill No. 307.

A concurrent resolution for an amendment to the Constitution of the state of North Dakota, relating to the term of office of the judges of the supreme court.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 308.

A bill for an act to amend Section 474 of the Revised Codes of North Dakota of 1905, relating to the boundaries and terms of court in the Sixth judicial district.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 309.

A bill for an act to provide for the purchase of the paintings of "Mink Woman," "Bear's Necklace" and "Bad Brave."

Was read the second time and

Referred to the committee on Indian affairs.

Senate Bill No. 310.

A bill for an act to amend and re-enact Section 733 of the Revised Codes of 1905 relating to the registration of voters.

Was read the second time and

Referred to the committee on elections and privileges.

Senate Bill No. 311.

A bill for an act to amend and re-enact Sections 6240 and 6241 of Chapter 79 of the Revised Codes of North Dakota for 1905, relating to accounts to be filed with clerk of court in mechanic's liens; and clerk's records thereof.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 312.

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 second time and

Referred to the committee on public health.

Senate Bill No. 313.

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 ways and means.

Senate Bill No. 314.

A bill for an act to amend section 2, chapter 80, Laws of 1909, relating to practice in county courts.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 206.

A bill for an act to amend Section 1346 of the Revised Codes of North Dakota for 1905, relating to highways.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 40 ayes, 1 nay; absent and not voting, 8.

Messrs.—

Allen
Baker
Bessesen
Carter
Cashel
Davis
Duis
Duncan
Elken
Elungson
Garden
Gibbens
Gilbert
Gronvold

Messrs.—

Gunderson
Jacobsen
Johnson
Kennedy
Kretschmar
Linde
Martin
McDonald
McDowell
McLean
Overson
Pierce
Plain

Messrs.—

Putnam
Ruzicka
Steel of Stutsman
Stevens
Syvertson
Talcott
Thoreson
Trimble
Wallin
Walton
Welo
Whitcher
Williams

Mr. Welch voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Movius	Turner
Hookway	Simpson	Young
LaMoure	Steele of Renville	

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

The President appointed Messrs. Kennedy and Martin to conduct former Lieutenant Governor Devine to the President's stand.

Senate Bill No. 222.

A bill for an act to amend and re-enact Section 2, Section 16 and Section 24 of Chapter 109 of the Session Laws of the year 1907, of the State of North Dakota, relating to primary election.

Was read the third time.

Mr. Gibbens moved, as an amendment,

That in line 5, section 1, the word "August" be changed to July." In line 24, section 16, change "June" to "May." In line 25, section 16, change "July" to "June," and in line 28 change "March" to "June."

Which motion prevailed, and

The amendment was adopted.

Mr. Talcott moved

That the bill be re-referred to the committee on elections and privileges.

Which motion prevailed.

Senate Bill No. 225.

A bill for an act to amend and re-enact Sections 4071, 4073 and 4074 of the Revised Codes of the State of North Dakota for the year 1905, relating to alimony, support and maintenance of the children of a marriage or of either party thereto in divorce actions.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 43 ayes, no nays; absent and not voting, 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steel or Stutsman
Baker	Johnson	Steele of Renville
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syverson
Cashel	LaMoure	Talcott
Davis	Linde	Thoreson
Duis	Martin	Trimble
Duncan	McDonald	Turner
Elken	McDowell	Wallin
Ellingson	McLean	Walton
Garden	Overson	Welo
Gibbens	Plain	Welch
Gilbert	Putnam	Whitcher
Gunderson	Ruzicka	Williams
Hookway		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Movius	Simpson
Gronvold	Pierce	Young

So the bill passed and the title was agreed to.

Senate Bill No. 233.

A bill for an act to amend Section 7045 of the Revised Codes of 1905, relating to the calling of another judge on account of prejudice or bias.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 44 ayes, no nays; absent and not voting, 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel or Stutsman
Baker	Jacobsen	Steele of Renville
Bessesen	Johnson	Stevens
Carter	Kennedy	Syverson
Cashel	Kretschmar	Talcott
Davis	LaMoure	Thoreson
Duis	Linde	Trimble
Duncan	Martin	Turner
Elken	McDonald	Wallin
Ellingson	McDowell	Walton
Garden	McLean	Welo

Messrs.—	Messrs.—	Messrs.—
Gibbens	Overson	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Simpson	Young
Movius	Pierce	

So the bill passed and the title was agreed to.

Senate Bill No. 238.

A bill for an act authorizing the board of university and school lands to make examination of all state and school lands to determine the extent, depth and thickness of any lignite coal veins underlying the surface, and to show the soil characteristics and topographical features of such land, and providing an appropriation therefor.

Was read the third time.

And referred to the committee on appropriations.

Senate Bill No. 244.

A bill for an act prohibiting public administrators from acting as attorneys in the estates of decedents.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 46 ayes, no nays; absent and not voting, 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steel of Stutsman
Baker	Johnson	Steele of Renville
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syvertson
Cashel	LaMoure	Talcott
Davis	Linde	Thoreson
Duis	Martin	Trimble
Duncan	McDonald	Turner
Elken	McDowell	Wallin
Ellingson	McLean	Walton
Garden	Overson	Welo
Gibbens	Pierce	Welch
Gilbert	Plain	Whitcher

Messrs.—
Gronvold
Gunderson
Hookway

Messrs.—
Putnam
Ruzicka

Messrs.—
Williams
Young

Absent and not voting:

Messrs.—
Ganssle

Messrs.—
Movius

Messrs.—
Simpson

So the bill passed and the title was agreed to.

Senate Bill No. 248.

A bill for an act to provide for the better preservation of section corner, quarter section corner and meander corner monuments on any government line of survey, and to provide a penalty for their destruction or defacement.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 44 ayes, no nays; absent and not voting, 5.

Those who voted in the affirmative were:

Messrs.—
Allen
Baker
Bessesen
Carter
Cashel
Davis
Duis
Duncan
Elken
Ellingson
Garden
Gibbens
Gilbert
Gronvold
Gunderson

Messrs.—
Hookway
Jacobsen
Kennedy
Kretschmar
LaMoure
Linde
Martin
McDonald
McDowell
McLean
Overson
Pierce
Plain
Putnam
Ruzicka

Messrs.—
Steel o. Stutsman
Steele of Renville
Stevens
Syvertson
Talcott
Thoreson
Turner
Wallin
Walton
Welo
Welch
Whitcher
Williams
Young

Absent and not voting:

Messrs.—
Ganssle
Johnson

Messrs.—
Movius
Simpson

Messrs.—
Trimble

So the bill passed and the title was agreed to.

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 Nos. 8, 67, 72, 86, 106, 113, 124, 133, 150, 167, 181, 200, 203, 205, 229, 235, and find the same correctly engrossed.

C. W. PLAIN,
Chairman.

Senate Bill No. 8.

A Concurrent Resolution, amending the constitution of the State of North Dakota, empowering the legislative assembly to establish a department of hail insurance within 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 17 ayes, 24 nays; absent and not voting, 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Johnson	Thoreson
Duncan	McDonald	Turner
Ellingson	Plain	Wallin
Garden	Putnam	Whitcher
Gronvold	Stevens	Williams
Jacobsen	Syverson	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gilbert	McLean
Baker	Gunderson	Overson
Carter	Hookway	Pierce
Cashel	Kennedy	Ruzicka
Davis	Kretschmar	Steel of Stutsman
Duis	LaMoure	Talcott
Elken	Martin	Welch
Gibbens	McDowell	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Simpson	Walton
Linde	Steele of Renville	Welo
Movius	Trimble	

So the bill was lost.

Mr. Putnam explained his vote, stating:

I am not in favor of the state going into the insurance business, but believing they should have a chance to say what they want to do about it themselves, I vote "Aye."

Mr. Hookway requested that the consideration of Senate Bills Nos. 67 and 44 go over until tomorrow.

Which request was granted.

Senate Bill No. 72.

A bill for an act to amend Section 1582 of the Revised Codes of North Dakota for 1905, as amended by Chapter 199 of the Session Laws of North Dakota for 1909, 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 42 ayes, 2 nays; absent and not voting, 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Johnson	Steele of Renville
Bessessen	Kennedy	Stevens
Carter	Kretschmar	Syverson
Cashel	LaMoure	Talcott
Davis	Linde	Thoreson
Duis	Martin	Trimble
Duncan	McDonald	Turner
Elken	McLean	Wallin
Ellingson	Overson	Walton
Gibbins	Pierce	Welo
Gilbert	Plain	Welch
Gronvold	Putnam	Whitcher
Gunderson	Ruzicka	Williams
Hookway	Steel of Stutsman	Young

Messrs. Allen and Jacobson voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	McDowell	Simpson
Garden	Movius	

So the bill passed and the title was agreed to.

Senate Bill No. 86.

A bill for an act to provide a judicial procedure to determine the identity of the grantees and the shares of each in cases where lands have been or may be patented, granted or conveyed by the United States to the heirs or devisees of a deceased person without naming therein the persons so designated as grantees.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 41 ayes, no nays; absent and not voting, 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steele of Renville
Baker	Hookway	Stevens
Bessessen	Jacobson	Syverson
Carter	Johnson	Talcott
Cashel	Kennedy	Thoreson
Davis	LaMoure	Turner
Duis	Linde	Wallin
Duncan	Martin	Walton
Elken	McLean	Weio
Ellingson	Overson	Welch
Garden	Pierce	Whitcher
Gibbins	Plain	Williams
Gilbert	Putnam	Young
Gronvold	Ruzicka	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	McDowell	Steel of Stutsman
Kretschmar	Movius	Trimble
McDonald	Simpson	

So the bill passed and the title was agreed to.

Senate Bill No. 106.

A bill for an act to amend Sections 1985 and 1986 of the Revised Codes, relating to cruelty to animals, and to pro-

vide for the organization and operation of societies for the purpose of inculcating humane principles and the prevention of cruelty especially to animals and children.

Was read the third time.

Mr. Davis moved

That the bill be referred to the committee on appropriations.

Which motion prevailed.

Senate Bill No. 113.

A bill for an act defining and taxing the occupation of transient merchants, regulating the licensing of persons engaged in such occupation, increasing the state revenue by such taxation, and prescribing penalties for violation of its provisions.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 36 ayes, 5 nays; absent and not voting, 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobson	Ruzicka
Baker	Johnson	Steel of Stutsman
Carter	Kennedy	Steele of Renville
Cashel	Kretschmar	Stevens
Davis	LaMoure	Talcott
Duis	Linde	Turner
Elken	Martin	Walton
Ellingson	McDonald	Welo
Garden	McLean	Welch
Gilbert	Overson	Whitcher
Gunderson	Pierce	Williams
Hookway	Plain	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Gibbins	Syverson	Wallin
Putnam	Thoreson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessessen	Gronvold	Simpson
Duncan	McDowell	Trimble
Ganssle	Movius	

So the bill passed and the title was agreed to.

Senate Bill No. 124.

A bill for an act to amend Section 2594 of the Revised Codes of North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 35 ayes, 9 nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Stevens
Baker	Kennedy	Syvertson
Carter	Kretschmar	Talcott
Cashel	Martin	Thoreson
Davis	McDonald	Turner
Duis	McDowell	Wallin
Duncan	McLean	Walton
Gilbert	Pierce	Welo
Gronvold	Putnam	Welch
Gunderson	Ruzicka	Whitcher
Hookway	Steel of Stutsman	Young
Jacobson	Steele of Reaville	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Elken	Gibbins	Plain
Ellingson	LaMoure	Trimble
Garden	Overson	Williams

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessessen	Linde	Simpson
Ganssle	Movius	

So the bill passed and the title was agreed to.

Mr. Garden in the chair.

Senate Bill No. 133.

A bill for an act to amend Section 1584 of the Revised Codes of the State of North Dakota, as amended by Chapter

220 of the Session Laws of 1907, relating to the rights of purchasers of land at sale for the non-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 44 ayes, 2 nays; absent and not voting, 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Johnson	Steele of Renville
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syvertson
Cashel	LaMoure	Talcott
Davis	Linde	Thoreson
Duis	Martin	Trimble
Duncan	McDonald	Turner
Elken	McDowell	Wallin
Ellingson	McLean	Walton
Garden	Overson	Welo
Gibbens	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway	Steel of Stutsman	

Messrs. Allen and Jacobson voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Movius	Simpson

So the bill passed and the title was agreed to.

Senate Bill No. 150.

A bill for an act to amend Section 1546 of the Revised Codes of North Dakota, 1905, relating to tax receipts, their contents, numbering and duplicates.

Was read the third time.

Mr. LaMoure moved, as an amendment,

That lines 22, 23 and 24 of the printed bill be stricken out.

Which motion prevailed, and

The amendment was adopted.

Mr. Overson moved

That the bill be re-referred to the committee on judiciary.

Which motion prevailed.

Mr. Jacobson moved

That the consideration of Senate Bill No. 167 be laid over one day.

Which motion prevailed.

Senate Bill No. 181.

A bill for an act to provide for the levy and collection of taxes in the villages of the state of North Dakota, and to repeal Sections 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882 and 2883 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 40 ayes, no nays; absent and not voting, 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steele of Renville
Baker	Jacobsen	Stevens
Bossesen	Johnson	Syverson
Carter	Kennedy	Talcott
Davis	Kretschmar	Thoreson
Duis	Linde	Trimble
Duncan	McDonald	Turner
Elken	McDowell	Walton
Ellingson	McLean	Welo
Garden	Oversen	Welch
Gibbens	Pierce	Whitcher
Gilbert	Plain	Williams
Gronvold	Steel of Stutsman	Young
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	Martin	Ruzicka
Ganssle	Movius	Simpson
LaMoure	Putnam	Wallin

So the bill passed and the title was agreed to.

Mr. Pierce moved

That the vote by which Senate Bill No. 181 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The President in the chair.

Senate Bill No. 200.

A bill for an act to amend and re-enact Section 10371 and Section 10373 of the Revised Codes of North Dakota, for the year 1905, relating to parole of inmates of the state penitentiary.

Was read the third time.

Mr. Gunderson moved, as an amendment,

That in line 22, page 2, printed bill, after the word "however," insert "persons being convicted for murder in the first degress shall not be paroled," and after the word "sentence" in line 23, page 2, add, "for any other crime."

Mr. Duis moved to amend the amendment:

By striking out of the printed bill all after the word "pardons" in line 22, section 4, page 2.

Which motion was lost.

The question being on the original motion,

The motion was lost.

The question being on the final passage of the bill.

The roll was called and there were 39 ayes, 3 nays; absent and not voting, 7.

Those who voted in the affirmative were:

Messrs.—

Allen
Baker
Carter
Cashel
Davis
Duis
Duncan
Elken
Ellingson
Garden
Gibbens
Gilbert
Gronvoit

Messrs.—

Hookway
Jacobsen
Johnson
Kennedy
Kretschmar
Linde
Martin
McDonald
McDowell
McLear
Overson
Pierce
Plain

Messrs.—

Putnam
Steel of Stutsman
Stevens
Syvertsen
Talcott
Thoreson
Wallin
Walton
Welo
Welch
Whitcher
Williams
Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Gunderson	Ruzicka

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Simpson	Trimble
LaMoure	Steele of Renville	Turner
Movius		

So the bill passed and the title was agreed to.

Senate Bill No. 203.

A bill for 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 42 ayes, no nays; absent and not voting, 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Johnson	Steele of Renville
Bessesen	Kenned;	Stevens
Carter	Kretschmar	Syverson
Cashel	Linde	Talcott
Davis	Martin	Thoreson
Duis	McDonald	Turner
Duncan	McDowell	Wallin
Elken	McLean	Walton
Ellingson	Overson	Welo
Garden	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	LaMoure	Simpson
Gibbens	Movius	Trimble
Jacobsen		

So the bill passed and the title was agreed to.

Mr. Pierce moved

That the vote by which Senate Bill No. 203 was passed be reconsidered, and the bill be referred to the proper committee.

Which motion was lost.

Senate Bill No. 205.

A bill for an act to amend Section 10381 of the Revised Codes of 1905, as amended by Section 1, of Chapter 40, of the Session Laws of 1907, relating to the manner of disposing of the product of the state binder plant.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 42 ayes, no nays; absent and not voting, 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steele of Renville
Baker	Kenned	Stevens
Bessesen	Kretschmar	Syverson
Carter	Linde	Talcott
Cashel	Martin	Thoreson
Duis	McDowell	Trimble
Duncan	McLean	Turner
Elken	Overson	Wallin
Ellingson	Pierce	Walton
Garden	Plain	Welo
Gibbens	Putnam	Welch
Gilbert	Putnam	Whitcher
Gronvold	Ruzicka	Williams
Gunderson	Steel o. Stutsman	Young
Hookway		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	LaMoure	Movius
Ganssle	McDonald	Simpson
Johnson		

So the bill passed and the title was agreed to.

Senate Bill No. 229.

A concurrent resolution amending the Constitution of the State of North Dakota, empowering the legislative assembly to provide by law for erection, leasing, purchasing and operating terminal elevators in the State of North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 39 ayes, 2 nays; absent and not voting, 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steele of Renville
Baker	Johnson	Stevens
Bessesen	Kennedy	Syverson
Carter	Kretschmar	Talcott
Cashel	Linde	Thoreson
Duis	McDowell	Trimble
Duncan	McLean	Turner
Elken	Overson	Wallin
Elungson	Pierce	Walton
Garden	Plain	Welch
Gilbert	Putnam	Whitcher
Gronvold	Ruzicka	Williams
Hookway	Steel of Stutsman	Young

Messrs. Gunderson and Martin voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	LaMoure	Simpson
Ganssle	McDonald	Welo
Gibbens	Movius	

So the bill passed and the title was agreed to.

Mr. Talcott requested that the consideration of Senate Bill No. 235 be laid over one day.

Which request was granted.

INTRODUCTION, FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 96.

A bill for an act creating a state board of dental examiners; to regulate the practice of dentistry in the state of North Dakota; to provide for licensing dentists; and to provide penalties for the violation of this Act.

Was read the first and second times, and

Referred to the committee on public health.

House Bill No. 134.

A bill for an act to amend Sections 4324 and 4343 of the Revised Codes of 1905, relative to the powers and duties of the board of railroad commissioners.

Was read the first and second times, and

Referred to the committee on railroads.

House Bill No. 242.

A bill for an act to amend Section 1968 of the Revised Codes of 1905.

Was read the first and second times, and

Referred to the committee on state affairs.

Mr. Steele moved

That the Senate do now adjourn.

Which motion was lost.

House Bill No. 22.

A bill for an act to amend Section 46, Chapter 128, Laws of North Dakota, for the year 1909, relating to the taking of fish.

Was read the third time.

Mr. Duis moved, as an amendment:

That in line 12 of the printed bill, after the word "Mouse," the word "Shenenne" be added.

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill.

The roll was called and there were 37 ayes, 1 nay; absent and not voting, 11.

Those who voted in the affirmative were:

Messrs.—

Allen
Baker
Bessesen
Cashel
Duis

Messrs.—

Hookway
Jacobsen
Johnson
Kennedy
Kretschmar

Messrs.—

Steele c. Renville
Syvertson
Talcott
Thoreson
Turner

Messrs.—	Messrs.—	Messrs.—
Duncan	Linde	Walton
Elken	McDowell	Wallin
Ellingson	McLean	Welo
Garden	Overson	Welch
Gibbens	Plain	Whitcher
Gilbert	Putnam	Williams
Gronvold	Ruzicka	Young
Gunderson		

Mr. Stevens voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carter	Martin	Simpson
Davis	McDonald	Steel of Stutsman
Ganssle	Movius	Trimble
LaMoure	Pierce	

So the bill passed and the title was agreed to.

House Bill No. 82.

A bill for an act to amend Section 4392 of the Revised Codes of the state of North Dakota for the year 1905, relating to the construction of transfer facilities; also providing for the application of a short rate in the absence of "wyes;" 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 40 ayes, no nays; absent and not voting, 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Stevens
Baker	Johnson	Syverson
Bessesen	Kennedy	Talcott
Cashei	Kretschmar	Thoreson
Duis	Linde	Trimble
Duncan	McDowell	Turner
Elken	McLean	Wallin
Ellingson	Overson	Walton
Garden	Plain	Welo
Gibbens	Putnam	Welch
Gilbert	Ruzicka	Whitcher
Gronvold	Steel of Stutsman	Williams
Gunderson	Steele of Renville	Young
Hookway		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carter	LaMoure	Movius
Davis	Martin	Pierce
Ganssle	McDonald	Simpson

So the bill passed and the title was agreed to.

Mr. Welo moved

That House Bill No. 100 be re-referred to the committee on public health.

Which motion prevailed.

House Bill No. 114.

A bill for an act to prevent the giving away or otherwise disposing of intoxicating liquors as a beverage at public sales and gatherings.

Was read the third time.

Mr. Jacobson moved, as an amendment:

That in line 8, printed bill, "\$200" be changed to "\$100," and where "\$1,000" occurs in the bill, it be changed to "\$500," and in line 7, "\$200" be changed to "\$100."

Which motion was lost.

The question being on the final passage of the bill,

The roll was called and there were 30 ayes, 9 nays; absent and not voting, 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steele of Renville
Bessesen	Hookway	Syverson
Cashel	Jacobsen	Talcott
Duis	Johnson	Thoreson
Duncan	Kennedy	Turner
Elken	Linde	Wallin
Ellingson	McDowell	Walton
Garden	Putnam	Welo
Gibbens	Ruzicka	Whitcher
Gilbert	Steele of Stutsman	Williams

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Overson	Trimble
Kretschmar	Plain	Welch
McDonald	Stevens	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Martin	Gronvold	Movius
Carter	LaMoure	Pierce
Davis	McLean	Simpson
Ganssle		

So the bill passed and the title was agreed to.

Mr. Talcott moved

That the vote by which Senate Bill No. 100 was referred to committee on public health be reconsidered and the bill considered at this time.

Which motion prevailed.

House Bill No. 55.

A bill for an act reinstating and validating the charters of corporations that have been cancelled for failure to make and file with the secretary of state, reports as required by and under Section 4186, 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 32 ayes, 10 nays; absent and not voting, 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Ruzicka
Baker	Jacobsen	Steel of Stutsman
Cashel	Johnson	Syvertson
Duis	Kennedy	Thoreson
Elken	Kretschmar	Turner
Ellingson	Linde	Walton
Garden	McDonald	Welo
Gibbens	McDowell	Welch
Gilbert	McLean	Whitcher
Gronvold	Plain	Young
Gunderson	Putnam	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Steele of Renville	Trimble
Carter	Stevens	Wallin
Duncan	Talcott	Williams
Overson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Martin	Pierce
Ganssle	Movius	Simpson
LaMoure		

So the bill passed and the title was agreed to.

Mr. Jacobson moved

That the vote by which House Bill No. 55 was passed be reconsidered and re-referred to the committee.

Mr. Linde moved

That the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill. No. 68.

A bill for an act entitled, an act validating special assessments and taxes made or levied in cities since 1903 and establishing certain rules of evidence relating thereto.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 43 ayes, no nays; absent and not voting, 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steele of Renville
Baker	Jacobsen	Stevens
Bessessen	Johnson	Syvertson
Carter	Kennedy	Talcott
Cashel	Kretschmar	Thoreson
Davis	Linde	Trimble
Duis	McDonald	Turner
Duncan	McDowell	Wallin
Elken	McLean	Walton
Ellingson	Overson	Welo
Garden	Plain	Welch
Gibbens	Putnam	Whitcher
Gilbert	Ruzicka	Williams
Gronvold	Steel of Stutsman	Young
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Martin	Pierce
LaMoure	Movius	Simpson

So the bill passed and the title was agreed to.

Mr. Elken moved

That the consideration of this bill be made a special order for 3 o'clock tomorrow.

Which motion was lost.

House Bill No. 173.

A bill for an act to amend and re-enact Section 4201 of the Civil Code of the Revised Codes of North Dakota of 1905, relating to by-laws of private corporations.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 23 ayes, 18 nays; absent and not voting, 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Thoreson
Bessesen	Jacobsen	Trimble
Duis	Johnson	Turner
Ellingson	McDonald	Wallin
Garden	McLean	Whitcher
Gibbens	Plain	Williams
Gronvold	Putnam	Young
Gunderson	Syverson	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Kretschmar	Steele of Renville
Carter	Linde	Stevens
Davis	McDowell	Talcott
Duncan	Overson	Walton
Elken	Ruzicka	Welo
Kennedy	Steel of Stutsman	Welch

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	LaMoure	Pierce
Ganssle	Martin	Simpson
Gilbert	Movius	

So the bill was lost.

The courtesies of the floor were extended to the following:

K. S. Groth, Jens Lunn, M. L. Elken, of Traill county.
F. G. Enger, of Steele county.
J. W. Robinson, of Garrison.
A. E. Lindstrom, of Langdon.
E. F. Ladd, of Fargo.
O. F. Bryant, of Wahpeton.
A. J. Kirkend, Churchs Ferry.
Tom Ose, Brinsmade.
John Shultz, Leeds.
Albert Solberg, York.
Fred Evander, Maddock.
John Aher, Esmond.
Judge N. Davis, of Minot.
Neil McDougal, Ed Kelly, ex-Governor Devine, and Mar-
tin Jacobson, of Minot.
W. Watt, of Leonard.
Dr. H. J. Rowe.

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

J. W. FOLEY,
Secretary.

FORTY-FOURTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

February 15, 1911.

The senate convened at 2 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 of the forty-third day have carefully examined the same and recommend that the same be corrected as follows:

Line 6 from the bottom of page 14, following the word "committee" where it first appears, insert the following: "consisting of from five to nine persons chosen from the county committee."

Page 37, line 10, "36" be change to "35," and in the following line "4" be changed to "5."

Page 42, under those who voted in the affirmative on Senate Bill No.

205, strike out "Putnam" where it appears the second time and insert in lieu thereof "Ruzicka."

And when so corrected recommend that the same be approved.

J. E. STEVENS,
Chairman.

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

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 15, 1911.

Mr. President:

I have the honor to return herewith the Senate concurrent resolution relating to federal inspection of grain.

In which the house has concurred.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to transmit herewith

House Bill No. 120.

A bill for an act requiring railroad companies to stop all regular passenger trains at county seats.

Also,

House Bill No. 197.

A bill for an act to provide information to the resident tax payers of the state in respect to the various publications which are published for free distribution by the agri-

cultural college and prescribing the duties of the agricultural college and of the county auditors in relation thereto.

Also

House Bill No. 151.

A bill for an act to amend Section 2437 of the Revised Codes of North Dakota for 1905,, relating to proposals and acceptance of bonds of county depositaries.

Also,

House Bill No. 206.

A bill for an act establishing a Missouri Slope agricultural fair at Mandan and making appropriation therefor.

Also,

House Bill No. 262.

A bill for an act to prohibit public officers from asking, accepting or using a free pass, frank or privilege withheld from any other person for the traveling accommodation or transportation of any person or property, or the transmission of any message or communication.

Also,

House Bill No. 124.

A bill for an act relating to the construction of public buildings, prescribing the duties of boards of trustees thereof in the matter of securing plans and specifications, advertising for bids, letting contracts, allowance and payment of estimates, payment of premiums on contractor's bonds, and insurance on unfinished buildings and material on the ground, and protecting architects, contractors, manufacturers and producers resident within the state of North Dakota.

Also

House Bill No. 50.

A bill for an act entitled, an act to provide for the determination of heirship and the share of such heirs respectively in the claims to certain real estate by action in the district court.

Also,

House Bill No. 239.

A bill for an act to amend Section 10433 of the Revised Codes of the State of North Dakota, for the year 1905, relating to the commitment of prisoners to jail from counties having no jail.

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

Very respectfully,

E. H. GRIFFIN.
Chief Clerk.

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. 178.

A bill for an act entitled, an act to amend Section 4429 of the Revised Codes of North Dakota of 1905, as amended by Chapter 147 of the Session Laws of 1909, relating to the capital stock of domestic stock 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 was adopted.

The committee on apportionment made the following report:

Mr. President:

Your committee on apportionment to whom was referred
Senate Bill No. 231.

A bill for an act to divide the state of North Dakota into three congressional districts.

Report that the same be referred to the committee as a whole without recommendations.

GEO. A. WELCH,
Chairman.

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

Also,

Mr. President:

Your committee on apportionment to whom was referred
Senate Bill No. 207.

A bill for an act to divide the State of North Dakota into
three congressional districts.

Report that the same be referred to the committee as
a whole without recommendations.

GEO. A. WELCH,
Chairman.

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

Also

Mr. President:

Your committee on apportionment to whom was referred
Senate Bill No. 240.

A bill for an act to divide the state of North Dakota in-
to three (3) congressional districts, and defining the boun-
daries of each of the said congressional districts of the
state of North Dakota.

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

In line 7, after the words "Grand Forks" insert the words "Foster" and
"Eddy," and in line 18, after the word "of" strike out the words "Eddy"
and Foster."

And when the same is so amended that the bill be referred to the committee as a whole without any further recommendations.

GEO. A. WELCH,
Chairman.

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

Also,

Mr. President:

Your committee on apportionment to whom was referred
Senate Bill No. 220.

A bill for an act to divide the state of North Dakota into three (3) congressional districts, and defining the boundaries of each said congressional district of the state of North Dakota.

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

In line 5 of the printed bill, after the word "Traill" strike out the word "Steele," and in line 11, after the word "Wells" insert the word "Steele."

And when so amended that the bill be referred to the committee as a whole without any further recommendations.

GEO. A. WELCH,
Chairman.

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

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

House Bill No. 27.

A bill for an act to amend Section 1575, Chapter 20, of the Revised Codes of 1905, relating to the disposition of penalty and interest.

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

ALFRED STEEL,
Chairman.

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

Also

Mr. President:

Your committee on ways and means to whom was referred

Senate Bill No. 212.

A bill for an act to provide for the refund of any tax upon land which shall have been paid through the error of a county official, or by mistake of the party so paying.

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

After the word "thereon," in line 6 of the printed bill, add the following: "and upon the filing of a satisfactory bond in the penalty of three times the face of the tax to indemnify the county and all parties interested."

In line 9 of the printed bill, strike out the word "accordingly" and insert in lieu thereof, "by making the proper notation in red ink."

Strike out all of lines 10, 11, 12, 13 and 14, after the word "provided," and insert the following, "that the treasurer, upon making any such correction, shall immediately cause a written notice of the same to be served personally, or by registered mail, upon the record owner of the land upon which the tax payment was cancelled."

And when so amended recommend the same do pass.

ALFRED STEEL,
Chairman.

Mr. Steel 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. 236.

A bill for an act to amend and re-enact Section 2240, Article 45, Chapter 24, of the Revised Codes of North Dakota for the year 1905, relating to the duties of county auditors and prescribing how records of fees shall be kept.

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

In line 14 of the printed bill, after the word "treasurer" insert the following: "to be turned into the general fund."

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

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

Also

Mr. President:

Your committee on state affairs to whom was referred Senate Bill No. 243.

A bill for an act to amend Section 2084 of the Revised Codes of North Dakota for 1905, relating to proof of planting trees, under the tree bounty law

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

J. E. DAVIS,
Chairman.

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

Also

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 246.

A bill for an act to prohibit the carrying and use of fire-
arms by children and minors.

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

In line 3 of the printed bill, change the figure "16" to "15."
In line 7 of the printed bill, after the word "person" insert "authorized
by such parent or guardian."

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also,

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 242.

A bill for an act prohibiting and punishing the unauthor-
ized publication or distribution of the secret work of fraternal
orders, and any publication claimed or represented to
be secret work.

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

J. E. DAVIS,
Chairman.

Mr. Davis moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

The committee on elections and privileges made the fol-
lowing report:

Mr. President:

Your committee on elections and privileges to whom was referred

Senate Bill No. 222.

A bill for an act to amend and re-enact Section 2, Section 16 and Section 24 of Chapter 109 of the Session Laws of the year 1907, of the State of North Dakota, relating to primary election.

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

In line 5 of the printed bill, strike out the word "August" and insert "July."

In line 24 of printed bill, strike out word "June" and insert "May."

In line 25 of printed bill, strike out "July" and insert "June."

In line 28 of the printed bill, strike out "March" and insert "June."

In line 36 of the printed bill, strike out "second" and insert "third."

In line 37 of the printed bill, strike out "September" and insert "August."

And when so amended recommend the same do pass.

H. J. BESSESEN,
Chairman.

Mr. Bessesen moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also

Mr. President:

Your committee on elections and privileges to whom was referred

Senate Bill No. 31.

A bill for an act defining and limiting the legal expenses of candidates for nomination and for election to any elective office in the state, and making the violation thereof unlawful, and prescribing penalties therefor.

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

After line 3 of the title, strike out all of the bill and insert in place thereof the following, to-wit:

"For an act to limit candidates' election expenses; to define, prevent and punish corrupt and illegal practices in nominations and elections; to se-

cure and protect the purity of the ballot; relating to challenges; to provide for furnishing information to the electors, and to provide the manner of conducting contests for nominations and elections and in certain cases.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Election Expenses.) That no sums of money shall be paid, and no expenses authorized or incurred by or on behalf of any candidate to be paid by him, except such as he may pay to the state for printing as herein provided, in his campaign for nomination to any public office or position in this state in excess of fifteen per cent of one year's compensation or salary of the office for which he is a candidate; provided, that no candidate shall be restricted to less than one hundred dollars in his campaign for such nomination; provided further, that the provisions of this act shall not be construed to apply to personal expenses for transportation and conveyance incurred by a candidate for office. No sums of money shall be paid, and no expenses authorized or incurred, contrary to the provisions of this act for or on behalf of any candidate for nomination. For the purposes of this law the contribution, expenditure or liability of a descendant, ascendant, brother, sister, uncle, aunt, nephew, niece, wife, partner, employer, employee or fellow-official or fellow-employee of a corporation shall be deemed to be that of the candidate himself.

Section 2. Publicity Pamphlet.) Any candidate and, unless he notifies the secretary of state that he refuses them permission, the friends of any candidate for nomination to any state or district office, when the district is composed of one or more counties, may file with the secretary of state for publication, as herein provided, not later than the thirty-third day before the biennial primary nominating election, with his portrait cut if he wishes, a printed or typewritten statement or statements, on the conditions hereinafter set forth, over his or their signatures, stating the reasons why he should be nominated; provided, that no candidate, nor his friends, shall be allowed to file any such statements, unless his petition for nomination is duly filed with the secretary of state, not later than the forty-first day before said nominating election. Any person or persons opposing the nomination of any such candidate may, not later than the thirty-ninth day before said nominating election, file with the secretary of state their printed or typewritten statements, over their signatures, of the reasons why such candidate should not be nominated, but every such statement shall be accompanied by proof, by affidavit or sheriff's return, that they have caused to be served personally and in person upon such candidate a true copy of such statement. Each candidate shall be allowed one page of printed matter, and those opposing him shall each be allowed one page of space on equal terms with him as hereinafter provided. Nothing in this law shall be deemed to make any such statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements offered for printing or contained in said pamphlet. The person or persons procuring, making, composing or offering such statement for filing shall be deemed the authors and publishers thereof.

Section 3. Rates.) Candidates for nominations shall pay for one page of space in the publication hereinafter provided for as follows: For the office of United States Senator in Congress, \$100.00; for Representative in Congress, \$100.00; for Justice of the Supreme Court, \$75.00; for Governor, \$100.00; for Secretary of State, \$100.00; for State Treasurer, \$100.00; for State Superintendent of Public Instruction and Attorney General, each \$75.00; for Commissioner of Agriculture and Labor, \$50.00; for Senator or Representative in the Legislative Assembly, \$10.00; for District Judge and State's Attorney, each \$50.00; for candidates for any other office for a district consisting of one or more counties, or state office, \$25.00. Any candidate may have additional space at the rate of \$100.00 per page, but no payment shall be received for less than a full page; provided, that not more than three additional pages shall be allowed

to any one candidate. All payments required by this section shall be made to the secretary of state when the statement is offered to him for filing, and by him paid into the general fund in the state treasury.

Section 4. (Printing of Pamphlets.) Not later than the thirtieth day before the primary nominating election, the secretary of state shall hand to the commissioners of public printing all of such statements and portrait cuts, properly compiled, edited, prepared and indexed for printing. It shall be their duty to print and bind the same in pamphlet form, printing the pictures of candidates with and as a part of their several statements, where such portrait cuts are offered; statements of those who directly oppose any candidate shall follow next after his statement. All of the statements filed for and against all the candidates for nomination to each office shall be printed in the order in which candidates' names are grouped under the title to their offices on the official ballot at the nominating election. In preparing said pamphlets for printing, the secretary of state shall compile the copy for the same in such form as to make it most convenient for the commissioners of public printing to print and bind under one cover, separate for each political party, the statements only of candidates to be voted for by members of that party for nomination in the same county, electoral district or division; and no pictures, statement or argument for or against any candidate for nomination shall be included in the copy of said pamphlet going to any county where such candidate is not to be voted for. The commissioners of public printing shall begin the delivery of said pamphlets to the secretary of state as quickly as possible, and not later than the twentieth day before the nominating election, and complete the same not later than the fifteenth day before said nominating election, printing and delivering first, so far as practicable, the pamphlets for the counties in the order of their distance from the state capital. At the time of delivering the copy to the commissioners of public printing, the secretary of state shall order the number of copies he estimates will be necessary for each county.

Section 5. (County Auditor to Furnish Addresses.) The several county auditors shall obtain the post-office address of each voter who registers, and on the seventeenth day preceding the nominating election said county auditors shall mail to the secretary of state the name, post-office address and party registration of every voter registered at that time in their respective counties; immediately on the close of registration for such nominating election, and again at the close of registration for the general election, they shall deliver to the secretary of state the post-office address and party registration of every voter who registers during said interval. At least eight days before the regular biennial primary nominating election, the secretary of state shall forward by mail to every voter who is registered as a member of one of the several political parties required to nominate their candidate at such nominating election, a copy of the pamphlet of his political party, containing the names and statements herein provided for. The pages of the pamphlets required by this act shall be six by nine inches in size, and the printed matter therein shall be set in eight-point type, single leaded, and twenty-five ems pica in width, with proper heads. In the foot margin of every page of the party pamphlets for nominating election shall be shown the authority for the information therein, as "This information furnished by (name of candidate or name of his friends or opponents)," as the case may be. In the foot margin of every page of the pamphlet herein provided for the general election shall be shown the authority for the statements thereof, as "This information furnished by (title of committee or managing agent of the political party or name of the independent candidate)," as the case may be.

Section 6. (General Election Statements, Filing of.) Not later than the thirtieth day before the regular biennial general election, the state executive committee or managing officers of any political party or organization

having nominated candidates, but no others, except independent candidates and candidates for offices voted on by the electors of the entire state, may file with the secretary of state portrait cuts of its candidates and type-written statements and arguments for the success of its principles and the election of its candidates, and opposing or attacking the principles and candidates of all other parties. Not later than the twenty-eighth day before said general election, the secretary of state shall deliver to the commissioners of public printing, properly compiled and prepared for printing, the said portrait cuts, statements and arguments, with an order for the number of pamphlet copies of the same necessary to supply one at least, complete as to the candidates to be voted for in any county for which the same may be designed, for every registered voter within the state of North Dakota. The state commissioners of public printing shall begin delivering said pamphlets to the secretary of state as soon as possible, and shall complete the same within twelve days. The secretary of state shall begin mailing the pamphlets to the voters of the state as soon as they are delivered to him, and shall complete the mailing on or before the tenth day before said general election.

Section 7. Rates for Pages.) All the portrait cuts, statements and arguments of all the political parties and candidates shall be bound together in one pamphlet, and no party shall have more than twenty pages, nor a candidate more than twelve pages therein. The political parties and candidates shall pay to the secretary of state for the public treasury for said pamphlet, at the time of filing their copy with him, at the rate of \$50.00 for each printed page of space in said pamphlet used by such party or candidate. The provisions of the preceding sections requiring estimates of the number of pamphlets for each county, limitations on the candidates' names, statements, and pictures to be included in the pamphlet going to each county and the manner of distribution, shall apply in like manner to the pamphlets herein provided for in the general election.

Section 8. Election Expenses, Limitation of.) No sums of money shall be paid and no expenses authorized or incurred by or on behalf of any candidate who has received the nomination to any public office or position in this state, except such as he may contribute toward payment for his political party's or his individual statement pamphlet herein provided for, to be paid by him in his campaign for election, in excess of ten per cent of one year's salary or compensation of the office for which he is nominated; provided, that no candidate shall be restricted to less than one hundred dollars. No sum of money shall be paid and no expenses authorized or incurred by or on behalf of any political party or organization to promote the success of the principles or candidates of such party or organization, contrary to the provisions of this act.

Section 9. City Elections. Rates.) In cities of more than 5,000 population, any candidate for election to any elective municipal office may file with the city clerk, auditor or recorder, not later than the fifteenth day before the municipal election, a statement of the reasons why he should be elected, and portrait cut if he desires, on the conditions hereinafter set forth. Such candidate shall pay for the services herein provided at the rate of \$20.00 for each printed page of space; no payment shall be received for less than a full page. All payments made under this section shall be paid to the city clerk, auditor or recorder at the time the statement is offered to him for filing, and shall be by him paid into the general fund in the city treasury. The city clerk, auditor or recorder shall properly compile, edit, prepare and index said statements and arguments for printing, and if there shall be any municipal measures to be voted upon at the ensuing municipal election he may bind in with said pamphlet a copy of each and of the arguments submitted thereon, in like manner as the secretary of state is required to do in state elections, and shall cause the same to be printed in the same manner that other city printing is done, and have them all bound under one cover; and he shall, at least

eight days before the regular election, forward a copy of said pamphlet, with postage fully prepaid, to each voter in the city whose post-office address he may have or can obtain from the city directory, registration books, or otherwise. The provisions of this section shall not apply to cities of less than 5,000 inhabitants, as shown by the census next preceding such municipal election.

Section 10. Definitions of Terms.) Terms used in this act shall be construed as follows, unless other meaning is clearly apparent from the language or context, or unless such construction is inconsistent with the manifest intent of the law:

"Persons" shall apply to any individual, male or female, and, where consistent with collective capacity, to any committee, firm, partnership, club, organization, association, corporation, or other combination of individuals.

"Candidates" shall apply to any person whose name is printed on an official ballot for public office, or whose name is expected to be or has been presented for public office, with his consent, for nomination or election.

"Political agent" shall apply to any person who, upon request or under agreement, receives or disburses money in behalf of a candidate.

"Political committee" shall apply to every combination of two or more persons who shall aid or promote the success or defeat of a candidate, or a political party or principle, and the provisions of law relating thereto shall apply to any firm or partnership, to any corporation, and to any club, organization, association, or other combination of persons, whether incorporated or not, with similar purposes, whether primary or incidental.

"Public office" shall apply to any national, state, county or city office to which a salary attaches and which is filled by the voters, as well as to the office of presidential elector, United States Senator and Representative in Congress.

"Give," "provide," "expend," "contribute," "receive," "ask," "solicit," and like terms, with their corresponding nouns, shall apply to money, its equivalent, or any other valuable thing; shall include the promise, advance, deposit, borrowing, or loan thereof, and shall cover all or any part of a transaction, whether it be made directly or indirectly.

None of the provisions of this act shall be construed as relating to the rendering of services by speakers, writers, publishers, or others for which no compensation is asked or given; nor to prohibit expenditure by committees of political parties or organization for public speakers, music, halls, lights, literature, advertising, office rent, printing, postage, clerk hire, challenges or watchers at the polls, traveling expenses, telegraphing or telephoning, or the making of poll lists.

Section 11. Statement of Expenses Filed.) Every candidate for nomination or election to public office, including candidate for the office of Senator of the United States, shall, within fifteen days after the primary or general election at which he was a candidate, file with the secretary of state, if a candidate for Senator of the United States, Representative in Congress, or for any state or district office in a district composed of one or more counties, or for members of the legislative assembly from a district composed of more than one county, but with the county auditor for legislative districts composed of not more than one county, and for county and precinct offices, and with the town clerk, auditor or recorder of the town or city in which he resides if he was a candidate for a town, city or ward office, an itemized sworn statement setting forth in detail all the moneys contributed, expended, or promised by him to aid and promote his nomination or election, or both, as the case may be, and for the election of his party candidates, and all existing unfulfilled promises of every character, and all liabilities remaining uncanceled and in force at the time such statement is made, whether such expenditures, promises and liabilities were made or incurred before, during or after such primary

or general election. If no money or other valuable thing was given, paid, expended, contributed or promised, and no unfulfilled liabilities were incurred by a candidate for public office to aid or promote his nomination or election, or the election of his party candidates, he shall file a statement to that effect within fifteen days after the primary or general election at which he was a candidate. Any candidate who shall fail to file such a statement shall be fined \$25.00 for every day on which he was in default, unless he shall be excused by the court. Fifteen days after any such election, the secretary of state, or county auditor, town clerk, auditor or recorder, as the case may be, shall notify the district attorney of any failure to file such statement on the part of any candidate, and within ten days thereafter such prosecuting officer shall proceed to prosecute said candidate for such offense.

Section 12. Treasurer of Political Committee to Keep Accounts.) Every political committee shall have a treasurer, who is a voter, and shall cause him to keep detailed accounts of all its receipts, payments and liabilities. Similar accounts shall be kept by every person who in the aggregate receives or expends money or incurs liabilities to the amount of more than \$25.00 for political purposes and by every political agent and candidate. Such accounts shall cover all transactions in any way affecting or connected with the political canvass, campaign, nomination or election concerned. Every person receiving or expending money or incurring liability by authority or in behalf of or to promote the success or defeat of such committee, agent, candidate, or other person or political party or organization, shall, on demand, and in any event within fourteen days after such receipt, expenditure or incurrence of liability, give such treasurer, agent, candidate, or other person on whose behalf such expense or liability was incurred detailed account thereof, with proper vouchers. Every payment, except payments less in the aggregate than \$5.00 to any person, shall be vouched for by a receipted bill stating the particulars of expense. Every voucher, receipt and account hereby required shall be a part of the accounts and files of such treasurer, agent, candidate or other person, and shall be preserved by the public officer with whom it shall be filed for six months after the election to which it refers. Any person not a candidate for any office or nomination who expends money or value to an amount greater than \$25.00 in any campaign for nomination or election to aid in the election or defeat of any candidate or candidates, or party ticket, or measure before the people, shall within ten days after the election in which said money or value was expended, file with the secretary of state in the case of a measure voted upon by the people, or of state or district offices for districts composed of one or more counties, or with the county auditor for county offices, and with the city clerk, auditor or recorder for municipal offices, an itemized statement of such receipts and expenditures and vouchers for every sum paid in excess of \$5.00, and shall at the same time deliver to the candidate or treasurer of the political organization whose success or defeat he has sought to promote, a duplicate of such statement of a copy of such vouchers. The books of account of every treasurer of any political party, committee or organization, during an election campaign, shall be open at all reasonable office hours to the inspection of the treasurer and chairman of any opposing political party or organization for the same electoral district; and this right of inspection may be enforced by writ of mandamus by any court of competent jurisdiction.

Section 13. Copies of the Act to be Furnished.) The secretary of state shall, at the expense of the state, furnish to the county auditor and to the city and town clerks, auditors and records, copies of this act as a part of the election laws. In the filing of a nomination petition or certificate of nomination, the secretary of state, in the case of state and district offices for districts composed of one or more counties, and county auditors for county offices, and the city and town clerks, auditors or recorders for municipal offices shall transmit to the several candidates and to the

treasurers of political committees, and to political agents, as far as they may be known to such officer, copies of this act, and also to any other person required to file a statement such copies shall be furnished upon application therefor. Upon his own information, or at the written request of any voter, said secretary of state shall transmit to any person believed by him or averred to be a candidate, or who may otherwise be required to make a statement, a copy of this act.

Section 14. Officers Inspect Statements Filed.) The several officers with whom statements are required to be filed shall inspect all statements of accounts and expenses relating to nominations and elections filed with them within ten days after the same are filed; and if upon examination of the official ballot it appears that any person has failed to file a statement as required by law, or if it appears to any such officer that the statements filed with him do not conform to law, or upon complaint in writing by a candidate or by a voter that a statement filed does not conform to law or to the truth, or that any person has failed to file a statement which he is by law required to file, said officer shall forthwith in writing notify the delinquent person. Every such complaint filed by a citizen or candidate shall state in detail the grounds of objection, shall be sworn to by the complainant, and shall be filed with the officer within sixty days after the filing of the statement or amended statement. Upon the written request of a candidate or any voter filed within sixteen days after any convention, primary, or nominating election, said secretary of state, county auditor, city or town clerk, auditor or recorder, as the case may be, shall demand from any specified person or candidate a statement of all his receipts, and from whom received, disbursements and liabilities in connection with or in any way relating to the nomination or election concerned, whether it is an office to which a salary or compensation is attached or not, and said person shall thereupon be required to file such statement and to comply with all the provisions relating to statements herein contained. Whoever makes a statement required by this act shall make oath attached thereto that it is in all respects correct, complete and true, to the best of his knowledge and belief, and said verification shall be substantially the form herein provided.

Section 15. State's Attorney to Act.) Upon the failure of any person to file a statement within ten days after receiving notice under the preceding section, or if any statement filed as above discloses any violation of any provisions of this act relating to corrupt practices in elections, or in any other provision of the election laws, the secretary of state, the county auditor or the city clerk, auditor or recorder, as the case may be, shall forthwith notify the state's attorney of the county, where said violation occurred, and shall furnish him with copies of all papers relating thereto, and said state's attorney shall within sixty days thereafter examine every such case, and if the evidence seems to him to be sufficient under the provisions of this act he shall in the name of the state forthwith institute such civil or criminal proceedings as may be appropriate to the facts.

Section 16. District Court. Jurisdiction.) The district court of the county in which any statement of accounts and expenses relating to nominations and elections should be filed, unless herein otherwise provided, shall have exclusive original jurisdiction of all violations of this act, and may compel any person who fails to file such a statement as required by this act, or who files a statement which does not conform to the provisions of this act in respect to its truth, sufficiency in detail, or otherwise, to file a sufficient statement, upon the application of the attorney general or the state's attorney, or the petition of a candidate, or of any voter. Such petition shall be filed in the district court within sixty days after such election, if the statement was filed the fifteen days required, but such a petition may be filed within thirty days after any payment not included in the statement so filed.

Section 17. Statements. Public Inspection. Publication.) All statements shall be preserved for six months after the election to which they relate, shall be public records subject to public inspection, and it shall be the duty of the officers having custody of the same to give certified copies thereof in like manner as of other public records. The totals of each statement classified, as far as practicable, filed with him, with the name of the person or candidate filing it, shall be published in the next biennial report of the secretary of state, the county auditor or the city clerk, auditor or recorder, as the case may be.

Section 18. In Name of Actual Contributor.) No person shall make a payment of his own money or of another person's money to any other person in connection with a nomination or election in any other name than that of the person who in truth supplies such money; nor shall any person knowingly receive such payments, or enter or cause the same to be entered in his accounts or records in another name than that of the person by whom it was actually furnished; provided, if the money be received from the treasurer of any political organization it shall be sufficient to enter the same as received from said treasurer.

Section 19. Political Appointment. Promise.) No person shall, in order to aid or promote his nomination or election, directly or indirectly, himself or through any other person, promise to appoint another person, or promise to secure or aid in securing the appointment, nomination or election of another person to any public or private position or employment, or to any position of honor, trust or emolument, except that he may publicly announce or define in which he may be called to take part, if elected, and if he is a candidate for nomination or election as a member of the legislative assembly he may pledge himself to vote for the people's choice for United States Senator, or state what his action will be on such vote.

Section 20. Public Employees. Political Activity.) No holder of a public position or office other than an office filled by the voters, shall pay or contribute to aid or promote the nomination or election of any other person to public office. No person shall invite, demand, or accept payment or contribution from such holder, of a public position or office for campaign purposes.

Section 21. Delegates to Conventions.) No holder of a public position other than an office filled by the voters shall be delegate to a convention for the election district that elects the officer or board under whom he directly or indirectly holds such position, nor shall he be a member of a political committee for such district.

Section 22. Transfer of Credentials Prohibited.) No person shall invite, offer, or effect the transfer of any convention credential in return for any payment of money or other valuable thing.

Section 23. Refraining From Candidacy.) No person shall pay or promise to reward another in any manner or form for the purpose of inducing him to be or refrain from or cease being a candidate, and no person shall solicit any payment, promise or reward from another for such purpose.

Section 24. Contributions for Charity. Prohibited.) No person shall demand, solicit, ask or invite any payment or contribution for any religious, political, charitable, or other cause or organization supposed to be primarily or principally for the public good, from a person who seeks to be or has been nominated or elected to any office; and no such candidate or elected person shall make any such payment or contribution if it shall be demanded or asked during the time he is a candidate for nomination or election to or an incumbent of any office. No payment or contribution for any purpose shall be made a condition precedent to the putting of a name on any caucus or convention ballot, or nomination paper or petition, or to the performance of any duty imposed by law on a political committee. No person shall demand, solicit, ask or invite any candidate to subscribe to the support of any club or organization, to buy tickets to any enter-

tainment or ball, or to subscribe for or pay for space in any book, programme, periodical or other publication. If any candidate shall make any such payment or contribution with apparent hope or intent to influence the result of the election, he shall be guilty of a corrupt practice; but this section shall not apply to the soliciting of any business advertisement for insertion in a periodical in which such candidate was regularly advertising, nor to his regular payment to any organization, religious, charitable or otherwise, of which he may have been a member, or to which he may have been a contributor for more than six months before his candidacy, nor to ordinary contributions at church services.

Section 25. Contribution by Corporations. Certain Prohibited.) No corporation and no person, trustee, or trustees owning or holding the majority of the stock of a corporation carrying on the business of a bank, savings bank, co-operative bank, trust, trustee, surety, indemnity, safe deposit, insurance, railroad, street railway, telegraph, telephone, gas, electric light, heat, power, canal, aqueduct, water, cemetery or crematory company, or any company having the right to take or condemn land or to exercise franchises in public ways granted by the state or by any county, city or town, shall pay or contribute in order to aid, promote or prevent the nomination or election of any person, or in order to aid or promote the interests, success or defeat of any political party or organization. No person shall solicit or receive such payment or contribution from such corporation or such holders of a majority of such stock.

Section 26. Treating Prohibited.) Any person or candidate who shall, either by himself or by any other person, either before or after an election, or while such person or candidate is seeking a nomination or election, directly or indirectly give or provide, or pay, wholly or in part, the expenses of giving or providing any meat or drink or other entertainment or provision, clothing, liquors, cigars or tobacco, to or for any person for the purpose of or with intent or hope to influence that person or any other person to give or refrain from giving his vote at such election to or for any candidate or political party ticket, or measure before the people, or on account of such person or any other person having voted or refrained from voting for any candidate or the candidates of any political party or organization or measure before the people, or being about to vote or refrain from voting at such election, shall be guilty of treating. Every elector who accepts or takes any such meat, drink, entertainment, provision, clothing, liquors, cigars or tobacco shall also be guilty of treating, and such acceptance shall be a ground of challenge to his vote and of rejecting his vote on a contest.

Section 27. Challenges.) The provisions of law now in force relating to challenges and contested elections shall apply except when otherwise provided herein.

Section 28. Intimidation, Under Influence.) Every person who shall, directly or indirectly, by himself or any other person in his behalf, make use of any force, coercion, violence, restraint or undue influence or inflict or threaten to inflict, by himself or any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induct or compel such person to vote or restrain from voting for any candidate on the ticket or any political party, or any measure before the people, or any person, who, being a minister, preacher or priest, or any officer of any church, religious or other corporation or organization, otherwise than by public speech or print, shall urge, persuade or command any voter to vote or refrain from voting for or against any candidate or political party ticket or measure submitted to the people, for or on account of his religious duty, or the interest of any corporation, church, or other organization, or who shall by abduction, duress or any fraudulent contrivance impede or prevent the free exercise of the franchise by any voter at any election, or shall thereby compel, induce or prevail upon any elector

to give or to refrain from giving his vote at any election, shall be guilty of undue influence, and shall be punished as for corrupt practice.

Section 29. Betting on Election.) Any candidate who, before or during any election campaign, makes any bet or wager of anything of pecuniary value, or in any manner becomes a party to any such bet or wager on the result of the election in his electoral district, or in any part thereof, or on any event or contingency relating to any pending election, or who provides money or other valuable to be used by any person in betting or wagering upon the results of any impending election, shall be guilty of a corrupt practice. Any person who, for the purpose of influencing the result of any election, makes any bet or wager of anything of pecuniary value on the result of such election in his electoral district or any part thereof, or of any pending election, or on any event or contingency relating thereto, shall be guilty of a corrupt practice, and in addition thereto any such act shall be a ground of challenge against his right to vote.

Section 30. Personation. Repeating.) Any person shall be deemed to be guilty of the offense of personation who, at any election, applies for a ballot in the name of some other person, whether it be that of a person living or dead, or of a fictitious person, or who, having voted once at an election, applies at the same election for a ballot in his own name; and on conviction thereof such person shall be punished by imprisonment in the penitentiary at hard labor for not less than one nor more than three years.

Section 31. Corrupt Practices. What Constitutes.) Any person shall be guilty of a corrupt practice within the meaning of this act if he expends any money for election purposes contrary to the provisions of any statute of this state, or if he is guilty of treating, undue influence, personation, the giving or promising to give or offer of any money or valuable thing to any elector with intent to induce such elector to vote for or to refrain from voting for any candidate for public office, or the ticket of any political party or organization, or any measure submitted to the people at any election, or to register or refrain from registering as a voter at any state, district, county, city, town, village or school district election for public offices or on public measures. Such corrupt practice shall be deemed to be prevalent when instances thereof occur in different election districts similar in character and sufficient in number to convince the court before which any case involving the same may be tried that they were general and common or were pursuant to a general scheme or plan.

Section 32. Payment for Services. Certain Prohibited.) It shall be unlawful for any person to pay another for any loss or damage due to attendance at the polls, or in registering, or for the expense of transportation to or from the polls. No person shall pay for personal services to be performed on the day of caucus, primary, convention or any election, for any purpose connected therewith, tending in any way, directly or indirectly, to affect the result thereof, except for the hiring of persons whose sole duty is to act as challengers and watch the count of official ballots. No person shall buy, sell, give or provide any political badge, button or other insignia to be worn at or about the polls on the day of election, and no such political badge, button or other insignia shall be worn at or about the polls on any election day.

Section 33. Newspaper Advertising.) No publisher of a newspaper or other periodical shall insert, either in its advertising or reading columns, any paid matter which is designed or tends to aid, injure or defeat any candidate or political party or organization or measure before the people, unless it is stated therein that it is a paid advertisement, the name of the chairman or secretary, or the names of the other officers of the political or other organization inserting the same, or the name of some voter who is responsible therefor, with his residence and the street and number thereof, if any, appear in such advertisement in the nature of a signature. No person shall pay the owner, editor, publisher or agent of any

newspaper or other periodical to induce him to editorially advocate or oppose any candidate for nomination or election, and no such owner, editor, publisher or agent shall accept such payment. Any person who shall violate any of the provisions of this section shall be punished as for a corrupt practice.

Section 34. Electioneering. Prohibited on Election Day.) It shall be unlawful for any person at any place on the day of any primary or general election to ask, solicit or in any manner try to induce or persuade any voter on such election day to vote for or refrain from voting for any candidate, or the candidates or ticket of any political party or organization, or any measure submitted to the people, and upon conviction thereof he shall be punished by fine of not less than \$5.00 nor more than \$100.00 for the first offense, and for the second and each subsequent offense occurring on the same or different election days he shall be punished by fine as aforesaid, or by imprisonment in the county jail for not less than five nor more than thirty days, or by both such fine and imprisonment.

Section 35. Campaign Literature. Author's Name.) It shall be unlawful to write, print or circulate through the mails or otherwise any letter, circular, bill, placard or poster relating to any election, or to any candidate at any election, unless the same shall bear on its face the name and address of the author and of the printer and publisher thereof; and any person writing, printing, publishing, circulating, posting, or causing to be written, printed, circulated, posted or published any such letter, bill, placard, circular or poster, as aforesaid, which fails to bear on its face the name and address of the author and of the printer or publisher, shall be guilty of an illegal practice, and shall on conviction thereof be punished by fine of not less than \$10.00 nor more than \$1,000.00. If any letter, circular, poster, bill, publication or placard shall contain any false statement or charges reflecting on any candidate's character, morality or integrity, the author thereof and every person printing or knowingly assisting in the circulation thereof shall be guilty of political libel, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than three years. If the person charged with such crime shall prove on his trial that he had reasonable ground to believe such charge was true and did believe it was true, and that he was not actuated by malice in making such publication, it shall be sufficient defense to such charge. But in that event, and as a part of such defense, the author and the printer or publisher or other person charged with such crime shall also prove that, at least fifteen days before such letter, circular, poster, bill or placard containing such false statement or statements was printed or circulated, he or they caused to be served personally and in person upon the candidate to whom it relates a copy thereof in writing, and calling his attention particularly to the charges contained therein, and that, before printing, publishing or circulating such charges, he received and read any denial, defense or explanation, if any, made or offered to him in writing by the accused candidate within ten days after the service of such charge upon the accused person.

Section 36. Filing Statement. Name on Ballot.) The name of a candidate chosen at a primary nominating election or otherwise shall not be printed on the official ballot for the ensuing election unless there has been filed by or on behalf of said candidate the statements of accounts and expenses relating to nominations required by this act, as well as a statement by his political agent and by his political committee or committees in his behalf, if his statement discloses the existence of such agent, committee or committees. The officer or board intrusted by law with the preparation of the official ballots for any election shall, as far as practicable, warn candidates of the danger of the omission of their names by reason of this provision, but delay in making such statement beyond the time prescribed shall not preclude its acceptance or prevent the insertion of the name on the ballot, if there is reasonable time therefor after the receipt

of such statements. Any such vacancy on the ballot shall be filled by the proper committee of his political party in the manner authorized by law, but not by the use of the name of the candidate who failed to file such statements. No person shall receive a certificate of election until he shall have filed the statements required by this act.

Section 37. Candidacy. Book Files.) It shall be unlawful for any person to accept, receive or pay money or any valuable consideration for becoming or for refraining from becoming a candidate for nomination or election, or by himself or in combination with any other person or persons to become a candidate for the purpose of defeating the nomination or election of any other person and not with a bona-fide intent to obtain the office. Upon complaint made to any circuit judge, if the judge shall be convinced that any person has sought the nomination or seeks to have his name presented to the voters as a candidate for nomination by any political party for any mercenary or venal consideration or motive, and that his candidacy for the nomination is not in good faith, the judge will forthwith issue his writ of injunction restraining the officer or officers whose duty it is to prepare the official ballots for such nominating election from placing the name of such person thereon as a candidate for nomination to any office. In addition thereto, the court shall direct the state's attorney to institute criminal proceedings against such person or persons for corrupt practice, and upon conviction thereof he or any person or persons combining with him shall be punished by a fine of not more than \$1,000.00, or imprisonment in the county jail for not more than one year.

Section 38. Contest. Illegal Votes.) Where, upon the trial of any action or proceeding under the provisions of this act for the contest of the right of any person declared nominated or elected to any office, or to annul or set aside such nomination or election, or to remove a person from his office, it appears from the evidence that the offense complained of was not committed by the candidate, or with his knowledge or consent, or was committed without his sanction or connivance, and that all reasonable means for preventing the commission of such offense at such election were taken by and on behalf of the candidate, or that the offense or offenses complained of were trivial, unimportant and limited in character, and that in all other respect his participation in the election was free from such offenses or illegal acts, or that any act or omission of the candidate arose from inadvertence or from accidental miscalculation, or from other reasonable cause of like nature, and in any case did not arise from any want of good faith, and under the circumstances it seems to the court to be unjust that the said candidate shall forfeit his nomination or office or be deprived of any office of which he is the incumbent, then the nomination or election of such candidate shall not by any reason of such offense or omission complained of be void, nor shall the candidate be removed or deprived of his office.

Section 39. Corrupt Practice. Forfeiture of Office.) If, upon the trial of any action or proceeding under the provisions of this act for the contesting of the right of any person declared to be nominated to an office, or elected to an office, or to annul and set aside such election, or to remove any person from his office, it shall appear that such person was guilty of any corrupt practice, illegal act, or undue influence in or about such nomination or election, he shall be punished by being deprived of the nomination or office, as the case may be, and the vacancy therein shall be filled in the manner provided by law. The only exception to this judgment shall be that provided in Section 38 of this act. Such judgment shall not prevent the candidate or officer from being proceeded against by indictment or criminal information for any such act or acts.

Section 40. Contest. When Commenced.) Any action to contest the right of any person declared elected to an office, or to annul and set aside such election, or to remove from or deprive any person of an office of which he is the incumbent, for any offense mentioned in this act, must,

unless a different time be stated, be commenced within forty days after the return day of the election at which such offense was committed, unless the ground of the action or proceeding is for the illegal payment of the statements prescribed by this act, in which case the action or proceeding may be commenced within forty days after the discovery by the complainant of such illegal payment. A contest of the nomination or office of governor or representative or senator in Congress must be commenced within twenty days after the declaration of the result of the election, but this shall not be construed to apply to any contest before the legislative assembly.

Section 41. Statement. Application For Filing or Correction.) An application for filing a statement, payment of a claim, or correction of an error or false recital in a statement filed, or an action or proceeding to annul and set aside the election of any person declared elected to an office, or to remove or deprive any person of his office for an offense mentioned in this act, or any petition to excuse any person or candidate in accordance with the power of the court to excuse, as provided in Section 38 of this act, must be made or filed in the district court of the county in which the certificate of his nomination as a candidate for the office to which he is declared nominated or elected is filed or in which the incumbent resides.

Section 42. Candidate. Punishment.) A candidate nominated or elected to an office, and whose nomination or election thereto has been annulled and set aside for any offense mentioned in this act, shall not, during the period fixed by law as the term of such office, be elected or appointed to fill any office or vacancy in any office or position of trust, honor or emolument under the laws of the state of North Dakota or of any municipality therein. Any appointment or election to any office or position of trust, honor or emolument made in violation of or contrary to the provisions of this act shall be void.

Section 43. State's Attorney. Failure to Act. Penalty.) If any state's attorney shall be notified by any officer or other person of any violation of any of the provisions of this act within his jurisdiction, it shall be his duty forthwith to diligently inquire into the facts of such violation, and if there is reasonable ground for instituting a prosecution, it shall be the duty of such district to file a complaint or information in writing, before a court of competent jurisdiction, charging the accused person with such offense. If any state's attorney shall fail or refuse to faithfully perform any duty imposed upon him by this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit his office. It shall be the duty of the state's attorney, under penalty of forfeiture of his office, to prosecute any and all persons guilty of any violation of the provisions of this act, the penalty of which is fine or imprisonment, or both, or removal from office.

Section 44. Contest. Next Highest Candidate Gets Office.) If, in any case of a contest on the ground of illegal votes, it appears that another person than the one returned has the highest number of legal votes, after the illegal votes have been eliminated, the court must declare such person nominated or elected, as the case may be.

Section 45. Any elector of the state, or of any political or municipal division thereof, may contest the right of any person to any nomination or office for which such elector has the right to vote, for any of the following causes:

1. On the ground of deliberate, serious and material violation of any of the provisions of this act, or of any other provision of the law relating to nominations or elections.

2. When the person whose right was contested was not, at the time of the election, eligible to such office.

3. On account of illegal votes or an erroneous or fraudulent count or canvass of votes.

Section 46. Illegal Votes. No Forfeiture. Exceptions.) Nothing in the third ground of contest specified in Section 45 is to be so construed as to authorize a nomination or election to be set aside on account of illegal votes, unless it appear either that the candidate or nominee whose right is contested had knowledge of or connived such illegal votes, or that bribery and corruption practiced with the candidate's or nominee's knowledge or consent, or that the number of illegal votes contested, if taken from him, would reduce the number of his legal votes below the number of votes given to some other person for the same nomination or office, after deducting therefrom the illegal votes which may be shown to have been given to such other person.

Section 47. Contest Allegations.) When the reception of illegal votes is alleged as a cause of contest, it shall be sufficient to state generally that in one or more specified voting precincts illegal votes were given to the person whose nomination or election is contested, which, if taken from him, will reduce the number of his legal votes below the number of legal votes given to some other for the same office; but no testimony shall be received of any illegal votes unless the party contesting such election deliver to the opposite party, at least three days before such trial, a written list of the number of illegal votes, and by whom given, which he intends to prove on such trial.

This provision shall not prevent the contestant from offering evidence of illegal votes not included in such statement if he did not know and by reasonable diligence was unable to learn of such additional votes and by whom they were given before delivering such written list.

Section 48. Contest. Petition.) Any petition contesting the right of any person to a nomination or election shall set forth the name of every person whose election is contested and the grounds of the contest, and shall not thereafter be amended, except by leave of the court. Before any proceeding thereon, the petitioner shall give bond to the state in such sum as the court may order, not exceeding \$2,000.00, with not less than two sureties, who shall justify in the manner required of sureties on bail bonds, conditioned to pay all costs, disbursements and attorney's fees that may be awarded against him if he shall not prevail. If the petitioner prevails, the attorney's fees shall be awarded against the contestee; but costs, disbursements and attorney's fees in all such cases shall be in the discretion of the court, and in case judgment is rendered against the petitioner it shall also be rendered against the sureties on the bond. On the filing of any such petition, the clerk shall immediately notify the judge of the court and issue a citation to the persons whose nominations or office is contested, citing them to appear and answer not less than three nor more than seven days after the date of filing the petition, and the court shall hear said cause, and every such contest shall take precedence over all other business on the court docket and shall be tried and disposed of with all convenient dispatch. The court shall always be deemed in session for the trial of such cases.

Section 49. Petition. Parties.) The petitioner (contestant) and the contestee may appear and produce evidence at the hearing, but no person other than the petitioner and contestee shall be made a party to the proceedings on such petition, and no person other than said parties and their attorneys shall be heard thereon, except by order of the court. If more than one petition is pending, or the election of more than one person is contested, the court may, in its discretion, order the cases to be heard together, and may apportion the costs, disbursements and attorney's fees between them, and shall finally determine all questions of law and fact, save only that the judge may in his discretion impanel a jury to decide on questions of fact. In the cases of a contested nomination or election for senator or representative in the legislative assembly, or for senator or representative in Congress, the court shall forthwith certify its findings to the secretary of state, to be by him transmitted to the presiding officer

of the body in question. In the case of other nominations or elections, the court shall forthwith certify its decision to the board or official issuing certificates of nomination or election, which board or official shall thereupon issue certificates of nomination or election to the person or persons entitled thereto by such decision. If judgment of ouster against a defendant shall be rendered, said judgment shall award the nomination or office to the person receiving next the highest number of votes, unless it shall be further determined in the action, upon appropriate pleading and proof by the defendant, that some act has been done or committed which would have been ground in a similar action against such person had he received the highest number of votes for such nomination or office, for a judgment of ouster against him; and if it shall be so determined at the trial, the nomination or office shall be by the judgment declared vacant, and shall thereupon be filled by a new election or by appointment, as may be provided by law regarding vacancies in such nomination or office.

Section 50. Corporations. Violations of Act. Penalties.) In like manner as prescribed for the contesting of an election, any corporation organized under the laws of or doing business in the state of North Dakota may be brought into court on the ground of deliberate, serious and material violation of the provisions of this act. The petition shall be filed in the district court in the county where said corporation has its principal office, or where the violation of law is averred to have been committed. The court, upon conviction of such corporation, may impose a fine of not more than \$10,000.00, or may declare a forfeiture of the charter and franchises of the corporation, if organized under the laws of this state, or if it be a foreign corporation, may enjoin said corporation from further transacting business in this state, or by both such fine and forfeiture, or by both such fine and injunction.

Section 51. Penalty. General.) Whoever violates any provision of this act, the punishment for which is not especially provided by law, shall on conviction thereof be punished by imprisonment in the county jail for not more than one year, or by a fine of not more than \$5,000.00, or by both of such fine and imprisonment.

Section 52. Special Trials.) Proceedings under this act shall be advanced on the docket upon request of either party for a speedy trial, but the court may postpone or continue such trial if the ends of justice may be thereby more effectually secured, and in case of such continuance or postponement the court may impose costs in its discretion as a condition thereof. No petition shall be dismissed by the court. No person shall be excused from testifying or producing papers or documents on the ground that his testimony or the production of papers or documents will tend to criminate him; but no admission, evidence or paper made or advanced or produced by such person shall be offered or used against him in any civil or criminal prosecution, or any evidence that is the direct result of such evidence or information that he may have so given, except in a prosecution for perjury committed in such testimony.

Section 53. Form of Petition.) A petition or complaint filed under the provisions of this act shall be sufficient if it is substantially in the following form:

IN THE DISTRICT COURT OF THE STATE OF NORTH DAKOTA.

For the County of

A. B. (or A. B. and C. D., Contestants, |
vs. |
E. F., | Contestee.

The petition of contestant (or contestants) above named alleges:

That an election was held (in the state, district, county or city of), on the day of

A. D. 19....., for the (nomination of a candidate for) (or election of a) (state the office).

That and were candidates at said election, and the board of canvassers has returned the said as being duly nominated (or elected) at said election.

The contestant A. B. voted (or has a right to vote, as the case may be) at said election (or claims to have had a right to be returned as the nominee or officer elected or nominated at said election, or was a candidate at said election, as the case may be). And said contestant C. D. (here state in like manner the right of each contestant).

And said contestant (or contestants) further allege (here state the facts and grounds on which the contestants rely).

Wherefore, your contestants pray that it may be determined by the court that said was not duly nominated (or elected) and that said election was void (or that the said A. B. or C. D., as the case may be) was duly nominated (or elected) and for such other and further relief as the court may deem just and legal in the premises.

Said complaint shall be verified by the affidavit of one of the petitioners in the manner required by law for the verification of complaints in civil cases.

Section 54. The statement of expenses required from candidates and others by this act shall be in substantially the following form:

State of North Dakota, |
County of | ss.

I,, having been a candidate (or expended money) at the election for the (state) (district) (county) (city) of on the day of, A. D. 19....., being first duly sworn, on oath do say: That I have carefully examined and read the return of my election expenses and receipts hereto attached, and to the best of my knowledge and belief that return is full, correct and true.

And I further state on oath that, except as appears from this return, I have not, and to the best of my knowledge and belief, no person, nor any club, society or association has, on my behalf, whether authorized by me or not, made any payment, or given, promised or offered any reward, office, employment or position, public or private, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said nomination or election.

And I further state on oath that, except as specified in this return, I have not paid any money, security or equivalent for money, nor has any money or equivalent for money, to my knowledge or belief, been paid, advanced, given or deposited by anyone to or in the hands of myself or any other person for my nomination or election for the purpose of paying any expenses incurred on my behalf on account or in respect of the conduct or management of the said election.

And I further state on oath that I will not, except so far as I may be permitted by law, at any further time make or be a party to the making or giving of any payment, reward, office, position or employment, or valuable consideration for the purpose of defraying any such expenses or obligations as herein mentioned for or on account of my nomination or election, or provide or be a party to the providing of any money, security or equivalent for money for the purpose of defraying any such expense.

(Signature of affiant)

Subscribed and sworn to before me by the above-named..... on the day of, A. D. 19.....

Attached to said affidavit shall be a full and complete account of the receipts, contributions and expenses of said affiant, and of his supporters to which he has knowledge, with numbered vouchers for all sums and payment for which vouchers are required as to all money expended by affiant. The affidavit and account of the treasurer of any committee or any political party or organization shall be as nearly as may be in the same form, and so, also, shall be the affidavit of any person who has received or expended money in excess of the sum of \$50.00 to aid in securing the nomination or election or defeat of any candidate, or of any political party or organization, or of any measure before the people.

Section 55. False Oaths. Perjury.) Any person who shall knowingly make any false oath or affidavit where an oath or affidavit is required by this law shall be deemed guilty of perjury and punished accordingly.

And when so amended recommend the same do pass.

H. J. BESSESEN,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 226.

A bill for an act giving the court authority to require the defendant to provide for the temporary support and maintenance of the plaintiff in divorce actions.

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 201.

A bill for an act to prohibit certain designated officers from advising, counseling, or suggesting to persons upon whom process is served, the name of attorneys and prescribing a penalty for violation.

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 was adopted.
Also,

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 136.

A bill for an act to amend and re-enact Chapter 120 of the Laws of 1909, being an amendment to Section 2600 of the Revised Codes of North Dakota, 1905, and to repeal Section 2601 of the Revised Codes of 1905, relating to sheriff's fees.

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 report was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 272.

Concurrent resolution amending Sec. 121 of the Constitution of the state of North Dakota, relating to the elective franchise.

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 report was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 239.

A bill for an act prescribing the qualifications of certain
applicants for admission to the bar of the state of North
Dakota:

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 report was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 112.

A bill for an act amending Section 1064 of the Revised
Codes of North Dakota for 1905.

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

By striking out all after line 12 of the printed bill.

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 252.

A bill for an act to amend Section 1541 of the Revised
Codes of 1905, relating to tax lists made out by county
auditors.

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 78.

A concurrent resolution to amend Article 19, Section 216
of the Constitution of the State of North Dakota, pertain-
ing to public institutions.

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 158.

A bill for an act to amend Section 7117 of the Revised Codes of North Dakota, 1905, relating to additional exemptions allowed the head of a family residing in North Dakota.

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 198.

A bill for an act to amend and re-enact Section 7387 of Article 4 of Chapter 27 of the Revised Codes of North Dakota for the year 1905.

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 was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Talcott moved

That the vote by which Senate Bill No. 173 was lost be reconsidered.

Which motion prevailed.

Mr. Davis introduced the following concurrent resolution:

Be it Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

WHEREAS, The Sixth Biennial Report of the North Dakota Geological Survey, prepared by the State Geologist, Dr. A. G. Leonard, and now ready for publication, will contain the results of several years of investigation of the geological formations, coal deposits and other mineral resources of North Dakota, investigations which were carried on with the co-operation and assistance of the United States Geological Survey, and will include also a chapter on the origin and history of Devils Lake and Stump Lake; and

WHEREAS, This report will be of great service in making known to our people and to outside investors and others the great value, extent and possibilities of our natural resources and will thus help the development of North Dakota;

Therefore, Be it Resolved by the Senate, the House of Representatives Concurring:

That the printing commission be authorized to have 1,500 extra copies of said report printed for general circulation, 250 of these to be bound in cloth.

Mr. Simpson moved, as an amendment,

That the word "1,500" be changed to "2,000."

Which motion prevailed, and

The amendment was adopted.

Mr. Davis moved

The adoption of the resolution as amended.

Which motion prevailed, and

The resolution was adopted.

Mr. Gibbens introduced the following concurrent resolution:

WHEREAS, North Dakota being almost exclusively agricultural in its natural resources, which, however, are but slightly developed and imperfectly understood; and

WHEREAS, The present and future prosperity of all the citizens of the state must depend upon the intelligence and skill with which the farming vocation is developed; and

WHEREAS, The policy of the state should be to encourage in the largest possible way such improvements as are possible to be made in agricultural science by means of education and experimentation; and

WHEREAS, Demands are being made for still further extending the work of agricultural education and experimentation;

Therefore, Be it Resolved by the Senate, the House Concurring:

That a commission be appointed, consisting of the President of the Agricultural College and two citizens of the state, one of whom shall be a practical farmer and one a practical business man, to be chosen by the Governor, whose duty it shall be, after studying similar enterprises in other states and provinces, to develop a comprehensive plan for unifying and extending the work of agricultural education and experimentation

throughout the state and to submit such plan for the consideration of the Thirteenth Legislative Assembly.

Mr. Gibbens moved

That the resolution be referred to the committee on agriculture.

Which motion prevailed.

Mr. Welch moved

That Senate Bill No. 309 be re-referred to the committee on appropriations.

Which motion prevailed.

FIRST READING OF SENATE BILLS.

Mr. Linde introduced

Senate Bill No. 315.

A bill for an act to amend Section 5642 of the Revised Codes of the state of North Dakota for the year 1905, providing for the termination of liability of common carriers.

Which was read the first time.

Mr. Linde introduced

Senate Bill No. 316.

A bill for an act to amend Section 2272, Revised Codes of 1905, relating to storage companies.

Which was read the first time.

Mr. Turner introduced

Senate Bill No. 317.

A bill for an act for the regulation, supervision and control of the business of banking, and to provide penalties for its violation, repealing all acts and parts of acts inconsistent therewith.

Which was read the first time.

Mr. Bessesen introduced

Senate Bill No. 318.

A bill for an act to amend and re-enact Section 738 of the Revised Codes of 1905, relating to votes cast by persons not registered.

Which was read the first time.

Mr. Duncan introduced

Senate Bill No. 319.

A bill for an act to amend and re-enact Section 482 of the Revised Codes of North Dakota for 1905, relating to the duties of court stenographers.

Which was read the first time.

Mr. Duncan introduced

Senate Bill No. 320.

For an act to amend and re-enact Section 9545 of the Revised Codes of 1905, relating to costs taxed and collected in criminal cases.

Which was read the first time.

The committee on elections and privileges introduced

Senate Bill No. 321.

A bill for an act to secure the purity of elections, to limit candidates' election expenses, to define, prevent and punish corrupt and illegal practices in nominations and elections, to provide for furnishing informaton to the electors; and to provide a penalty for the violation of this act.

Which was read the first time.

Mr. Talcott introduced

Senate Bill No. 322.

A bill for an act to amend Section 4207 of the Revised Codes of North Dakota for 1905, relating to the manner of voting of private corporations.

Which was read the first time.

Mr. Davis introduced

Senate Bill No. 323.

A bill for an act to amend Sections 1295, 1297 and 1298 of the Revised Codes of North Dakota of 1905, and Section 1296 of the Revised Codes of 1905 as amended by the legislative assembly of 1909, being Chapter 13 of the Revised Codes of 1905, entitled state library.

Which was read the first time.

Mr. Davis introduced

Senate Bill No. 324.

A bill for an act providing for a bailiff of the supreme court.

Which was read the first time.

Mr. Carter introduced

Senate Bill No. 325.

A bill for an act entitled, an act fixing the terms of court in the various counties comprising the fourth judicial district of this state and the beginning and duration thereof.

Which was read the first time.

Mr. Duncan introduced

Senate Bill No. 326.

A bill for an act to amend Section 1350, Revised Codes of 1905, relating to the laying out, altering or discontinuing roads.

Which was read the first time.

Mr. Gronvold introduced

Senate Bill No. 327.

A bill for an act amending section 7176 of the Revised Codes of 1905 as amended and re-enacted by chapter 177 of the Laws of 1907, pertaining to authority of attorney in foreclosure.

Which was read the first time.

Mr. Davis introduced

Senate Bill No. 328.

A bill for an act to create a commission to investigate and report to the legislature of this state, on the first day of the legislative session of 1913, a bill to fairly compensate employes for injuries received in the course of employment and defining the duties of said commission, and making appropriation therefor.

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 329.

A bill for an act to repeal section 7229 of the Revised Codes of 1905.

Which was read the first time.

Mr. Bessesen introduced

Senate Bill No. 330.

A bill for an act to amend section 7145 of the Revised Codes of North Dakota for 1905, relating to redemptions and payments, to whom made and how disposed of.

Which was read the first time.

Mr. Steele introduced

Senate Bill No. 331.

A bill for an act to amend section 6796, Revised Codes of 1905, relating to limitations of actions or proceedings to foreclose real estate mortgages.

Which was read the first time.

Mr. Steele introduced

Senate Bill No. 332.

A bill for an act to amend section 7530, Revised Codes of 1905, relating to adjustment of cross judgment in actions to determine conflicting claims to real property.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 315.

A bill for an act to amend Section 5642 of the Revised Codes of the state of North Dakota for the year 1905, providing for the termination of liability of common carriers.

Was read the second time and

Referred to the committee on railroads.

Senate Bill No. 316.

A bill for an act to amend Section 2272, Revised Codes of 1905, relating to storage companies.

Was read the second time and

Referred to the committee on warehouses and grain grading.

Senate Bill No. 317.

A bill for an act for the regulation, supervision and control of the business of banking, and to provide penalties for its violation, repealing all acts and parts of acts inconsistent therewith.

Was read the second time and

Referred to the committee on banking.

Senate Bill No. 318.

A bill for an act to amend and re-enact Section 738 of the Revised Codes of 1905, relating to votes cast by persons not registered.

Was read the second time and

Referred to the committee on elections and privileges.

Senate Bill No. 319.

A bill for an act to amend and re-enact Section 482 of the Revised Codes of North Dakota for 1905, relating to the duties of court stenographers.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 320.

For an act to amend and re-enact Section 9545 of the Revised Codes of 1905, relating to costs taxed and collected in criminal cases.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 321.

A bill for an act to secure the purity of elections, to limit candidates' election expenses, to define, prevent and punish corrupt and illegal practices in nominations and elections, to provide for furnishing informaton to the electors; and to provide a penalty for the violation of this act.

Was read the second time and

Referred to the committee on elections and privileges.

Senate Bill No. 322.

A bill for an act to amend Section 4207 of the Revised Codes of North Dakota for 1905, relating to the manner of voting of private corporations.

Was read the second time and

Referred to the committee on corporations other than municipal.

Senate Bill No. 323.

A bill for an act to amend Sections 1295, 1297 and 1298 of the Revised Codes of North Dakota of 1905, and Section 1296 of the Revised Codes of 1905 as amended by the legislative assembly of 1909, being Chapter 13 of the Revised Codes of 1905, entitled state library.

Was read the second time and

Referred to the committee on education.

Senate Bill No. 324.

A bill for an act providing for a bailiff of the supreme court.

Was read the second time and

Referred to the committee on ways and means.

Senate Bill No. 325.

A bill for an act entitled, an act fixing the terms of court in the various counties comprising the fourth judicial district of this state and the beginning and duration thereof.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 326.

A bill for an act to amend Section 1350, Revised Codes of 1905, relating to the laying out, altering or discontinuing roads.

Was read the second time and

Referred to the committee on highways and bridges.

Senate Bill No. 327.

A bill for an act amending section 7176 of the Revised Codes of 1905 as amended and re-enacted by chapter 177 of the Laws of 1907, pertaining to authority of attorney in foreclosure.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 328.

A bill for an act to create a commission to investigate and report to the legislature of this state, on the first day of the legislative session of 1913, a bill to fairly compensate employes for injuries received in the course of employment and defining the duties of said commission, and making appropriation therefor.

Was read the second time and

Referred to the committee on appropriations.

Senate Bill No. 329.

A bill for an act to repeal section 7229 of the Revised Codes of 1905.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 330.

A bill for an act to amend section 7145 of the Revised Codes of North Dakota for 1905, relating to redemptions and payments, to whom made and how disposed of.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 331.

A bill for an act to amend section 6796, Revised Codes of 1905, relating to limitations of actions or proceedings to foreclose real estate mortgages.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 332.

A bill for an act to amend section 7530, Revised Code of 1905, relating to adjustment of cross judgment in actions to determine conflicting claims to real property.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 57.

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.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 32 ayes, 15 nays; absent and not voting, 2.

Those who voted in the affirmative were:

Messrs.—

Baker
Bessesen
Carter

Messrs.—

Hookway
Jacobsen
Johnson

Messrs.—

Simpson
Steele of Renville
Stevens

Messrs.—	Messrs.—	Messrs.—
Cashel	Kennedy	Talcott
Duis	LaMoure	Thoreson
Duncan	McDonald	Trimble
Elken	McLean	Turner
Ellingson	Movius	Wallin
Ganssle	Plain	Welo
Gronvold	Putnam	Young
Gunderson	Ruzicka	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Kretschmar	Steel of Stutsman
Davis	Linde	Syverson
Garden	Martin	Walton
Gibbens	McDowell	Whitcher
Gilbert	Overson	Williams

Absent and not voting: Messrs. Pierce and Welch.

So the bill passed and the title was agreed to.

Mr. Duis moved

That the vote by which Senate Bill No. 57 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion was lost.

Senate Bill No. 194.

A bill for an act defining the Tenth judicial district and providing for holding terms of court therein.

Was read the third time.

Mr. Overson moved, as an amendment, as follows:

Amend Senate Bill No. 194

By striking out all of section 3 of the printed bill, headed "Chamber of Judge.)"

By striking out the figure "3" in line 1 of section 3, headed "Repeal," and inserting the figure "2."

By striking out the figure "4," in section 4 of the printed bill, and inserting the figure "3."

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were 46 ayes, 2 nays; absent and not voting, 1.

Those who voted in the affirmative werē:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Simpson
Baker	Kenedy	Steel of Stutsman
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syverson
Duis	Linde	Talcott
Duncan	Martin	Thoreson
Elken	McDonald	Trimble
Ellingson	McDowell	Turner
Ganssle	McLean	Wallin
Garden	Movius	Walton
Gibbens	Overson	Welo
Gilbert	Pierce	Welch
Gronvold	Plain	Whitcher
Gunderson	Putnam	Williams
Hookway	Ruzicka	Young
Jacobsen		

Messrs. Bessesen and Davis voted in the negative.

Absent and not voting, Mr. Steele of Renville.

So the bill passed and the title was agreed to.

Mr. Simpson moved

That the vote by which Senate Bill No. 194 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Bessesen explained his vote, stating:

“I am in favor of the judicial division prescribed by this bill but am against section 3 thereof, fixing the chambers at a certain city by law, which has been done for no other district in the state and therefore I must vote “no” on the bill as it now stands.

COMMITTEE OF THE WHOLE.

Mr. Garden moved

That the Senate do now resolve itself into a committee of the whole for the consideration of the majority and minority reports on

Senate Bill No. 103.

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

Which motion prevailed,
The President called Mr. Williams to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose it made the following report:

Mr. President:

Your committee of the whole to whom was referred the majority and minority reports on Senate Bill No. 103 has had the same under consideration and recommend that the minority reports be adopted.

JOHN E. WILLIAMS,
Chairman.

Mr. Talcott moved

That the report be adopted.

Roll call demanded.

The question being on the adoption of the report of the committee of the whole,

The roll was called and there were 31 ayes, 15 nays; absent and not voting, 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Hookway	Plain
Bessesen	Jacobsen	Ruzicka
Carter	Johnson	Simpson
Cashel	Kennedy	Steele of Renville
Duncan	LaMoure	Stevens
Elken	Linde	Talcott
Ganssle	McLean	Trimble
Gibbens	Movius	Wallin
Gilbert	Overson	Whitcher
Gronvold	Pierce	Young
Gunderson		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Martin	Syverson
Davis	McDonald	Thoreson
Duis	McDowell	Turner
Elingson	Putnam	Welch
Garden	Steel of Stutsman	Williams

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kretschmar	Walton	Welo

So the minority report was adopted and the further consideration of the bill was indefinitely postponed.

Mr. Talcott moved

That the vote by which Senate Bill No. 103 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Also,

Mr. President:

Your committee of the whole to whom was referred

House Bill No. 46.

A bill for an act to prevent unfair discrimination in the purchase of grain, dairy products or other commodities.

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

JOHN E. WILLIAMS,
Chairman.

Mr. LaMoure moved

That the report be adopted.

Roll call demanded.

The question being on the adoption of the report,

The roll was called and there were 28 ayes, 18 nays; absent and not voting, 3.

Those who voted in the affirmative were:

Messrs.—

Baker
Carter
Cashel
Davis
Duis
Duncan
Ganssle
Gilbert
Gunderson
Hookway

Messrs.—

Jacobsen
LaMoure
Linde
Martin
McDonald
McDowell
McLean
Movius
Overson

Messrs.—

Pierce
Simpson
Stevens
Talcott
Trimble
Welch
Whitcher
Williams
Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Steel of Stutsman
Elken	Kennedy	Steele of Renville
Ellingson	Kretschmar	Syvertson
Garden	Plain	Thoreson
Gibbens	Putnam	Turner
Gronvold	Ruz'ka	Wallin

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Walton	Welo

So the report of the committee and the further consideration of the bill was indefinitely postponed.

Mr. Hookway moved for a call of Senate.

Mr. Steel moved

That further proceedings under the call be dispensed with.

Which motion prevailed.

Mr. Kennedy moved

That the consideration of Senate Bill No. 67 be deferred until the amended bill is reprinted.

Which motion was lost.

Senate Bill No. 67.

A bill for an act to repeal sections 6237, 6238, 6239, 6240, 6241, 6242, 6243, 6244, 6245, 6246, 6247, 6248, 6249, 6250 and 6251 of the Revised Codes of the State of North Dakota for A. D., 1905, and Chapter 167 of the Session Laws of 1907 and Chapter 158 of the Session Laws of 1909, relating to mechanic's liens, and the filing of mechanic's liens, the giving of notice to contractors and sub-contractors, and the record and priority of liens, and all matters appertaining to the creation, existence and enforcement of mechanic's liens.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 25 ayes, 23 nays; absent and not voting, 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Gronvold	Pierce
Carter	Gunderson	Plain
Davis	Hookway	Putnam
Elken	Jacobsen	Steele of Renville
Ellingson	Johnson	Trimble
Ganssle	Kretschmar	Wallin
Garden	McDowell	Welo
Gibbens	McLean	Williams
Gilbert		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	McDonald	Talcott
Baker	Movius	Thoreson
Cashel	Overson	Turner
Duis	Ruzicka	Walton
Duncan	Simpson	Welch
Kennedy	Steel of Stutsman	Whitcher
Linde	Stevens	Young
Martin	Syverson	

Absent and not voting, Mr. LaMoure.

So the bill passed and the title was agreed to.

Mr. Welo moved

That the vote by which Senate Bill No. 67 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Martin explained his vote.

Mr. Talcott explained his vote.

Mr. Bessesen moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

JAMES W. FOLEY,
Secretary.

FORTY-FIFTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

February 16, 1911.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All 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 of the 44th day, have carefully examined the same and recommend that the same be corrected as follows:

Page 22, line 5 after "com-" at the end of the line, insert the following, "plainant of such illegal payment. A contest of the nomination of."

Word "contest" in line 7, page 25, be changed to "contestant."

"Affidavit" in line 2, page 26, be changed to "affiant."

Following line 14, page 26, the following sentence be inserted: "And when so amended, recommend that the same do pass." In the same line, word "chairman" be inserted under the name "H. J. Bessesen."

And when so amended recommend that the same be approved.

J. E. STEVENS,
Chairman.

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

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. 185.

A bill for an act providing for the establishing of savings banks and defining the powers and restrictions of the same.

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

In line 11, section 4, of the printed bill, strike out the comma and the word "shall," and change the word "effect" so as to read "effecting."

In line 13, after the word "thereon," insert the words, "shall be operative until 60 days after the posting of such alteration."

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 was adopted.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred

House Bill No. 44.

A bill for an act to amend Section 4381 and 4383 of the Revised Codes of the state of North Dakota of 1905, relating to track from elevator to railroad.

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

Line 8 of section 4381, between the words "the" and "side" insert the words "main or."

Also after the word "switch" in the same line the following words be inserted: "when so ordered by the railroad commissioners."

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
House Bill No. 36.

A bill for an act to amend Section 4305 of the 1905 Revised Codes of North Dakota, relating to the maintenance of station houses.

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

Following the word "year" in line 4 of section 1 of the printed bill, insert the following: "when so ordered by the railroad commissioners."

The word "six" in line 8 of section 1 of the printed bill be stricken out and the word "five" be inserted in lieu thereof.

In line 8 of section 1 of the printed bill, following the word "miles" insert the word "apart."

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

House Bill No. 134.

A bill for an act to amend Sections 4324 and 4343 of the Revised Codes of 1905, relative to the powers and duties of the board of railroad commissioners.

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

Line 55, section 2 of printed bill, between the words "railroads" and "to" insert the following: "to cause notice of such meeting to be given each common carrier affected thereby by mailing a notice thereof addressed to the managing officer thereof at the address given in the last report of such common carrier to the secretary of state, or to such address as may have been given to and filed with said commission, at least thirty days before the date of said hearing, and."

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. 213.

A bill for an act to regulate the manner of sale of food products and beverages, and establishing the legal weight for lard or lard substitutes and for bread, and providing a penalty for the violation thereof.

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

J. E. DAVIS,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 290.

A bill for an act to amend and re-enact Section 496 of the Revised Codes of North Dakota, 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 line 2 of printed bill, after figure "1905" insert "as amended by Chapter 154 of the Laws of 1909."

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 62.

A bill for an act to amend Sections 8040, 8041, 8042 and 8043 of the Revised Codes of the state of North Dakota, for the year 1905, relating to proceedings for probate of heirship.

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 report was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 56.

A bill for an act entitled, an act to amend Section 8231 of
the Revised Codes of 1905, relating to the disposition of
unclaimed shares of estate in county court.

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 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 2169 of the Revised
Codes of North Dakota for 1905, regulating the speed of
automobiles, horses and vehicles.

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 report was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 81.

A bill for an act to amend Section 1564 of the Revised
Codes, relating to fees of sheriffs for the collection of de-
linquent personal property taxes.

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

On page 2 of printed bill, in line 20, after word "shall" insert "make actual and diligent search." In line 21, after word "code" insert "and whenever such sheriff has made an actual trip."

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 278.

A bill for an act to amend and re-enact Section 13 of the Session Laws for the year 1907 of the state of North Dakota, relating to primary election.

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 102.

A concurrent resolution amending the Constitution of the State of North Dakota, establishing and locating a state agricultural college at the city of Beach, county of Billings.

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

H. H. STEELE,
Chairman.

Mr. Martin moved

That the bill be re-referred to the committee on judiciary.

Which motion prevailed.

The committee on elections and privileges made the following report:

Mr. President:

Your committee on elections and privileges to whom was referred

Senate Bill No. 280.

A bill for an act to amend and re-enact Section 9 of the Session Laws for the year 1907, of the state of North Dakota, relating to primary election.

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

In the title, after the word "of" insert "Chapter 109." In section 1, line 1 of printed bill, after the word "of" insert "Chapter 109." In line 27, page 2 of the printed bill, strike out the word "immediately." Lines 27 to 31 inclusive, transpose to follow line 20 of the printed bill. On page 3, line 39, beginning with the word "on" to line 45 inclusive, transpose to follow the above transposition.

And when so amended recommend the same do pass.

H. J. BESSESEN,
Chairman.

Mr. Bessesen moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also

Mr. President:

Your committee on elections and privileges to whom was referred

Senate Bill No. 281.

A concurrent resolution for an amendment to the Constitution of the state of North Dakota, providing for the recall of public officers by the people.

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

In page 2, line 26 of the printed bill, after the word "petition" strike out all to and including the word "petition" in line 28.

And when so amended recommend the same do pass.

H. J. BESSESEN,
Chairman.

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

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred
Senate Bill No. 159.

A bill for an act to require a re-insurance reserve for 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 was adopted.

Also

Mr. President:

Your committee on insurance to whom was referred
Senate Bill No. 129.

A bill for an act concerning insurance contracts and providing that contracts of insurance made by any company be-

longing to or member of or in any way connected with any tariff association or such like thing by whatever name called, shall be construed to add twenty-five per cent to the face of the policy or contract of insurance in addition to the actual loss or damage suffered; providing that the jury or court finding certain facts must add the amount of said penalty to the verdict, and providing for a liberal construction of this act.

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 was adopted.

Also,

Mr. President:

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

For an act creating the office of Fire Marshal, describing his duties and providing for his compensation, and for the continuation of his office.

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

L. A. SIMPSON,
Chairman.

Mr. Gunderson moved

That the bill be re-referred to the committee on insurance.
Which motion prevailed.

Also,

Mr. President:

Your committee on insurance to whom was referred
Senate Bill No. 95.

A bill for an act regulating the conditions and provisions to be contained in policies of health or accident insurance issued in this state.

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 was adopted.

The committee on agriculture made the following report:

Mr. President:

Your committee on agriculture to whom was referred
Senate Bill No. 267.

A bill for an act to amend Sections 2, 3, 4, 10, 14 and 28, of Chapter 92 of the Session Laws of the state of North Dakota of 1909, relating to the creation of 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 assistant dairy commissioners, fixing their compensation, defining their powers and duties, prescribing rules and regulations for the manufacture and sale of dairy products, prescribing penalties for violations, providing for a license for creameries, cream stations, cheese factories and renovating or process butter factories, throughout the state.

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

LIVY JOHNSON,
Chairman.

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

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

House Bill No. 242.

A bill for an act to amend Section 1968 of the Revised Codes of 1905.

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

After the word "of" in line 5 in the printed bill, insert the words "one-half of." and after the word "tenth" in same line insert the words "of one."

And when so amended recommend the same do pass.

ALFRED STEEL,
Chairman.

Mr. Steel moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also,

Mr. President:

Your committee on ways and means to whom was referred

House Bill No. 153.

A bill for an act to amend and re-enact Section 1597 of Chapter 219, Laws of 1907, relative to duty of county auditor, and requirements of tax deeds.

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

ALFRED STEEL,
Chairman.

Mr. Steel moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also,

Mr. President:

Your committee on ways and means to whom was referred

Senate Bill No. 253.

A bill for an act transferring funds from the state wolf bounty fund of this state to the general fund of the state.

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

ALFRED STEEL,
Chairman.

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

Also

Mr. President:

Your committee on ways and means to whom was referred

House Bill No. 32.

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

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

ALFRED STEEL,
Chairman..

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

Also,

Mr. President:

Your committee on ways and means to whom was referred

House Bill No. 77.

A bill for an act to amend Section 544 of the Revised Codes of 1905, relating to the seals of notaries public.

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

ALFRED STEEL,
Chairman.

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

REPORT OF SENATE COMMITTEE ON BANKS AND BANKING.

Mr. President:

Your committee to which was referred Senate Bill No. 210, introduced by Mr. McDowell, entitled, "A bill for an act to amend Sections 4635, 4638, 4641, 4642, 4664 and 4668, relating to state banking corporations, creating a separate banking department and providing for placing banking and other financial corporations within the jurisdiction and control of the same," beg leave to report that it has had the same under consideration and now recommend:

That the title of the bill be amended by striking out the number "4642" and inserting in lieu thereof the word "and."

Also by striking out the next word "and" and the number "4668" and inserting in lieu thereof the word "of the Revised Codes of 1905."

That the bill be further amended as follows, referring to the printed bill:

- In line 4 of section 1, strike out the words "and bank commissioner."
- At all other places in the bill where the words "bank commissioner" occur, strike out the same and insert in lieu thereof the words "state examiner."

Wherever the word "examiner" or "examiners" occurs in the printed bill, insert the word "deputy" preceding the same.

Also by striking out the last word in line 15 and all of line 16 of section 1 of the printed bill.

Also by striking out all of section 4, 5 and 6 of the printed bill.

Also by striking out the word "seven" and the numeral "7" in line 152 of page 8 of the printed bill and inserting in lieu thereof the word "ten" and the number "10."

Also by striking out the word "board" in line 157, and inserting in lieu thereof the words "state examiner."

In line 162 strike out all after the word "affairs," and in line 163 strike out the words "as the deputy commissioner."

Also in line 163, insert before the word "the" the words "six of" and following the word "the" the word "said."

In line 169, on page 9, strike out the word "his."

In line 170, strike out the word "appointment" and in lieu thereof insert the words "the taking effect of this act."

In line 174, strike out the last word "the," and in line 175 strike out all to and including the word "deputy."

On page 10, strike out all of line 193 and the words "per annum" in line 194.

In line 195, after the word "annum" insert the following words, to-wit: "and in addition thereto he shall be paid his actual and necessary traveling expenses when engaged in the discharge of his duties."

Also in line 195, strike out the number "1,000" and insert in lieu thereof the number "1,200."

Strike out the last two words in line 197 and all of lines 198, 199, 200 and 201.

On page 11, line 14, after the word "of" insert the words "the state examiner or."

Strike out the word "an" and insert in lieu thereof the article "a" in the same line.

In line 3 of section 14, strike out the number "4631" and insert in lieu thereof the number "4641."

In section 15, page 14, line 8, strike out all after the word "cases," and in line 9 strike out all down to and including the word "July" and in lieu thereof insert the words "within ten days after each examination."

In line 11, strike out the word "twenty" and insert the word "fifteen."

In line 13, strike out the word "five."

In line 15, strike out the word "thirty" and insert in lieu thereof the word "twenty-five."

Also in line 15, after the first word "dollars" insert the following words, to-wit: "those having a capital of \$40,000 and less than \$50,000, \$30.00."

In line 19, strike out the word "less" and insert in lieu thereof the words "not over."

In line 20, insert the word "over" between the word "of" and the word "one."

In line 27 of page 15, strike out the word "forty" and insert in lieu thereof the word "twenty-five," and in line 28 strike out the word "twenty" and insert in lieu thereof the word "five."

In line 32 of the same page, strike out the word "ten" and insert in lieu thereof the word "twenty," and in line 33, strike out the word "shall" and insert in lieu thereof the word "may."

Then strike out all of section 16.

In section 17, line 3, strike out the figures "\$29,000" and insert in lieu thereof the figures "\$20,000," and also in section 17, strike out all after the word "act" in lines 5 and 6.

Then re-number the sections consecutively.

And when so amended recommend that the bill do pass, but that it be reprinted as amended and that it be not placed upon its third reading and final passage until it is so reprinted.

ED. PIERCE,
Chairman.

Mr. Pierce moved

That the bill be reprinted as amended.

Which motion prevailed.

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. 46.

A bill for an act establishing a hail insurance department and making the commissioner of agriculture and labor also the commissioner of hail insurance; prescribing rules, regulations and duties of all officers and persons connected therewith; prescribing how premiums, expenses and indemnity for losses by hail shall be paid.

Also,

Senate Bill No. 112.

A bill for an act amending Section 1064 of the Revised Codes of North Dakota for 1905.

Also

Senate Bill No. 148.

A bill for an act to amend Section 12 of Chapter 182, the same being Senate Bill No. 128 of the Session Laws for 1907, relating to the qualifications for registration of pharmacists.

Also

Senate Bill No. 198.

A bill for an act to amend and re-enact Section 7387 of Article 4 of Chapter 27 of the Revised Codes of North Dakota for the year 1905.

Also,

Senate Bill No. 201.

A bill for an act to prohibit certain designated officers from advising, counseling, or suggesting to persons upon whom process is served, the name of attorneys and prescribing a penalty for violation.

Also,

Senate Bill No. 212.

A bill for an act to provide for the refund of any tax upon land which shall have been paid through the error of a county official, or by mistake of the party so paying.

Also,

Senate Bill No. 222.

A bill for an act to amend and re-enact Section 2, Section 16 and Section 24 of Chapter 109 of the Session Laws of the year 1907, of the State of North Dakota, relating to primary election.

Also,

Senate Bill No. 226.

A bill for an act giving the court authority to require the defendant to provide for the temporary support and maintenance of the plaintiff in divorce actions.

Also

Senate Bill No. 236.

A bill for an act to amend and re-enact Section 2240, Article 45, Chapter 24, of the Revised Codes of North Dakota for the year 1905, relating to the duties of county auditors and prescribing how records of fees shall be kept.

Also

Senate Bill No. 242.

A bill for an act prohibiting and punishing the unauthorized publication or distribution of the secret work of fraternal orders, and any publication claimed or represented to be secret work.

Also

Senate Bill No. 243.

A bill for an act to amend Section 2084 of the Revised Codes of North Dakota for 1905, relating to proof of planting trees, under the tree bounty law

Also

Senate Bill No. 246.

A bill for an act to prohibit the carrying and use of firearms by children and minors.

Also

Senate Bill No. 252.

A bill for an act to amend Section 1541 of the Revised Codes of 1905, relating to tax lists made out by county auditors.

Also

Senate Bill No. 5.

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

Also

Senate Bill No. 57.

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.

Also

Senate Bill No. 84.

A concurrent resolution, amending the Constitution of the State of North Dakota, relating to the legislative department and providing for direct legislation, the proposing of constitutional amendments, reference of laws and recall of officers.

Also

Senate Bill No. 97.

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

Also

Senate Bill No. 114.

A bill for an act to enlarge the powers and duties of the board of railroad commissioners, creating a public warehouse fund and making an appropriation.

Also,

Senate Bill No. 128.

A bill for an act regulating marriages and the issuance of marriage licenses, prohibiting marriages in certain cases, providing penalties for the violation of the provisions of this act and repealing all acts or parts of acts in conflict herewith.

Also

Senate Bill No. 132.

A bill for an act appropriating money for the maintenance of the public health laboratory in the medical department of the State University and School of Mines at Grand Forks, and its branches at Bismarck and at Minot, and to repeal Section 1, Chapter 26, Session Laws of 1907.

Also

Senate Bill No. 153.

A concurrent resolution amending the Constitution of the State of North Dakota, providing for the future amendment thereof.

Also,

Senate Bill No. 223.

A bill for an act to amend and re-enact Section 39 and Section 40 of Chapter 109 of the Session Laws of the year 1907, of the State of North Dakota, relating to primary election.

Also,

Senate Bill No. 247.

A concurrent resolution amending Section 185 of the Constitution of the state of North Dakota, relating to state aid in the construction and improvement of public highways:

Also,

Senate Bill No. 269.

A bill for an act creating a reserve at Devils Lake, North Dakota, and providing for the protection of birds and their nests within such reserve.

Also,

Senate Bill No. 275.

A bill for an act authorizing the county commissioners to condemn and purchase right of way for highways whenever the cost of constructing such highway or any part thereof is to be borne by the county.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. McDowell introduced the following concurrent resolution:

WHEREAS, A bill, H. B. No. 29346, known as the Subway Bill, granting pensions to certain enlisted men, soldiers and officers who served in the Civil War and the war with Mexico, has passed the House of Representatives in the Congress of the United States, and is now pending in the Senate;

Therefore, Be it Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

That we heartily approve all of the provisions of said bill, and we hereby respectfully request our senators in Congress to vote for and use every honorable means to secure its passage by the Senate of the United States just it passed the House of Representatives, without alteration or amendment as to benefits provided.

Resolved:

That copies of this resolution, signed by the respective officers of both Houses, be sent to each of the senators and representatives from North Dakota in the Congress of the United States.

Mr. McDowell moved

The adoption of the resolution.

Mr. Overson moved

That it be referred to the committee on military affairs.

Which motion prevailed.

Mr. Overson and Mr. Steele, introduced the following concurrent resolution:

WHEREAS, It has been the custom to appoint separate committees of the several legislative assemblies to visit various state institutions and to report to the said legislative assemblies the needs of such institutions; and

WHEREAS, The time taken to visit such institutions has made necessary an adjournment of the legislative assembly, causing the expenditure of large sums of money unnecessarily, or the absence of many members from their duties in law-making; and

WHEREAS, The appointment of a single committee to visit all of the state institutions would result in a better comparative knowledge of the respective needs of the various state institutions;

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, elected in the year 1910, be appointed by the president of the Senate to visit all of the state institutions between the first day of November, 1912, and the first day of January, 1913, and to make report to the Thirteenth Legislative Assembly the conditions and needs of all of said state institutions.

The members so appointed shall be allowed for their expenses the sum of ten dollars per day for the time actually and necessarily employed in visiting and examining said institutions, and five cents per mile for each mile necessarily traveled in visiting said institutions.

The expenses incurred under this concurrent resolution are hereby authorized and a sufficient amount is hereby appropriated from the general fund of the state for their payment upon the filing of itemized vouchers with the State Auditing Board.

Mr. Talcott moved

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

Which motion prevailed.

FIRST READING OF SENATE BILLS.

Mr. Pierce introduced

Senate Bill No. 333.

A bill for an act to amend Section 4173 of the Revised Codes of 1905.

Which was read the first time.

Mr. Pierce introduced

Senate Bill No. 334.

A bill for an act to amend Chapter 63, Laws of 1909, being Section 4210, Revised Codes of 1905, as amended by said chapter.

Which was read the first time.

Mr. Overson introduced.

Senate Bill No. 335.

A bill for an act to amend and re-enact Section 9557 of the Revised Codes of the state of North Dakota for 1905.

Which was read the first time.

Mr. Overson introduced

Senate Bill No. 336.

A bill for an act to amend and re-enact Section 6187 of the Revised Codes of North Dakota, for 1905.

Which was read the first time.

Mr. Baker introduced

Senate Bill No. 337.

A bill for an act prohibiting trespass on the lands or tenements of another, providing the punishment therefor.

Which was read the first time.

The committee on elections introduced.

Senate Bill No. 338.

A bill for an act providing for the publication of the names of candidates before the primary.

Which was read the first time.

The committee on elections and privileges introduced

Senate Bill No. 339.

A bill for an act to prescribe legal rates for the publication of political announcements.

Which was read the first time.

The committee on elections and privileges introduced

Senate Bill No. 340.

A bill for an act prohibiting the sale or purchase of political support or political editorials and prescribing a penalty therefor.

Which was read the first time.

Mr. Bessesen introduced

Senate Bill No. 341.

A bill for an act to amend Section 4 of Chapter 109 of the Laws of North Dakota for 1907, relating to county and legislative candidates, petition, filing fee and pledge under the primary election law.

Which was read the first time.

Mr. Syvertson introduced

Senate Bill No. 342.

A bill for an act to amend Section 8089 of the Revised Codes of the state of North Dakota for 1905, relating to exempt personal property and the disposition thereof.

Which was read the first time.

Mr. Wallin introduced.

Senate Bill No. 343.

A bill for an act fixing the liability of persons, co-partnerships and corporations engaged in mining, for injury sustained by employes in consequence of the negligence of fellow servant.

Which was read the first time.

Mr. Witcher introduced

Senate Bill No. 344.

A bill for an act relating to mills and millers, providing for tolls for grinding, and prescribing penalties for the violation thereof.

Which was read the first time.

Mr. Davis introduced

Senate Bill No. 345.

A bill for an act amending Section 9646 of the Revised Codes of North Dakota for 1905, and providing for removal of public officers by summary judicial proceedings.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 333.

A bill for an act to amend Section 4173 of the Revised Codes of 1905.

Was read the second time and

Referred to the committee on corporations other than municipal.

Senate Bill No. 334.

A bill for an act to amend Chapter 63, Laws of 1909, being Section 4210, Revised Codes of 1905, as amended by said chapter.

Was read the second time and

Referred to the committee on corporations other than municipal.

Senate Bill No. 335.

A bill for an act to amend and re-enact Section 9557 of the Revised Codes of the state of North Dakota for 1905.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 336.

A bill for an act to amend and re-enact Section 6187 of the Revised Codes of North Dakota, for 1905.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 337.

A bill for an act prohibiting trespass on the lands or tenements of another, providing the punishment therefor.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 338.

A bill for an act providing for the publication of the names of candidates before the primary.

Was read the second time and

Referred to the committee on elections and privileges.

Senate Bill No. 339.

A bill for an act to prescribe legal rates for the publication of political announcements.

Was read the second time and

Referred to the committee on elections and privileges.

Senate Bill No. 340.

A bill for an act prohibiting the sale or purchase of po-Codes of North Dakota for 1905, and providing for removal penalty therefor.

Was read the second time and

Referred to the committee on elections and privileges.

Senate Bill No. 341.

A bill for an act to amend Section 4 of Chapter 109 of the Laws of North Dakota for 1907, relating to county and legislative candidates, petition, filing fee and pledge under the primary election law.

Was read the second time and

Referred to the committee on elections and privileges.

Senate Bill No. 342.

A bill for an act to amend Section 8089 of the Revised Codes of the state of North Dakota for 1905, relating to exempt personal property and the disposition thereof.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 343.

A bill for an act fixing the liability of persons, co-partnerships and corporations engaged in mining, for injury sustained by employes in consequence of the negligence of fellow servant.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 344.

A bill for an act relating to mills and millers, providing for tolls for grinding, and prescribing penalties for the violation thereof.

Was read the second time and

Referred to the committee on agriculture.

Senate Bill No. 345.

A bill for an act amending Section 9646 of the Revised Codes of North Dakota for 1905, and providing for removal of public officers by summary judicial proceedings.

Was read the second time 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 16, 1911.

Mr. President:

I have the honor to transmit herewith

House Bill No. 254.

A bill for an act to amend Section 7894 of the Revised Codes of 1905, relating to who shall act when a county judge is disqualified or absent.

Also,

House Bill No. 225.

A bill for an act to amend and re-enact Section 537 of the Revised Codes of North Dakota for 1905, relating to the bonds of notaries public.

Also,

House Bill No. 165.

A bill for an act to create a bureau of inspection and supervision of public offices, and to establish a uniform

system of public accounting, auditing and reporting, under the administration of the state examiner.

Also

House Bill No. 221.

A bill for an act to amend and re-enact Section 4303 of the Revised Codes of 1905, and repeal Section 4304 of said code.

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

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Senate Bill No. 167.

A bill for an act to provide for the non-forfeiture of premiums on policies of life insurance.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 47 ayes, no nays, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Allen
Baker
Bessesen
Carter
Cashel
Davis
Duis
Duncan
Elken
Ellingson
Ganssle
Garden
Gibbens
Gilbert
Gronvold
Gunderson

Messrs.—

Hookway
Jacobsen
Johnson
Kennedy
Kretschmar
LaMoure
Martin
McDonald
McDowell
McLean
Movius
Overson
Pierce
Plain
Ruzicka
Simpson

Messrs.—

Steel of Stutsman
Steele of Renville
Stevens
Syvertson
Talcott
Thoreson
Trimble
Turner
Wallin
Walton
Welo
Welch
Whitcher
Williams
Young

Messrs. Linde and Putnam being absent and not voting.

So the bill passed and the title was agreed to.

Mr. Simpson moved

That the vote by which Senate Bill No. 167 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,

February 16, 1911.

Mr. President:

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

A Concurrent Resolution providing for a conference committee on House Bill No. 262 and Senate Bill No. 165.

WHEREAS, The House has passed House Bill No. 262, and the Senate has passed Senate Bill No. 165, both bills treating on the same subject; and

WHEREAS, The people of the state of North Dakota expect the present Legislature to enact a law covering the subject matter which these two bills contain;

Be it Therefore Resolved:

That the president of the Senate is hereby authorized 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, for the purpose of considering both bills that one may be reported back for consideration, said committee to report back to their respective bodies not later than Saturday, February 18th.

And the Speaker has appointed as House members of such committee, Messrs. Sorlie, Homnes and Nestos..

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

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Bessesen moved

That the Senate do now concur in the House resolution.

Which motion prevailed.

The president announced the appointment of Messrs. Gilbert, Bessesen and Putnam as Senate members of such committee.

Senate Bill No. 5.

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

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 40 ayes, 5 nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Steele of Renville
Baker	Hookway	Stevens
Bessesen	Kretschmar	Syverson
Carter	Martin	Talcott
Cashel	McDonald	Thoreson
Davis	McDowell	Trimble
Duis	Overson	Turner
Duncan	Pierce	Wallin
Elken	Plain	Walton
Ellingson	Putnam	Welch
Ganssle	Ruzicka	Whitcher
Garden	Simpson	Williams
Gibbins	Steel of Stutsman	Young
Gilbert		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Gunderson	Kennedy	Movius
Jacobsen	McLean	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Linde	Welo
LaMoure		

So the bill passed and the title was agreed to.

Mr. Besesen moved

That the vote by which Senate Bill No. 5 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Messrs. Elken, Jacobsen and Simpson explained their vote.

Senate Bill No. 84.

A concurrent resolution, amending the Constitution of the State of North Dakota, relating to the legislative department and providing for direct legislation, the proposing of constitutional amendments, reference of laws and recall of officers.

Was read the third time.

Mr. Jacobson moved, as an amendment:

That the word "ten" in line 30 of the printed bill, be stricken out and "twenty" inserted in lieu thereof.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were 37 ayes, 7 nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Steel of Stutsman
Baker	Hookway	Steele of Renville
Bessesen	Johnson	Stevens
Carter	Kretschmar	Syvertson
Cashel	McDonald	Thoreson
Davis	McDowell	Trimble
Duis	McLean	Turner
Duncan	Movius	Wallin
Ellingson	Overson	Walton
Ganssle	Plain	Welch
Garden	Putnam	Williams
Gibbens	Simpson	Young
Gilbert		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Elken	Kennedy	Talcott
Gunderson	Martin	Whitcher
Jacobsen		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Pierce	Welo
Linde	Ruzicka	

So the bill passed and the title was agreed to.

Mr. Plain moved

That the vote by which Senate Bill No. 84 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 153.

A concurrent resolution amending the Constitution of the State of North Dakota, providing for the future amendment thereof.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 38 ayes, 6 nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Johnson	Stevens
Bessesen	Kretschmar	Syverson
Carter	McDonald	Talcott
Cashel	McDowell	Thoreson
Davis	Movius	Trimble
Duis	Overson	Turner
Duncan	Pierce	Wallin
Ellingson	Plain	Walton
Ganssle	Putnam	Welo
Gibbens	Ruzicka	Welch
Gilbert	Simpson	Young
Gronvold		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Elken	Kennedy	Whitcher
Gunderson	Steele of Renville	Williams
Garden		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Jacobsen	Linde	McLean
LaMoure	Martin	

So the bill passed and the title was agreed to.

Mr. Bessesen moved

That the vote by which Senate Bill No. 153 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 97.

A bill for an act fixing the salaries and providing for the payment of necessary expenses of the judges of the district courts 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 43 ayes, no nays 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Steele of Reaville
Baker	Kennedy	Stevens
Bessessen	Kretschmar	Syverson
Carter	McDonald	Talcott
Duis	McDowell	Thoreson
Duncan	McLean	Trimble
Elken	Movius	Turner
Ellingson	Overson	Wallin
Ganssle	Pierce	Walton
Gibbens	Plain	Welo
Gilbert	Putnam	Welch
Gronvold	Ruzicka	Whitcher
Gunderson	Simpson	Williams
Hookway	Steel of Stutsman	Young
Jacobson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	Garden	Linde
Davis	LaMoure	Martin

So the bill passed and the title was agreed to.

Mr. Kretschmar moved

That the vote by which Senate Bill No. 97 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Pierce in the chair.

Senate Bill No. 114.

A bill for an act to enlarge the powers and duties of the board of railroad commissioners, creating a public warehouse fund and making an appropriation.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 42 ayes, no nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Steele of Renville
Baker	Gunderson	Stevens
Bessesen	Hookway	Syvvertson
Carter	Jacobsen	Talcott
Cashel	Johnson	Thoreson
Davis	Kenned	Trimble
Duis	Kretschmar	Turner
Duncan	McLean	Wallin
Elken	Movius	Walton
Ellingson	Pierce	Welo
Ganssle	Plain	Welch
Garden	Putnam	Whitcher
Gibbens	Simpson	Williams
Gilbert	Steel o. Stutsman	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	McDonald	Overson
Linde	McDowell	Ruzicka
Martin		

So the bill passed and the title was agreed to.

Mr. Davis moved

That the vote by which Senate Bill No. 114 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 128.

A bill for an act regulating marriages and the issuance of marriage licenses, prohibiting marriages in certain cases, providing penalties for the violation of the provisions of this act and repealing all acts or parts of acts in conflict herewith.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steele of Renville
Baker	Jacobsen	Stevens
Bessesen	Johnson	Syverson
Carter	Kennedy	Talcott
Cashel	Kretschmar	Thoreson
Davis	McDonald	Trimble
Duis	McDowell	Turner
Duncan	McLean	Wallin
Ellingson	Movius	Walton
Ganssle	Overson	Welo
Garden	Pierce	Welch
Gibbens	Plain	Whitcher
Gilbert	Putnam	Williams
Gronvold	Ruzicka	Young
Gunderson	Steel of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Elken	Linde	Simpson
LaMoure	Martin	

So the bill passed and the title was agreed to.

Senate Bill No. 132.

A bill for an act appropriating money for the maintenance of the public health laboratory in the medical department of the State University and School of Mines at Grand Forks, and its branches at Bismarck and at Minot, and to repeal Section 1, Chapter 26, 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 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steel of Stutsman
Baker	Hookway	Steele of Renville
Bessesen	Jacobsen	Stevens
Carter	Johnson	Syverson
Cashel	Kennedy	Talcott
Davis	Kretschmar	Thoreson
Duis	McDonald	Trimble
Duncan	McDowell	Turner
Elken	McLean	Wallin
Ellingson	Movius	Walton
Ganssle	Overson	Welo
Garden	Pierce	Welch

Messrs.—	Messrs.—	Messrs.—
Gibbens	Plain	Williams
Gilbert	Putnam	Whitcher
Gronvold	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoore	Martin	Simpson
Linde		

So the bill passed and the title was agreed to.

Senate Bill No. 223.

A bill for an act to amend and re-enact Section 39 and Section 40 of Chapter 109 of the Session Laws of the year 1907, of the State of North Dakota, relating to primary election.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Simpson
Baker	Hookway	Steel of Stutsman
Bessesen	Jacobsen	Steele of Renville
Carter	Johnson	Stevens
Cashel	Kennedy	Syvertson
Davis	Martin	Talcott
Duis	McDonald	Thoreson
Duncan	McDowell	Turner
Elken	McLean	Walton
Ellingson	Movius	Welo
Ganssle	Overson	Welch
Garden	Pierce	Whitcher
Gibbens	Plain	Williams
Gilbert	Ruzicka	Young
Gronvold		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kretschmar	Linde	Trimble
LaMoore	Putnam	Wallin

So the bill passed and the title was agreed to.

Mr. Steele moved

That Senate Bill No. 222 be now placed on its third reading and final passage.

Which motion prevailed.

The President in the chair.

Senate Bill No. 222.

A bill for an act to amend and re-enact Section 2, Section 16 and Section 24 of Chapter 109 of the Session Laws of the year 1907, of the State of North Dakota, relating to primary election.

Was read the third time.

Mr. Gunderson moved, as an amendment:

That the word "July" in line 5, page 1 of printed bill, be changed to "June."

Which motion was lost.

Mr. Gunderson moved

That the bill be indefinitely postponed.

Mr. Steele moved

That the bill be re-referred to the committee on elections and privileges.

Which motion prevailed.

Senate Bill No. 247.

A concurrent resolution amending Section 185 of the Constitution of the state of North Dakota, relating to state aid in the construction and improvement of public highways.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 43 ayes, 2 nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Allen
Baker
Bessesen
Carter
Cashel
Davis
Duis
Gunderson

Messrs.—

Hookway
Jacobsen
Johnson
Kretschmar
Martin
McDonald
McDowell

Messrs.—

Steel of Stutsman
Steele of Renville
Stevens
Syvertson
Talcott
Thoreson
Trimble

Messrs.—
 Duncan
 Elken
 Ellingson
 Ganssle
 Garden
 Gilbert
 Gronvold

Messrs.—
 Movius
 Overson
 Pierce
 Plain
 Putnam
 Ruzicka
 Simpson

Messrs.—
 Turner
 Wallin
 Welo
 Welch
 Whitcher
 Williams
 Young

Absent and not voting:

Messrs.—
 LaMoure
 Linde

Messrs.—
 McLEAR

Messrs.—
 Walton

Messrs. Gibbens and Kennedy voted in the negative.

So the bill passed and the title was agreed to.

Mr. Welo moved

That the vote by which Senate Bill No. 247 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Gibbens moved

That House Bill No. 1 be now placed on its third reading and final passage.

Which motion prevailed.

MESSAGE FROM THE GOVERNOR.

The following communication was received from the Governor:

GOVERNOR'S OFFICE,
 BISMARCK, NORTH DAKOTA.

February 16, 1911.

To the Senate:

I have the honor to inform you that I have this day approved and filed with the Secretary of State:

Senate Bill No. 16.

A bill for an act creating and defining the Eleventh judicial district, within the State of North Dakota, providing for

the appointment and election of a judge therein and fixing the boundaries thereof, and fixing the terms of court therein.

Very respectfully,

JOHN BURKE,
Governor.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 239.

A bill for an act to amend Section 10433 of the Revised Codes of the State of North Dakota, for the year 1905, relating to the commitment of prisoners to jail from counties having no jail.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 262.

A bill for an act to prohibit public officers from asking, accepting or using a free pass, frank or privilege withheld from any other person for the traveling accommodation or transportation of any person or property, or the transmission of any message or communication.

Was read the first and second times and

Referred to the conference committee.

House Bill No. 254.

A bill for an act to amend Section 7894 of the Revised Codes of 1905, relating to who shall act when a county judge is disqualified or absent.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 165.

A bill for an act to create a bureau of inspection and supervision of public offices, and to establish a uniform system of public accounting, auditing and reporting, under the administration of the state examiner.

Was read the first and second times and

Referred to the committee on ways and means.

House Bill No. 221.

A bill for an act to amend and re-enact Section 4303 of the Revised Codes of 1905, and repeal Section 4304 of said code.

Was read the first and second times and

Referred to the committee on railroads.

House Bill No. 225.

A bill for an act to amend and re-enact Section 537 of the Revised Codes of North Dakota for 1905, relating to the bonds of notaries public.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 50.

A bill for an act entitled, an act to provide for the determination of heirship and the share of such heirs respectively in the 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. 120.

A bill for an act requiring railroad companies to stop all regular passenger trains at county seats.

Was read the first and second times, and

Referred to the committee on railroads.

House Bill No. 124.

A bill for an act relating to the construction of public buildings, prescribing the duties of boards of trustees thereof in the matter of securing plans and specifications, advertising for bids, letting contracts, allowance and payment of estimates, payment of premiums on contractor's bonds, and insurance on unfinished buildings and material on the ground, and protecting architects, contractors, manufacturers and producers resident within the state of North Dakota.

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

House Bill No. 151.

A bill for an act to amend Section 2437 of the Revised Codes of North Dakota for 1905,, relating to proposals and acceptance of bonds of county depositaries.

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

House Bill No. 197.

A bill for an act to provide information to the resident tax payers of the state in respect to the various publications which are published for free distribution by the agricultural college and prescribing the duties of the agricultural college and of the county auditors in relation thereto.

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

House Bill No. 206.

A bill for an act establishing a Missouri Slope agricultural fair at Mandan and making appropriation therefor.

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

Mr. Talcott moved

That House Bill No. 173 be placed on its third reading and final passage.

Which motion prevailed.

House Bill No. 1.

A joint resolution ratifying the sixteenth amendment to the constitution of the United States.

Was read the third time.

Mr. Pierce moved that the bill be amended as follows:

In line 20 of the printed bill, strike out the words "The Senate and the House of Representatives," and in line 21, strike out the words "Senators" and by inserting in lieu thereof the words "Legislative Assembly."

Which motion prevailed.

The question being on the final passage of the bill.

The roll was called and there were 45 ayes, 1 nay, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steel of Stutsman
Baker	Hookway	Steele of Renville
Bessesen	Jacobsen	Stevens
Carter	Johnson	Syvertson
Cashel	Kennedy	Talcott
Davis	Kretschmar	Thoreson
Duis	McDowell	Trimble
Duncan	McLean	Turner
Elken	Movius	Wallin
Ellingson	Overson	Walton
Ganssle	Pierce	Welo
Garden	Plain	Welch
Gibbens	Putnam	Whitcher
Gilbert	Ruzicka	Williams
Gronvold	Simpson	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Linde	McDonald

Mr. Martin voted in the negative.

So the bill passed and the title was agreed to.

House Bill No. 173.

A bill for an act to amend and re-enact Section 4201 of the Civil Code of the Revised Codes of North Dakota of 1905, relating to by-laws of private corporations.

Was read the third time.

Mr. Talcott moved, as an amendment:

In page 2, line 20, strike out the last word, all of line 21 and the first word in line 22, and insert the words "articles of incorporation," also in line 24, strike out the word "by law" and insert "articles of incorporation."

Which motion prevailed.

Mr. Wallin offered the following in explanation of his vote:

Mr. President: The chief object of this bill is to allow any corporation that is or may hereafter be organized to adopt the so-called unit vote,

which means that no stockholder of a corporation organized under this system shall have but one vote, regardless of the amount of stock he holds.

There are a large number of small corporation of this state, such as farmers' elevators and creameries, that have already organized under this plan for the reason that they have found this to be the best, and it also proves that there is a demand for a law like this.

I think we should recognize the demands of the people to some extent at least, and there certainly is a demand for this law. There is nothing compulsory about this bill. It does not prevent anyone from incorporating under the law as it now stands, and it does not compel anyone to organize under this bill. The whole thing is merely a matter of choice.

Now, I cannot understand why you cannot grant this little request of the small corporations, which consist largely of farmers, and who have organized for self protection and think the unit vote plan to be the best with which to carry on their work, and which plan they will work under whether this bill passes or not; but why not pass this bill and let us be in harmony with the law?

I understand even the state of New York has such law, and if that old conservative state has seen fit to place such law upon its statute books, it seems to me that the progressive state of North Dakota should not be afraid to pass this bill.

I hope the bill will pass.

The question being on the final passage of the bill.

The roll was called and there were 39 ayes, 2 nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Simpson
Baker	Jacobsen	Steel or Stutsman
Bessesen	Kennedy	Stevens
Cashel	Kretschmar	Syvertson
Davis	Martin	Talcott
Duis	McDonald	Thoreson
Duncan	McDowell	Wallin
Elken	McLean	Walton
Ganssle	Overson	Welo
Garden	Pierce	Welch
Gibbens	Plain	Whitcher
Gilbert	Putnam	Williams
Gronvold	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ellingson	LaMoure	Trimble
Hookway	Linde	Turrer
Johnson	Steele of Renville	

Messrs. Carter and Movius voted in the negative.

So the bill was passed and the title was agreed to.

Mr. Talcott moved

That the vote by which Senate Bill No. 173 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The courtesies of the floor were extended to the following:

F. Enger of Hatten.

H. G. Perske of Goodrich.

Fred Traynor, Devils Lake.

Angus Hanson of Fargo.

H. O. Pearce, R. E. Trousdale, F. W. Senkteel, all of Minot.

C. W. Hersteen of New England.

J. P. Smith of Beach.

J. R. Getchell of Valley City.

C. D. Ford of Wolford.

John Swenson of Mohall.

Judge P. S. Crewe, Mohall.

Wm. Baxter.

Prof. L. R. Waldron of Dickinson.

E. F. Volkman and Chas. Buttz of Fessenden.

Henry Hancock of Grand Forks.

H. J. Helen of Minneapolis.

Dr. S. S. Hestgate, Henry Barry and F. J. Bonesho of Mott.

Geo. D. Kelley of Lakota.

R. N. Norton of Lidgerwood.

Wm. Dunnell of Minot.

John J. Sampson of Lakota.

Mr. Steele moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,
Secretary.

FORTY-SIXTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

February 17, 1911.

The senate convened at 2 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 of the 45th day, have carefully examined the same and recommend that the same be corrected as follows:

Line 13 from the bottom of page 9, strike out the word "life" and insert in lieu thereof the word "fire."

Below line 6, page 28, insert the words "Mr. President."

Line 26, page 36, "42" be changed to "43," and in the same line "5" be changed to "4."

Page 36, in the list of those who voted in the affirmative on Senate Bill No. 247, following the name "Kretschmar" insert the name "Martin."

Page 37, in the list of those absent and not voting on Senate Bill No. 247, strike out the name "Martin."

Page 41, line 27, change "Senate Bill No. 173" to "House Bill No. 173." Also strike out the title following and substitute therefor the title of House Bill No. 173.

And when so amended recommend that the same be approved.

J. E. STEVENS,
Chairman.

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

REPORTS OF STANDING COMMITTEES.

The committee on military affairs made the following report:

Mr. President:

Your committee on military affairs to whom was referred

Concurrent resolution by Mr. McDowell, in regard to H. R. No. 29346, known as the Sulloway bill, granting pensions to certain enlisted men, soldiers and officers who served in the Civil war and the war with Mexico, has passed the House of Representatives in the Congress of the United States, and is now pending in the Senate.

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

F. A. BAKER,
Chairman.

Mr. Baker moved
That the report be adopted.
Which motion prevailed, and
The report was adopted, and the resolution 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. 151.

A bill for an act to amend Section 2437 of the Revised Codes of North Dakota for 1905,, relating to proposals and acceptance of bonds of county depositaries.

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 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 and re-enact Section 4303 of the Revised Codes of 1905, and repeal Section 4304 of said code.

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 was adopted.

Also

Mr. President:

Your committee on railroads to whom was referred

House Bill No. 120.

A bill for an act requiring railroad companies to stop all regular passenger trains at county seats.

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

E. F. GILBERT,
Chairman.

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

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 17, 1911.

Mr. President:

I have the honor to transmit herewith
House Bill No. 125.

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 drainage board, and fixing the compensation of drain commissioners.

Also,

House Bill No. 196.

A bill for an act to amend Section 2972 of the Political Code of the Revised Codes of North Dakota of 1905.

Also,

House Bill No. 297.

A bill for an act to amend Section 1168 of the Revised Codes of 1905, as amended by Section 3 of Chapter 237 of the Session Laws of 1907.

Also,

House Bill No. 207.

A bill for an act to regulate the sale of nursery stock to provide for a nursery inspector.

Also,

House Bill No. 264.

A bill for an act to amend Section 4112 of the Revised Codes of 1905, relating to the adoption of minor children.

Also

House Bill No. 260.

A bill for an act to amend Section 12, Chapter 109, of the laws of 1907, entitled, an act providing for the selection of candidates for election by popular vote, and relating to their nomination and perpetuation of political parties, and relating particularly to percentage of votes required to nominate candidates.

Also,

House Bill No. 249.

A bill for an act prohibiting drinking intoxicating liquors on railroad trains in North Dakota, prescribing penalty for violation thereof and prescribing duties of peace officers.

Also,

House Bill No. 328.

A bill for an act prohibiting the keeping open, or the running or permitting of running of any theatre, show, moving picture show, or theatrical performance, upon the first day of the week, commonly called the Sabbath, and providing a penalty for violations of the same.

Also,

House Bill No. 270.

A bill for an act to amend Article 4 of Chapter 30 of the Political Code of North Dakota, being Section 2678 of the Revised Codes of North Dakota of 1905, relating to powers of city councils.

Also,

House Bill No. 212.

A concurrent resolution proposing an amendment to the Constitution of the State of North Dakota, providing for

the sale of the school and public lands and reserving to the state the coal in them.

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

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

REPORTS OF STANDING COMMITTEES.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred
House Bill No. 181.

A bill for an act entitled, an act to amend Section 2 of Chapter 204 of the laws of 1909, entitled, "An act to amend Sections 811, 829, 882 and 883 of the Revised Codes 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 was adopted.

The committee on elections and privileges made the following report:

Mr. President:

A majority of your committee on elections and privileges to whom was referred

Senate Bill No. 222.

A bill for an act to amend and re-enact Section 2, Section 16 and Section 24 of Chapter 109 of the Session Laws of the year 1907, of the State of North Dakota, relating to primary election.

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

In line 5 of the printed bill, strike out the word "August" and insert "July."

In line 24 of printed bill, strike out the word "June" and insert "May."

In line 25, printed bill, strike out "July" and insert "June."

In line 28 of the printed bill, strike out "March" and insert "June."

In line 36, printed bill, strike out "second" and insert "third."

In line 37, printed bill, strike out "September" and insert "August."

And when so amended recommend the same do pass.

H. J. BESSESEN,
Chairman.

Mr. Steele moved

That the majority report be adopted.

Which motion prevailed, and

The report was adopted.

Also,

Mr. President:

A minority of your committee on elections and privileges to whom was referred

Senate Bill No. 222.

A bill for an act to amend and re-enact Section 2, Section 16 and Section 24 of Chapter 109 of the Session Laws of the year 1907, of the State of North Dakota, relating to primary election.

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

GEO. A. WELCH,
JEROME RUZICKA,
F. T. GRONVOLD,

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred

Senate Bill No. 164.

A bill for an act requiring life insurance companies transacting business in this state to invest in this state a percentage of the premiums collected on policies written on

the lives of citizens of this state, and providing a penalty for the violation thereof.

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

In section 1, line 3 of the printed bill, after the word "fraternal" strike out the comma and insert the following, "and straight life not having the investment principle as a part of the contract."

In section 2, line 9 of the printed bill, after the word, "estate" insert the following, "and loans on its policies in force in the state of North Dakota." In same line of printed bill, strike out "65" and insert "50."

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 was adopted.

Also,

Mr. President:

Your committee on insurance to whom was referred

Senate Bill No. 18.

A bill for the regulation and control of fraternal benefit societies.

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

On page 3, section 5, line 17 of the printed bill, after the word "issued," insert the words "or limited payment certificates to become fully paid up within a designated number of years less than whole life."

On page 4, section 6, in line 2 of printed bill, after the word "husband" insert the words "affianced wife and affianced husband."

On page 7, line 13 of the printed bill, add the letter "d" to the word "state," making it read "stated periodical contributions."

On page 10, line 33 of the printed bill, add the letter "s" to the word "purpose."

On page 13, section 12, line 105 of the printed bill, after the word "readjusting," change the word "to" to "of," making it read "readjusting of the rate."

On page 14, section 14, in line 8 of the printed bill, after the words "certificate of such officers," add the words "duly verified under oath of said officers."

On page 15, section 15, line 1, change the word "not" to "now," making it read "now authorized." Line 11 of the same section and page, add the letter "e" to the word "license."

On page 16, section 16, in line 19 of printed bill, strike out the word "superintendent" and insert the word "commissioner."

On page 22, section 23, in line 42 of the printed bill, strike out the word "less" and insert the word "more."

On page 25, section 24, line 11, after the word "examination" insert the words "not to exceed \$100.00 for each examination."

On page 28, section 26, in line 20 of the printed bill, after the word "relating" insert the word "to."

On page 30, section 29, line 10 of the printed bill, strike out the word "not" and insert in lieu thereof the word "nor."

Line 14, same page and section, strike out the word "not" and insert in lieu thereof the word "nor."

On page 33, section 31, line 27 of the printed bill, after the words "two hundred dollars" insert the words "or by imprisonment in the county jail for not less than thirty days nor more than one year, or by both such fine and imprisonment in the discretion of the court." Same page and section, in line 32, after the word "conviction" insert the following, "he subject to the penalty provided in this section for the misdemeanor herein specified."

On page 18, section 17, line 19 of the printed bill, strike out all after the word "society" down to and including the word "society" in line 23.

On page 6, section 8, line 8, after the word "member" insert the following words: "but no certificate shall contain any provision relating to a suicide clause, which makes suicide a defense after the certificate has been in force one full year."

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 was adopted.

The committee on agriculture made the following report:

Mr. President:

Your committee on agriculture to whom was referred
Senate Bill No. 258.

A bill for an act to prevent the cropping of farm land to the same kind of grain during successive years.

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

LIVY JOHNSON,
Chairman.

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

The committee on municipal corporations made the following report:

Mr. President:

Your committee on municipal corporations to whom was referred

House Bill No. 133.

A bill for an act to amend Section 2763 of the Revised Codes of the State of North Dakota for the year 1905, providing for the vacation of streets and alleys, establishing the procedure and providing for an appeal.

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 was adopted.

Also,

Mr. President:

Your committee on municipal corporations to whom was referred

Senate Bill No. 143.

A bill for an act to amend and re-enact Section 2763 of the Revised Codes of the State of North Dakota, for the year 1905, relating to vacation of streets and alleys.

Have had the same under consideration and recommend that the same be indefinitely postponed for the reason that an identical bill has been passed in the House and been recommended for passage by this committee.

JAMES KENNEDY,
Chairman.

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

Also

Mr. President:

Your committee on municipal corporations to whom was referred

Senate Bill No. 265.

A bill for an act to amend Sections 2772, 2775, 2776, 2777, 2786, Revised Codes of 1905, relating to the creation of improvement districts and the purposes for which special assessments may be levied in this state.

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 was adopted.

Also

Mr. President:

Your committee on municipal corporations to whom was referred

Senate Bill No. 204.

A bill for an act to authorize boards of trustees of incorporated villages to regulate and license liveries, dray and express lines, and other vehicles used for the carrying of passengers, messages, or property for hire.

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 was adopted.

Also

Mr. President:

Your committee on municipal corporations to whom was referred

Senate Bill No. 26.

A bill for an act entitled, an act to amend Section 2783, of the Revised Codes of the state of North Dakota, of 1905, 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 report was adopted.

The committee on immigration made the following report:

Mr. President:

Your committee on immigration to whom was referred

Senate Bill No. 283.

A bill for an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

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

A. L. MARTIN,
Chairman.

Mr. Martin 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. 257.

A bill for an act entitled, an act regulating the erection of telegraph, telephone, electric light, power and other poles carrying wires conveying electricity in incorporated cities.

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

Substitute the following bill for the original bill:

Senate Bill No. 257.

Committee on State Affairs introduced the following bill:

A BILL

For an Act to Amend Chapter 212 of the Session Laws of 1907, Relating to Urban Electric Railways.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. (Granted Right of Condemnation.) That Section 1 of Chapter 212 of the Session Laws of 1907 be re-enacted and amended to read as follows:

Section 1. Urban electric railways are hereby specifically granted and given the same rights, privileges and powers granted and given to steam railways in this state, including the right of organization and of condemnation of real property for right of way; provided, that when they shall exercise the right of eminent domain they shall become subject to the laws, rules and regulations governing other public corporations having the right of eminent domain; provided further, that no person, firm or corporation shall hereafter construct any electric railway on any street of any city that is now or hereafter may be incorporated under the general laws of this state, without first securing and filing in the office of the city auditor of such city the consent in writing of the owners of at least one-half of the property abutting on both sides of such street for the full length of such proposed construction.

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 102.

A concurrent resolution amending the Constitution of the State of North Dakota, establishing and locating a state

agricultural college at the city of Beach, county of Billings.

Have had the same under consideration and recommend that the same be re-referred to the committee on state affairs.

H. H. STEELE,
Chairman.

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

Also.

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 23.

A concurrent resolution amending the constitution of the state of North Dakota, relating to uniformity of taxation and permitting the classification of property for the purpose of taxation and relating further to the assessment and taxation of certain public utility companies.

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

In line 1 of printed bill, after figures "179" insert "as amended by Article 4 of the Constitution of North Dakota." Also in next paragraph, line 3, after the word "property" insert "including franchises." On page 2 in line 1, after figures "179" insert "as amended by Article 4 of the Constitution of North Dakota." In line 10, on page 3, after "by" insert "such state board or commission as may be provided by law," and strike out "the state tax commission in a manner prescribed by law." Also strike out "article" in line 16, of page 3, and "four (4) of the amendments to the Constitution is hereby repealed," in line 17.

And when so amended recommend the same do pass.

H. H. STEELE,
Chairman.

Mr. Gunderson moved

That the report on House Bill No. 23, 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 House Bill No. 79.

A bill for an act to amend and re-enact Chapter 217 of the Laws of 1909, being an act to provide for a greater publicity of the finances of the state.

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

J. E. DAVIS,
Chairman.

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

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 17, 1911.

Mr. President:

I have the honor to inform you that the House has concurred in the concurrent resolution relating to the Sulloway Bill.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

The committee on public health made the following report:

Mr. President:

A majority of your committee on public health to whom was referred

House Bill No. 100.

A bill for an act to regulate the practice of medicine and surgery in the State of North Dakota.

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

F. T. GRONVOLD,
Chairman.

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

Mr. President:

A minority of your committee on public health to whom was referred

House Bill No. 100.

A bill for an act to regulate the practice of medicine and surgery in the State of North Dakota.

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

In section 6, line 5, after the word "beings" insert the following words: "by the use of drugs, medicines or surgery."

Also in line 7, section 6, after the word "ailment" insert the following words: "by the use of drugs, medicines or surgery."

Also in line 10, section 6, after the word "mind" insert the following words: "by the use of drugs, medicines or surgery."

Also in line 13, section 6, after the word "beings" insert the following words: "by the use of drugs, medicines or surgery."

Also in line 20, section 6, after the word "of" insert the word "naturo-pathy."

And when so amended recommend the same do pass.

A. S. GIBBENS,
F. M. WALTON,
S. N. PUTNAM,
JEROME RUZICKA.

The committee on counties and county boundaries made the following report:

Mr. President:

Your committee on counties and county boundaries to whom was referred

Senate Bill No. 282.

A bill for an act to amend and re-enact Section 2563 of the Revised Codes of the state of North Dakota for the year 1905, relating to the power of counties to issue bonds for the purpose of purchasing sites and constructing county buildings.

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

H. J. LINDE,
Chairman.

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

Also,

Mr. President:

Your committee on counties and county boundaries to whom was referred

Senate Bill No. 228.

A bill for an act to amend and re-enact Section 1599 of the Revised Codes of 1905, relating to the platting of irregular tracts of land.

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

H. J. LINDE,
Chairman.

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

The committee on public printing made the following report:

Mr. President:

A minority of your committee on public printing to whom was referred

House Bill No. 76.

A bill for an act in relation to the legal rates for the publication of legal notices, reports and proceedings, and to

amend Section 2432 of the Revised Codes of 1905, relating to the publication of the proceedings of boards of county commissioners, and the legal rates therefor.

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

JAMES DUNCAN,
JAMES TURNER,
F. M. WALTON,
H. W. ALLEN.

Mr. President:

A. majority of your committee on public printing to whom was referred

House Bill No. 76.

A bill for an act in relation to the legal rates for the publication of legal notices, reports and proceedings, and to amend Section 2432 of the Revised Codes of 1905, relating to the publication of the proceedings of boards of county commissioners, and the legal rates therefor.

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

In line 5, section 1 of House Bill No. 76, strike out the words "three newspapers" and insert in lieu thereof "one or more newspapers." Also in same line, strike out the words "in case."

Also strike out all of lines 6 and 7, except "a full."

In line 11, same section, before the word "seven" insert "not to exceed."

In line 13, before the word "five" strike out the word "or" and insert the words "not to exceed."

In line 15, after the word "insertion" add the following: "and in case three or more newspapers publish said proceedings, the total amount allowed for such publication shall not exceed three times the maximum amount allowed for publication by one such newspaper."

In line 23, after the word "designated" strike out the remainder of said line.

Also strike out all of lines 24 and 25 and the word "papers" in line 26.

And when so amended recommend the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Allen moved

That the minority report be adopted.

Mr. Overson moved
That the bill go over one day.
Which motion was lost.

The question being on the original motion,

The motion prevailed, and

The minority report was adopted.

Mr. Linde moved that the rules be suspended, and that House Bill No. 76 be placed upon its third reading and final passage.

Which motion prevailed.

The committee on Indian affairs made the following report:

Mr. President:

Your committee on Indian affairs to whom was referred a concurrent resolution referring to medals for Indian survivors,

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

G. S. TRIMBLE,
Chairman.

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

House Bill No. 76.

A bill for an act in relation to the legal rates for the publication of legal notices, reports and proceedings, and to amend Section 2432 of the Revised Codes of 1905, relating to the publication of the proceedings of boards of county commissioners, and the legal rates therefor.

Was read the third time.

Mr. Duis moved, as an amendment:

That in line 5, after the word "newspaper" add: "not more than two of which shall be of the same political faith, and which have been known to be of opposite political faith for at least one year preceding such selection."

Which motion was lost.

Mr. Elken moved, as an amendment:

That in line 11, after the word "publication" add the words "not to exceed."

Which motion was lost.

Mr. Davis moved

That Mr. Black of Grand Forks, be asked to address the senators on the subject of this bill.

Which motion prevailed.

Mr. Black addressed the Senate.

Mr. Linde moved

That the previous question be now put.

Which motion prevailed.

The question being on the final passage of the bill.

The roll was called and there were 38 ayes, 10 nays, 1 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Ruzicka
Baker	Johnson	Simpson
Carter	Kennedy	Stevens
Cashel	Linde	Syvertson
Davis	Martin	Talcott
Duncan	McDonald	Thoreson
Ellingson	McDowell	Turner
Ganssle	McLean	Walton
Garden	Movius	Welo
Gilbert	Overson	Welch
Gronvold	Pierce	Williams
Gunderson	Plain	Young
Hookway	Putnam	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Duis	LaMoure	Trimble
Elken	Steel of Stutsman	Wallin
Gibbens	Steele of Renville	Whitcher
Kretschmar		

Mr. Bessesen was absent and not voting.

So the bill passed and the title was agreed to.

Mr. Martin moved

That the vote by which House Bill No. 76 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Elken explained his vote stating:

I vote "No" because I think the right should be left the county commissioners to make the best contract they can.

MOTIONS AND RESOLUTIONS.

Mr. Trimble moved

That Senate Bill No. 164, as amended, be reprinted.

Which motion prevailed.

Mr. Steele explained his vote, stating:

I vote "No" because I believe the law is mandatory and compels the county commissioners to pay the amount stated in the bill."

Mr. Overson explained his vote.

FIRST READING OF SENATE BILLS.

Mr. Gunderson introduced

Senate Bill No. 346.

A bill for an act to create a commission for the purpose of inquiring into the present system of assessing and collecting taxes; and to make a report thereof, and to make recommendations according to its findings and conclusions, to the Thirteenth legislative assembly.

Which was read the first time.

Mr. Kennedy introduced

Senate Bill No. 347.

A bill for an act making an appropriation for the enforcement of the feeding stuffs, fertilizer, beverage and sanitary inspection laws, and for the making of such investigations as are deemed necessary for the purpose of gaining information, under the laws mentioned, and for the dissemination of information.

Which was read the first time.

Mr. Kennedy introduced

Senate Bill No. 348.

A bill for an act providing for the payment of fees collected by the North Dakota government agricultural experiment station into the state treasury.

Which was read the first time.

Mr. Putnam introduced

Senate Bill No. 349.

A bill for an act defining boundaries of the Fifth judicial district, fixing the terms of court therein, and validating certain judgments.

Which was read the first time.

Mr. Putnam introduced

Senate Bill No. 350.

A bill for an act creating the Thirteenth judicial district of the state of North Dakota, defining the boundaries thereof, providing for the appointment and election of a judge, and fixing the terms of court therein.

Which was read the first time.

Mr. Bessesen introduced

Senate Bill No. 351.

A bill for an act to provide for party registration of electors desiring to vote at the primary election in this state.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 346.

A bill for an act to create a commission for the purpose of inquiring into the present system of assessing and collecting taxes; and to make a report thereof, and to make recommendations according to its findings and conclusions, to the Thirteenth legislative assembly.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 347.

A bill for an act making an appropriation for the enforcement of the feeding stuffs, fertilizer, beverage and sanitary inspection laws, and for the making of such investigations as are deemed necessary for the purpose of gaining information, under the laws mentioned, and for the dissemination of information.

Was read the second time and

Referred to the committee on appropriatons.

Senate Bill No. 348.

A bill for an act providing for the payment of fees collected by the North Dakota government agricultural experiment station into the state treasury.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 349.

A bill for an act defining boundaries of the Fifth judicial district, fixing the terms of court therein, and validating certain judgments.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 350.

A bill for an act creating the Thirteenth judicial district of the state of North Dakota, defining the boundaries thereof, providing for the appointment and election of a judge, and fixing the terms of court therein.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 351.

A bill for an act to provide for party registration of electors desiring to vote at the primary election in this state.

Was read the second time and

Referred to the committee on elections and privileges.

Mr. Martin introduced the following concurrent resolution:

WHEREAS, A commission appointed by President Taft has negotiated with a like commission from Canada a treaty of reciprocity between the United States of North America and the Dominion of Canada; and

WHEREAS, Said reciprocity treaty has the approval and support of the President of the United States; and

WHEREAS, Said reciprocity treaty has passed the House of Representatives of the Congress of the United States; and

WHEREAS, Said reciprocity treaty is now pending in the Senate for its passage and approval; and

WHEREAS, It is the belief of this Legislative Assembly that the enactment of such reciprocity treaty into law would remove the tariff on all grain raised in Canada and permit the same to be imported into this country free of duty, which would work an irreparable injury to the state of North Dakota, and especially to the agricultural communities in said state, and would retard immigration and development in this state and have a tendency to reduce the values of land and real estate; and

WHEREAS, We object to the proposed Canadian tariff reciprocity treaty because it gives us no assurances that it will be reasonable, or that it will not be burdensome; and

WHEREAS, We believe that a proper reciprocity treaty with Canada can be made, but that no such treaty should be made until a complete and detailed report upon the working of such tariff is made by a tariff commission and until the said tariff commission has set forth its report with facts and statistics, giving the reason for the adoption of each schedule of the said reciprocity treaty; and

WHEREAS, We believe that Congress should refer the said reciprocity treaty for investigation to the tariff commission, with recommendations that it report promptly thereon with clear and full statements of the actual working of said treaty, schedule by schedule, in order that the people of this country may get full and satisfactory information, in order to act intelligently and wisely upon the matter of its adoption; and

WHEREAS, It is the belief of this Legislative Assembly that a vast majority of the people of the state of North Dakota are opposed to such measure;

Therefore, Be it Resolved by the Senate of the Twelfth 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 use all honorable means within their power to prevent the passage of said reciprocity treaty and its enactment into law.

Resolved, Further:

That copies of this resolution, duly signed by the respective officers of both Houses, be sent to the President of the United States and to each of said senators and representatives in Congress.

Mr. Martin moved

The adoption of the resolution.

Mr. Williams moved

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

Which motion was lost.
 The question being on the original motion.
 The motion to adopt the resolution prevailed, and
 The resolution was adopted.

Senate Bill No. 14.

A bill for an act to provide a refuge or breeding ground
 for certain game birds and to protect the same.
 Was read the third time.

Mr. Hookway moved

That the bill be indefinitely postponed.

Mr. McLean moved, as an amendment:

That in line 8, section 1, the word "two" be substituted for the word
 "five."

Which motion prevailed, and

The amendment was adopted.

The question being upon the original motion.

The motion was lost.

The question being on the final passage of the bill.

Th roll was called and there were 31 ayes, 14 nays, 4
 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Ruzicka
Baker	Jacobsen	Stevens
Carter	Kennedy	Syvertson
Cashel	LaMoure	Talcott
Duis	Martin	Thoreson
Elken	McLean	Trimble
Ellingson	Movius	Turner
Ganssle	Overson	Walton
Gibbens	Pierce	Welo
Gilbert	Plain	Young
Gronvold		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Linde	Wallin
Davis	McDonald	Welch
Garden	McDowell	Whitcher
Hookway	Putnam	Williams
Johnson	Steel of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duncan	Simpson	Steele of Renville
Kretschmar		

So the bill passed and the title was agreed to.

Mr. Pierce moved

That the vote by which Senate Bill No. 14 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Bessesen moved

That the rules be suspended and Senate Bill No. 31 be considered re-engrossed, and placed upon its third reading and final passage.

Which motion prevailed.

Mr. Bessesen in the chair.

Mr. Talcott moved a call of the Senate.

Mr. Plain moved

That further proceedings under the call be dispensed with.

Which motion prevailed.

Senate Bill No. 31.

A bill for an act defining and limiting the legal expenses of candidates for nomination and for election to any elective office in the state, and making the violation thereof unlawful, and prescribing penalties therefor.

Was read the third time.

Mr. Bessesen moved, as amendment, the following:

In line 12 of section 5, after "voter" add: "whose address is sent him by the respective county officers, or."

In line 2 of section 5, after word "voter" add: "in his county, or in case of registration of each voter."

In line 5 of section 5, after "voter" add: "in his county, or in case of registration of each voter."

Which motion prevailed, and

The amendment was adopted.

Mr. Hookway moved

That consideration of the bill be made a special order for 3 o'clock tomorrow.

Which motion was lost.

Mr. Plain moved a call of the Senate.

Mr. Plain moved

That further proceedings under the call be dispensed with.

Which motion prevailed.

Mr. Stevens moved as an amendment:

That section 34 be stricken out.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were 33 ayes, 15 nays, 1 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gilbert	Steele of Renville
Baker	Gronvold	Syverson
Bessesen	Johnson	Talcott
Cashel	Kretschmar	Thoreson
Davis	McDonald	Turner
Duis	McDowell	Wallin
Duncan	Overson	Walton
Elken	Plain	Welch
Ellingson	Putnam	Whitcher
Garden	Ruzicka	Williams
Gibbens	Steel of Stutsman	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Carter	Kennedy	Movius
Ganssle	LaMoure	Pierce
Gunderson	Linde	Simpson
Hookway	Martin	Stevens
Jacobsen	McLean	Trimble

Mr. Welo was absent and not voting.

So the bill passed and the title was agreed to.

Mr. Duncan moved

That the vote by which Senate Bill No. 31 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Gunderson explained his vote, stating:

I vote "No" for the reason that section 34 was not stricken out.

Mr. Martin explained his vote.

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. 81.

A bill for an act to amend Section 1564 of the Revised Codes, relating to fees of sheriffs for the collection of delinquent personal property taxes.

Also

Senate Bill No. 95.

A bill for an act regulating the conditions and provisions to be contained in policies of health or accident insurance issued in this state.

Also,

Senate Bill No. 129.

A bill for an act concerning insurance contracts and providing that contracts of insurance made by any company belonging to or member of or in any way connected with any tariff association or such like thing by whatever name called, shall be construed to add twenty-five per cent to the face of the policy or contract of insurance in addition to the actual loss or damage suffered; providing that the jury or court finding certain facts must add the amount of said penalty to the verdict, and providing for a liberal construction of this act.

Also,

Senate Bill No. 159.

A bill for an act to require a re-insurance reserve for mutual life insurance companies.

Also

Senate Bill No. 185.

A bill for an act providing for the establishing of savings banks and defining the powers and restrictions of the same.

Also,

Senate Bill No. 213.

A bill for an act to regulate the manner of sale of food products and beverages, and establishing the legal weight for lard or lard substitutes and for bread, and providing a penalty for the violation thereof.

Also

Senate Bill No. 253.

A bill for an act transferring funds from the state wolf bounty fund of this state to the general fund of the state.

Also.

Senate Bill No. 267.

A bill for an act to amend Sections 2, 3, 4, 10, 14 and 28, of Chapter 92 of the Session Laws of the state of North Dakota of 1909, relating to the creation of 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 assistant dairy commissioners, fixing their compensation, defining their powers and duties, prescribing rules and regulations for the manufacture and sale of dairy products, prescribing penalties for violations, providing for a license for creameries, cream stations, cheese factories and renovating or process butter factories, throughout the state.

Also,

Senate Bill No. 278.

A bill for an act to amend and re-enact Section 13 of the Session Laws for the year 1907 of the state of North Dakota, relating to primary election.

Also,

Senate Bill No. 281.

A concurrent resolution for an amendment to the Constitution of the state of North Dakota, providing for the recall of public officers by the people.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

Senate Bill No. 235.

A bill for an act to amend Sections 3, 4, 5, 6, 7, 8, 12, 15, 28, 35, 42, 43, 44 and 45 of Chapter 128 of the Session Laws of 1909, being 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, 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 moved, as an amendment:

That the word "three," in line 3, section 8, page 6, be stricken out and "five" inserted in lieu thereof. In line 6, same section, strike out "four" and insert "six" in lieu thereof. In lines 7 and 8, strike out the words "April fifteenth to May fifteenth and for the months of July, August and September," and insert the words: "which months shall be designated by the game and fish commission."

Mr. Stevens moved

That Alfred E. Eastgate be permitted to address the Senate on the subject.

Which motion prevailed,

Mr. Eastgate addressed the Senate.

The question being on adopting the amendment.

The motion prevailed.

The amendment was adopted.

Mr. Davis moved, as an amendment:

That in line 17, page 10, commencing at the word "excepting" and continuing to line 20 and ending with the word "state" be stricken out.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were 31 ayes, 14 nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Hookway	Pierce
Bessessen	Jacobsen	Plain
Carter	Johnson	Simpson
Cashel	Kennedy	Talcott
Duncan	Kretschmar	Thoreson
Elken	Linde	Trimble
Elmingson	Martin	Wallin
Ganssle	McLean	Walton
Gilbert	Movius	Welch
Gronvold	Overson	Young
Gunderson		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	McDowell	Stevens
Davis	Putnam	Syverson
Duis	Ruzicka	Whitcher
Garden	Steel of Stutsman	Williams
Gibbens	Steele of Renville	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Turner	Welo
McDonald		

So the bill was passed and the title was agreed to.

Mr. Talcott moved

That the vote by which Senate Bill No. 235 passed, be re-considered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Davis explained his vote.

Mr. Stevens explained his vote.

Senate Bill No. 278.

A bill for an act to amend and re-enact Section 13 of the Session Laws for the year 1907 of the state of North Dakota, relating to primary election.

Was read the third time.

Mr. Steele moved

The consideration of Senate Bills Nos. 280, 278 and 222, be made a special order for 3 o'clock tomorrow, at which time they be placed on their third reading and final passage in the order named.

Which motion prevailed.

Senate Bill No. 269.

A bill for an act creating a reserve at Devils Lake, North Dakota, and providing for the protection of birds and their nests within such reserve.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Allen
Baker
Bessesen
Carter
Cashel
Davis
Duis
Duncan
Elken
Ellingson
Ganssle
Garden
Gibbens
Gilbert
Gronvold

Messrs.—

Gunderson
Hookway
Jacobsen
Johnson
Kennedy
Kretschmar
Linde
Martin
McDonald
McDowell
McLean
Movius
Overson
Plain
Putnam

Messrs.—

Ruzicka
Simpson
Steele of Stutsman
Steele of Renville
Stevens
Syvertson
Talcott
Turner
Wallin
Walton
Whitcher
Williams
Welch
Young

Absent and not voting:

Messrs.—

LaMoure
Pierce

Messrs.—

Thoreson
Trimble

Messrs.—

Welo

So the bill was passed and the title was agreed to.

Senate Bill No. 275.

A bill for an act authorizing the county commissioners to condemn and purchase right of way for highways whenever the cost of constructing such highway or any part thereof is to be borne by the county.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 42 ayes, no nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Ruzicka
Baker	Hookway	Simpson
Bessesen	Jacobsen	Steel of Stutsman
Carter	Johnson	Steele of Renville
Cashel	Kennedy	Stevens
Duis	Kretschmar	Syvertson
Duncan	Martin	Talcott
Elken	McDonald	Turner
Ellingson	McDowell	Wallin
Ganssle	McLean	Walton
Garden	Movius	Welch
Gibbens	Overson	Whitcher
Gilbert	Plain	Williams
Gronvold	Putnam	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Pierce	Trimble
LaMoure	Thoreson	Welo
Linde		

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 17, 1911.

Mr. President:

I have the honor to return herewith

Senate Bill No. 78.

A bill for an act to amend Section 1484 of the Revised Codes of 1905, relating to property exempt from taxation.

Which the House has amended as follows:

After sub-division 9 of section 1484, add the following:

"10. The real and personal property of any agricultural fair association,

duly incorporated for the exclusive purpose of holding agricultural fairs, and is not conducted for profit to any of its members."

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Talcott moved

That the Senate do now concur in the House amendments to Senate Bill No. 78.

The roll was called and there were 42 ayes, no nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Ruzicka
Baker	Hookway	Simpson
Bessesen	Jacobsen	Steel of Stutsman
Carter	Johnson	Steele of Renville
Cashel	Kennedy	Stevens
Duis	Kretschmar	Syvertson
Duncan	Linde	Talcott
Elken	McDonald	Turner
Ellingson	McDowell	Wallin
Ganssle	McLean	Walton
Garden	Movius	Welch
Gibbens	Overson	Whitcher
Gilbert	Plain	Williams
Gronvold	Putnam	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Pierce	Trimble
LaMoure	Thoreson	Welo
Martin		

So the House amendments were concurred in.

Senate Bill No. 46.

A bill for an act establishing a hail insurance department and making the commissioner of agriculture and labor also the commissioner of hail insurance; prescribing rules, regulations and duties of all officers and persons connected therewith; prescribing how premiums, expenses and indemnity for losses by hail shall be paid.

Was read the third time.

Mr. Plain moved, as an amendment, the following:

In line 9 of the engrossed bill, strike out "\$75" and substitute "\$100." Also after the word "deputy" in line 10, insert "and \$80 per month for

each clerk." In section 2 in the third line from the bottom, strike out the words "five hundred dollars." In the last line strike out the words "township supervisors" and substitute the words "by the proper officials; as provided by law." In the last line of section 3, strike out the word "money" and insert in lieu thereof the word "premium."

Which motion prevailed, and
The amendment was adopted.

Mr. Gunderson moved

That the following be added at the end of section 1:
"Provided that the appointment and employment of all additional deputies and clerks shall have the approval of the State Auditing Board, and all expenses and salaries audited and allowed by it."

Which motion prevailed, and
The amendment was adopted.

The question being on the final passage of the bill.

The roll was called and there were 38 ayes, 3 nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Gunderson	Stevens
Bessesen	Hookway	Syvertson
Carter	Jacobsen	Talcott
Cashel	Johnson	Thoreson
Duis	Kretschmar	Trimble
Duncan	Linde	Turner
Elken	Martin	Walton
Ellingson	McDonald	Wallin
Ganssle	McLean	Welch
Garden	Overson	Whitcher
Gibbens	Plain	Williams
Gilbert	Ruzicka	Young
Gronvold	Simpson	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Kennedy	Steel of Stutsman

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Movius	Steele c. Renville
LaMoire	Pierce	Welo
McDowell	Putnam	

So the bill passed and the title was agreed to.

Mr. Plain moved

That the vote by which Senate Bill No. 46 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The courtesies of the floor were extended to the following:

Judge Liles, Minnewaukan.
States Attorney Sinness, Minnewaukan.
Attorney Buttz, Minnewaukan.
Tom McDonald, Minnewaukan.
Attorney Victor Wardrobe, Leeds.
R. M. Rishworth, McClusky.
C. C. Sturdy, McClusky.
Hugh McDonald.
Frank Sanford.
George A. McFarland.
Alf Eastgate, Zolna.
B. S. Hodges, Ellendale.
C. S. Brown, Oakes.
Frank Randall, Ludden.
John Wirch, Wirch, N. D.
J. W. Burton, Beach.
Ray Anderson, Beach.
P. H. Lee, Beach.
George H. Purchase, Beach.
D. J. Stiner, Beach.
John Esh, Minot.
A. Lesner, Minot.
D. C. Greenleaf, Minot.
L. D. Megohnm.
Fred S. Duggan, Grand Forks.
E. W. Page.
E. C. Bruce.
J. P. Flimm.
W. E. Byerly, Velva.
Scott Rex, Grand Forks.
Frank B. Feetham, Grand Forks.
Fred Harris, Rolla.
Paul Campbell, Rugby.
George Watson, Rugby.
H. W. Wilson.
States Attorney A. Lesley, Sargent county.
K. S. Ramsett.
Charles Kendall.
E. S. Cameron, Wahpeton.

Paul Meyer, Wahpeton.
L. D. Manere, Starkweather.
Chas. Honska, Bisbee.
Hon. John Kelley, Bisbee.
A. A. Trovaten, Fargo.
M. J. O'Connor, Salt Lake City, Utah.

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

J. W. FOLEY,
Secretary.

FORTY-SEVENTH DAY

SENATE CHAMBER,

BISMARCK, NORTH DAKOTA,

February 18, 1911.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All present except Mr. Talcott, 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 of the 46th day, have carefully examined the same and recommend that the same be corrected as follows:

Page 6, line 7 from the bottom, before the words "your committee" insert the words "a majority of."

Page 14, line 13 from the bottom, between the words "law" and "also" insert the following: "and strike out 'the state tax commission in a manner prescribed by law.'"

Page 18, line 19 from the bottom, change "35" to "25."

Page 18, strike out the second, third, fourth and fifth lines from bottom of page.

And when so amended recommend that the same be approved.

J. E. STEVENS,
Chairman.

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

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 18, 1911.

Mr. President:

I have the honor to return herewith
Senate Bill No. 20.

A bill for an act prescribing the conditions by which the public examiner, his deputies and employes of the state public examiner's department, the stockholders, officers and employes of any banking association in this state may secure loans from banking associations with which they are in any way connected, and fixing the liability for non-compliance with the provisions of this act.

Which the House has amended as follows:

In line 1, section 1, after the words "Section 1," insert the following words: "Certain Persons Not to Borrow. Exceptions Conditioned.)"

And passed as amended.

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

Also,

Mr. President:

I have the honor to return herewith

Senate Bill No. 166.

A bill for an act to amend and re-enact Section 6064 of the Revised Codes of North Dakota for the year A. D., 1905, relating to life insurance.

Which the House has amended as follows:

After the figures "1905," strike out balance and insert in lieu thereof "Relating to suicide as a defense in suits on policies of insurance on life."
And passed as amended.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith
Senate Bill No. 79.

A bill for an act to amend and re-enact Section 2323 of the Revised Codes for the year 1905, of the State of North Dakota.

Which the House has amended as follows:

After the word "election" in line 9, page 2, insert the following words: "Provided such petition shall be presented to the several Boards of County Commissioners at least 60 days before such general election."

Strike out all of the title after the word "Codes" and insert "of the state of North Dakota for the year 1905, relating to the changing of county lines."

And passed as amended.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith
Senate Bill No. 156.

A bill for an act to amend Section 8105 of the Revised Codes of 1905, relating to rejecting claims and providing how suit is instituted.

Which the House has amended as follows:

In line 8, after the word "after" strike out the words "receiving notice by personal service or registered mail," and insert in lieu thereof the following: "notice of rejection of claim having been made by registered mail."

And passed as amended.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith

Senate Bill No. 180.

A bill for an act to amend and re-enact Section 1607 of the Revised Codes of North Dakota for the year 1905.

Which the House has amended as follows:

After the figures "1905" in the title, add the following: "relating to when the State Auditor shall forward list of new taxable lands to county auditors of the counties where such lands are situated."

In line 11, after the word "patents" insert the following words: "or final proof."

And passed as amended.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith

Senate Bill No. 154.

A bill for an act authorizing and directing the secretary of the State of North Dakota to loan the plates of the North Dakota supreme court reports covering volumes one to nineteen inclusive, and for prescribing the manner and conditions on which the said loan is to be made.

Which the House has amended as follows:

After the words "Section 1," insert the following: "Secretary of State Authorized to Loan Certain Plates. Conditions. Bonds.)"

After the word "operative" in line 18, page 2, insert the word "publishing."

Strike out the word "is" in line 24, page 2, and insert the word "are."

Strike out the word "will" in line 34, page 3, and insert the word "shall."

And passed as amended.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith

Senate Bill No. 155.

A bill for an act to amend Section 8103 of the Revised Codes of 1905, of the State of North Dakota, relating to endorsement of allowance or rejection of claims by executive or administrators and providing for notice thereof.

Which the House has amended as follows:

Line 19, after the word "claim" insert the following words: "stating the postoffice address of the claimant."

Line 22, strike out the words, "send to the claimant a written," and insert the word "serve" in lieu thereof.

Line 23, strike out the period and add "upon the claimant."

And passed as amended.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith

Senate Bill No. 107.

A bill for an act to amend Section No. 2743 of the Revised Codes of North Dakota for 1905, relating to election districts and precincts.

Also

Senate Bill No. 149.

A bill for an act to require sheriffs in all counties of the State of North Dakota to issue receipts and to file with the county auditor of their respective counties all duplicate receipts issued for the payment of delinquent taxes collected by them or their deputies during their term of office.

Also

Senate Bill No. 147.

A bill for an act to amend Section 4048 of the Revised Codes of 1905, providing for the dissolution of marriage; the effect thereof and the duty of the court to regulate the re-marriage of either or both parties.

Also

Senate Bill No. 216.

A bill for an act to amend and re-enact Section 8023 of the Revised Codes of North Dakota for 1905, relating to time to apply for letters of administration and providing when the statute of limitations shall run against claims against decedents.

Also,

Senate Bill No. 108.

A bill for an act to amend Section 2744 of the Revised Codes of North Dakota for 1905, relating to qualified voters and registration in cities.

Also,

Senate Bill No. 99.

A bill for an act to amend and re-enact Section 1513 of Revised Codes of North Dakota, as amended by Chapter 41, of the laws of 1909, relating to the furnishing by the county auditor of assessment books and blanks, lists of real property, regulating the time of meeting of assessors, and providing for their compensation for attending such meeting.

Also

Senate Bill No. 19.

A bill for an act to amend Section 7782 of the Revised Codes of 1905, relating to the priority of claims in insolvency proceedings.

Also

Senate Bill No. 123.

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof, admissible in evidence.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to transmit herewith

House Bill No. 219.

A bill for an act to prevent fraud in taking mortgages on personal property, to extend the time of validity of the same, to provide a penalty for alteration, and to repeal Section 6186 of the Revised Codes of 1905.

Also,

House Bill No. 277.

A bill for an act to prohibit the marriage of insane, epileptic, or feeble-minded persons.

Also,

House Bill No. 334.

A bill for an act to amend Section 5 of Chapter 172 of the Session Laws of 1909, relating to the regulation of practice of osteopathy.

Also,

House Bill No. 217.

A bill for an act authorizing the board of railroad commissioners to refund license fee of public grain warehouses.

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

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

REPORTS OF STANDING COMMITTEES.

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. 256.

A bill for an act to amend Section 1833 of the Revised Codes of North Dakota for the year 1905, relating to additional assessments for drains.

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

Amend the title in the original bill by striking out all following the year "1905" and insert in lieu thereof the following: "and Section 1820 of the Revised Codes of 1905, as amended in Chapter 93 of the Session Laws of 1907, relating to Drainage."

Add section 2, amending section 1820, as follows:

"Section 2. That section 1820 be amended to read as follows:

"Section 1820. Oath. Bond. Organization. Legal Advice.) Any person appointed as a member of the Board of Drain Commissioners shall within ten days after his appointment take, subscribe and file in the office of the county auditor an oath faithfully to perform the duties of a drain commissioner under the law, and within the same time make, execute and file in the auditor's office a bond to the county with sureties to be approved by the auditor in such sum as shall be ordered by the board of county commissioners, conditioned for the faithful discharge of his duties as drain commissioner. The members of the drainage board shall organize by electing from their number a chairman and a secretary; they shall keep an office at the county seat and shall keep a record of its acts and proceedings and a separate record of the proceedings relating to each separate drain, all of which shall be open for public inspection, and such records shall have the same force and effect as other public records.

Two members of said board shall at all times constitute a quorum for the transaction of business. Said board may, when in its judgment it is necessary, employ a clerk and fix his compensation; it may also employ and call to its assistance a competent surveyor. The state's attorney of each county shall, so far as his other duties will permit, act as the legal advisor of the board. The board may, however, by and with the consent of the county commissioners, employ other counsel to advise and represent it in its proceedings."

Add section 3.

"Section 3. Emergency.) Whereas, an emergency exists in the fact that the operations of this act will be required before July 1st, 1911; 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. L. CASHEL,
Chairman.

Mr. Cashel moved
That the report be adopted.
Which motion prevailed, and
The report 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. 277.

A bill for an act relating to trespassing while hunting
game.

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 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. 260.

A bill for an act to regulate the names of corporations and to prohibit the use of misleading words in the names of corporations organized or authorized to do business in this state.

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

C. W. HOOKWAY,
Chairman.

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

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred
House Bill No. 96.

A bill for an act creating a state board of dental examiners; to regulate the practice of dentistry in the state of North Dakota; to provide for licensing dentists; and to provide penalties for the violation of this Act.

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

F. T. GRONVOLD,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 197.

A bill for an act to provide information to the resident tax payers of the state in respect to the various publica-

tions which are published for free distribution by the agricultural college and prescribing the duties of the agricultural college and of the county auditors in relation thereto.

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

J. E. DAVIS,
Chairman.

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

Also

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 263.

A bill for an act providing for and creating a new office
of county adjuster.

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

J. E. DAVIS,
Chairman.

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

The committee on public printing made the following
report:

Mr. President:

Your committee on public printing to whom was referred
Senate Bill No. 273.

A bill for an act amending Section 49 of the Revised
Codes of North Dakota of 1905, relating to how printing
shall be done.

Have had the same under consideration and recommend
that the same go to a committee of the whole.

S. N. PUTNAM,
Chairman.

Mr. Putnam 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. 102.

A concurrent resolution amending the Constitution of
the State of North Dakota, establishing and locating a state
agricultural college at the city of Beach, county of Billings.

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

J. E. DAVIS,
Chairman.

Mr. Martin moved

That Senate Bill No. 102 be referred to the committee
of the whole.

Which motion prevailed.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Concurrent Resolution, providing for revision of 1911
codes,

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

After the word "Codes" in line 24 of the printed resolution, insert the following: "It is recommended that the secretary of state, with the approval of the governor, if it should appear that the same might be more expeditiously done, or done with less expense to the state, or be productive of better results, should contract with some competent, reliable and responsible law book publishing house for the editing, compiling, re-arranging, annotating, indexing and preparation of the copy for said publication. Also that in like manner, the public printing commission should contract for the publication or printing and proof reading of such Revised Codes. It is also recommended that the indexing of said Codes be done according to the American Digest system of indexing. It is also recommended that provision be made for the publication of said Codes in India paper, at an additional cost of not more than \$1.50 per volume.

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

H. H. STEELE,
Chairman.

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

Also

Mr. President:

A majority of your committee on judiciary to whom was referred

House Bill No. 11.

A bill for an act to create a permanent non-partizan tax commission, defining its power and duties and making an appropriation for the maintenance thereof.

Have had the same under consideration and recommend that the same do pass, and re-referred to the committee on appropriations.

W. B. OVERSON,
ED. PIERCE,
C. W. PLAIN,
E. F. GILBERT,
H. H. STEELE,
H. J. BESSESEN,
JOHN WILLIAMS,
J. L. CASHEL,
GEO. E. DUIS.

Mr. Steele of Renville moves
The adoption of the report.

Mr. President:

A minority of your committee on judiciary to whom was referred

House Bill No. 11.

A bill for an act to create a permanent non-partizan tax commission, defining its power and duties and making an appropriation for the maintenance thereof.

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

E. A. MOVIUS,
J. G. GUNDERSON.

Mr. Gunderson objected to the consideration of the report.

Mr. Steele moved

That the rules be suspended and the bill referred to the committee on appropriations.

Which motion prevailed.

Also

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 91.

A bill for an act entitled, an act specifying who may sue for divorce in this state, and amending Section 4067, Revised Codes of North Dakota of 1905.

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

H. H. STEELE,
Chairman.

Mr. Steele of Renville moves

The adoption of the report.

Also,

Mr. President:

A minority of your committee on judiciary to whom was referred

Senate Bill No. 91.

A bill for an act entitled, an act specifying who may sue for divorce in this state, and amending Section 4067, Revised Codes of North Dakota of 1905.

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

ED. PIERCE,
E. F. GILBERT,
H. J. BESSESEN,

Mr. Pierce objected to the consideration of the report on Senate Bill No. 9.

Which went over one day.

Also,

Mr. President:

Your committee on judiciary to whom was referred House Bill No. 254.

A bill for an act to amend Section 7894 of the Revised Codes of 1905, relating to who shall act when a county judge is disqualified or absent.

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred Senate Bill No. 302.

A bill for an act to forfeit firearms or other weapons to the state when found on the person of any one arrested and convicted of a felony, misdemeanor or other crime.

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

In line 1 of original bill, after "shall" insert "have" and change "be" to "been."

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 307.

A concurrent resolution for an amendment to the Con-
stitution 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.

H. H. STEELE,
Chairman.

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

Also

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 311.

A bill for an act to amend and re-enact Sections 6240 and
6241 of Chapter 79 of the Revised Codes of North Dakota
for 1905, relating to accounts to be filed with clerk of court
in mechanic's liens; and clerk's records thereof.

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 was adopted.

The committee on counties and county boundaries made
the following report:

Mr. President:

Your committee on counties and county boundaries to whom was referred

Senate Bill No. 289.

A bill for an act making it unlawful for any chairman of the board of county commissioners of any county in the state of North Dakota from signing any county warrant or warrants before such warrant or warrants are drawn by the county auditor, and all blanks filled out in full and compared with the bill for which the same was allowed.

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

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

The committee on agriculture made the following report:

Mr. President:

Your committee on agriculture to whom was referred

Senate Bill No. 262.

A bill for an act to establish a revolving fund out of the net profits derived from the operation of the twine plant at the state penitentiary, and to provide for the disposal thereof.

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

In section 3, strike out lines 1, 2 and 3 up to and including the word "permit," of the printed bill, and add in lieu thereof the following: "as soon as the State Prison Revolving Fund shall equal the sum of one hundred thousand dollars."

Strike out all of section 6.

And when so amended recommend the same do pass.

LIVY JOHNSON,
Chairman.

Mr. Johnson moved
That the report be adopted.
Which motion prevailed, and
The report 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. 204.

A bill for an act to authorize boards of trustees of incorporated villages to regulate and license liveries, dray and express lines, and other vehicles used for the carrying of passengers, messages, or property for hire.

Also

Senate Bill No. 228.

A bill for an act to amend and re-enact Section 1599 of the Revised Codes of 1905, relating to the platting of irregular tracts of land.

Also

Senate Bill No. 257.

A bill for an act entitled, an act regulating the erection of telegraph, telephone, electric light, power and other poles carrying wires conveying electricity in incorporated cities.

Also,

Senate Bill No. 265.

A bill for an act to amend Sections 2772, 2775, 2776, 2777, 2786, Revised Codes of 1905, relating to the creation of improvement districts and the purposes for which special assessments may be levied in this state.

Also,

Senate Bill No. 282.

A bill for an act to amend and re-enact Section 2563 of the Revised Codes of the state of North Dakota for the year 1905, relating to the power of counties to issue bonds for the purpose of purchasing sites and constructing county buildings.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

Also

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 280.

A bill for an act to amend and re-enact Section 9 of the Session Laws for the year 1907, of the state of North Dakota, relating to primary election.

Also,

Senate Bill No. 222.

A bill for an act to amend and re-enact Section 2, Section 16 and Section 24 of Chapter 109 of the Session Laws of the year 1907, of the State of North Dakota, relating to primary election.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

Mr. Steele moved

That the report of the committee on House Bill No. 23, be adopted.

Which motion prevailed, and

The report was adopted.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 78.

A bill for an act to amend Section 1484 of the Revised Codes of 1905, relating to property exempt from taxation.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The Secretary announced that the President was about to sign

Senate Bill No. 78.

A bill for an act to amend Section 1484 of the Revised Codes of 1905, relating to property exempt from taxation.

And the President signed the same in the presence of the Senate.

REPORTS OF SELECT COMMITTEES.

Mr. President:

Pursuant to the concurrent resolution passed by the House and Senate on February 16, 1911, providing for a conference committee on Senate Bill No. 165 and House Bill No. 262, the President appointed upon said committee, Messrs. Gilbert, Bessesen and Putnam of the Senate, and the Speaker appointed Messrs. Sorlie, Homnes and Nestos of the House, said conference committee begs leave to report as follows:

Said conference committee met on February 17, 1911, and thoroughly considered Senate Bill No. 165 and House Bill No. 262, and agreed to the following, viz:

That Senate Bill No. 165, which passed the Senate on January 31, 1911, the same being "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 fixing the penalty for the violation thereof, except as provided therein," be amended as follows:

In line 1 of page 1 of the printed bill, following the words "Section 1," insert the paragraph heading, "Free Passes, Franks and Special Privileges Prohibited. Exceptions.)"

On page 3, between lines 35 and 36 of section 1 of the printed bill, insert the following as a special paragraph: "Provided further, that the provisions of this act shall not be construed to make unlawful the granting

of free transportation to persons engaged in the state geological survey, farmers' institute lecturers and persons rendering service on good farming special trains."

On page 4, in line 1, after the words "Section 2," add the following paragraph heading, "Penalty."

And when so amended, your conference committee unanimously recommends said Senate Bill No. 165 do pass.

Dated February 18, 1911.

E. F. GILBERT,
H. J. BESSESEN,
S. N. PUTNAM,
O. J. SORLIE,
R. A. NESTOS,
GEO. P. HOMNES,
Conference Committee.

Mr. Gilbert moved
That the report be adopted.
Which motion was lost.

Mr. Duis moved
That the report be printed in the Journal.
Which motion prevailed.

REPORT OF SELECT COMMITTEE.

Your joint committee, appointed by the Legislative Assembly to visit the North Dakota Dairymen's Association at Jamestown, beg leave to report that it attended the session of the association and was particularly impressed with the importance and size of this organization, as having to do with one of the principal industries of this state. Its deliberations were harmonious and the subjects before the association were discussed freely and with a broad idea of the importance of the industry to this state.

Your committee also reports that the Dairymen's Association adopted resolutions, of which the following are reported for the information of the legislature:

WHEREAS, We appreciate the honor conferred on us by having the Legislature of North Dakota delegate members to attend our convention, thereby assuring us of their deep interest in the future welfare and success of our work and prosperity of the great state of North Dakota;

Therefore, Be it Resolved:

That we extend to them, collectively and individually, our most sincere and heartfelt thanks.

Resolved, That the thanks of this association be and are hereby respectfully tendered to the dairy commissioners for their good work and loyalty to the dairy interests of our state; and

WHEREAS, We, as a body representing the dairymen of North Dakota, see the urgent need of more rigid inspection, in order to promote the dairy interests of the state of North Dakota;

Therefore, Be it Resolved:

That it is the sense of this association to ask the present respective legislative bodies to appropriate not less than twenty-five thousand dollars per annum for the maintaining of the dairy department, with a commissioner and five assistants; and be it

Resolved, That a copy of these resolutions be forwarded to the presiding officers of the Senate and House, also to each member of the joint committee delegates who represent the legislature at this convention.

WHEREAS, The people of this state realize the necessity of a change of crops so as to include corn, clover and other forage crops; and

WHEREAS, Dairying offers more ready disposition of such crops than aught else; and

WHEREAS, The hope of any movement is the education of the young; and

WHEREAS, The State Agricultural College can do little for dairy education with its present facilities;

Be it Resolved:

That we endorse House Bill No. 205, which provides for a modest appropriation for a dairy laboratory and a dairy barn at the Agricultural College, and urge the passage of the same.

WHEREAS, A legislative committee has been appointed to frame up or pass upon a bill to be introduced in reimbursing owners of cattle and dairy stock for animals condemned and killed on account of the disease known as tuberculosis; and

WHEREAS, Said committee has met and agreed upon a bill to be submitted;

Therefore, Be it Resolved:

That this convention adopt said report and favor the introduction and passage of the bill submitted.

And Be it Further Resolved:

That each and every member of this association urge our various senators and representatives at Bismarck to help pass said bill.

Your committee therefore recommends that this legislative body lend to this association every proper encouragement and that any requests for legislation from this assembly be given the most careful consideration, with the view to the promotion of this important and valuable industry.

A. W. CUNNINGHAM,
JACOB NELSON,
LIVY JOHNSON,
CHAS. M. WHITMER.

MOTIONS AND RESOLUTIONS.

Mr. Elken moved

That a calendar be printed in the Senate Journal on and after Monday.

Which motion prevailed.

Mr. Trimble moved

That Senate Bill No. 294 be withdrawn from the committee on temperance and referred to the committee on state affairs.

Which motion prevailed.

The state institutions visiting committees 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 committees appointed under a joint resolution of the Senate and the House to visit certain of the state institutions, as shown by said concurrent resolution, be allowed the expenses of their trips as follows:

That members of the committee visiting the Agricultural College at Fargo be each allowed ten dollars per day for two days for necessary expenses, and their actual railroad fare paid out by each of them; and

That members of the committee visiting the State University at Grand Forks and the State School for the Deaf at Devils Lake be each allowed ten dollars per day for four days for their necessary expenses, and their actual railroad fare paid out by each of them; and

That the members of the committee visiting the Mayville Normal School and the State Science School at Wahpeton be each allowed ten dollars per day for four days for their necessary expenses, and for the railroad fare actually paid out by each of them; and

That the members of the committee visiting the School for the Blind at Bathgate and the School for the Feeble-Minded at Grafton be each allowed ten dollars per day for four days for their necessary expenses, and for their actual railroad fare paid out by each of them; and

That the members of the committee visiting the Industrial School at Ellendale be each allowed ten dollars per day for three days for their necessary expenses, and also actual railroad fare paid out by each of them; and

That the House members visiting the Hospital for the Insane at Jamestown and the Valley City Normal School be each allowed ten dollars per day for three days for their necessary expenses, and in addition thereto the railroad fare actually paid out by them, and that the Senate members of the committee visiting the Hospital for the Insane at Jamestown and the Valley City Normal School prior thereto be each allowed ten dollars per day for two days for their necessary expenses, and their actual railroad fare paid out by them; and

Since one House member was upon the committee that visited the Agricultural College at Fargo and also upon the committee that visited the State Science School at Wahpeton; therefore,

That such member be only allowed ten dollars per day for four days as his necessary expenses for the entire trip, as well as for his actual railroad fare paid out by him; and

That vouchers be signed by the proper officers of the respective houses and paid as other expenses of this legislative assembly.

Mr. Welo moved

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

Which motion prevailed.

FIRST READING OF SENATE BILLS.

Mr. Duis introduced

Senate Bill No. 352.

A bill for an act entitled, an act to amend Section 2389 of the Revised Codes of 1905, relating to county commissioners.

Which was read the first time.

The committee on elections introduced

Senate Bill No. 353.

A bill for an act to provide for the expression by the qualified voters of the several political parties of their choice for nomination by their party for president and vice president of the United States; to provide for and regulate direct primary election for the election of said political party's delegates to their respective national conventions, and for the payment of delegates' necessary expenses, not exceeding \$200 each, for the election of party candidates for the office of presidential elector, and for the election of national committeemen.

Which was read the first time.

Mr. Stevens introduced

Senate Bill No. 354.

A bill for an act to amend Section 5584 of the Revised Codes of North Dakota for the year 1905, relating to fees of clerks of district court.

Which was read the first time.

Mr. Simpson introduced

Senate bill No. 355.

A bill for an act to amend Chapter 214 of the Session Laws of 1907, relative to assessment of coal mines.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 352.

A bill for an act entitled, an act to amend Section 2389 of the Revised Codes of 1905, relating to county commissioners.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 353.

A bill for an act to provide for the expression by the qualified voters of the several political parties of their choice for nomination by their party for president and vice president of the United States; to provide for and regulate direct primary election for the election of said political party's delegates to their respective national conventions, and for the payment of delegates' necessary expenses, not exceeding \$200 each, for the election of party candidates for the office of presidential elector, and for the election of national committeemen.

Was read the second time and

Referred to the committee on elections and privileges.

Senate Bill No. 354.

A bill for an act to amend Section 5584 of the Revised Codes of North Dakota for the year 1905, relating to fees of clerks of district court.

Was read the second time and

Referred to the committee on ways and means.

Senate bill No. 355.

A bill for an act to amend Chapter 214 of the Session Laws of 1907, relative to assessment of coal mines.

Was read the second time 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,

February 18, 1911.

Mr. President:

I have the honor to return herewith

Senate Bill No. 165.

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 fixing the penalty for the violation thereof, except as provided therein and to require the granting of free transportation to the board of railroad commissioners, their experts and their agents.

Which the House has amended as follows:

In line 1 of page 1 of the printed bill, following the words "Section 1," insert the following paragraph heading: "Free Passes, Franks and Special Privileges Prohibited. Exceptions."

On page 3, between lines 35 and 36 of section 1 of the printed bill, insert the following as a special paragraph: "provided further, that the provisions of this act shall not be construed to make unlawful the granting of free transportation to persons engaged in the state geological survey, farmers' institute lecturers, and persons rendering service on good farming special trains."

On page 4, in line 1, after the words "Section 2," add the following paragraph heading, "Penalty.)"

And passed as amended.

Very Respectfully,
E. H. GRIFFIN,
Chief Clerk.

Senate Bill No. 222.

A bill for an act to amend and re-enact Section 2, Section 16 and Section 24 of Chapter 109 of the Session Laws of the year 1907, of the State of North Dakota, relating to primary election.

Was read the third time.

Mr. Steele moved, as an amendment:

That the words "and twenty-six" be stricken from the title of the bill, also all of section 26 in the engrossed bill.

Which motion prevailed, and

The amendment was adopted.

Mr. Welch moved, as an amendment:

That in line 5, section 2, the word "August" be changed to "June."

Which motion was lost.

The question being on the final passage of the bill,

The roll was called and there were 31 ayes, 15 nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Johnson	Steele of Renville
Carter	Kennedy	Syverson
Davis	Kretschmar	Trimble
Duis	Linde	Turner
Duncan	Overson	Wallin
Elken	Pierce	Walton
Garden	Plain	Welo
Gibbens	Putnam	Whitcher
Gilbert	Ruzicka	Williams
Hookway	Steel of Stutsman	Young
Jacobsen		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Movius
Baker	Gunderson	Simpson
Cashel	McDonall	Stevens
Ellingson	McDowel	Thoreson
Ganssle	McLean	Welch

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Martin	Talcott

So the bill passed and the title was agreed to.

Mr. Gunderson explained his vote.

Mr. Gilbert moved

That we do now concur in the House amendments to Senate Bill No. 165.

Mr. Simpson moved

That the consideration of the amendments be deferred until Monday.

Which motion was lost.

The question being on the concurrence of the House amendments.

The roll was called and there were 39 ayes, 7 nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Ruzicka
Baker	Gunderson	Steel of Stutsman
Bessesen	Jacobson	Steele of Renville

Messrs.—	Messrs.—	Messrs.—
Cashel	Johnson	Stevens
Davis	Kennedy	Syvertson
Duis	Kretschmar	Thoreson
Duncan	Linde	Turner
Elken	McDowell	Wallin
Ellingson	McLean	Welo
Ganssle	Overson	Welch
Garden	Pierce	Whitcher
Gibbins	Plain	Williams
Gilbert	Putnam	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Carter	McDonald	Simpson
Hookway	Movius	Walton
Martin		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Talcott	Trimble

So the bill passed and the title was agreed to.

Mr. Gilbert moved

That the vote by which Senate Bill No. 165 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The Secretary announced that the President was about to sign

House Bill No. 168.

A bill for an act providing for the appointment of a commission to draft a revision of the probate code of the state of North Dakota, and appropriating money therefor.

Also

House Bill No. 114.

A bill for an act to prevent the giving away or otherwise disposing of intoxicating liquors as a beverage at public sales and gatherings.

Also

House Bill No. 82.

A bill for an act to amend Section 4392 of the Revised Codes of the state of North Dakota for the year 1905, re-

lating to the construction of transfer facilities; also providing for the application of a short rate in the absence of "wyes;" and providing for a penalty for the violation thereof.

Also,

House Bill No. 22.

A bill for an act to amend Section 46, Chapter 128, Laws of North Dakota, for the year 1909, relating to the taking of fish.

Also

House Bill No. 55.

A bill for an act reinstating and validating the charters of corporations that have been cancelled for failure to make and file with the secretary of state, reports as required by and under Section 4186, Revised Codes of 1905.

Also,

House Bill No. 68.

A bill for an act entitled, an act validating special assessments and taxes made or levied in cities since 1903 and establishing certain rules of evidence relating thereto.

And the President signed the same in the presence of the Senate.

Senate Bill No. 280.

A bill for an act to amend and re-enact Section 9 of the Session Laws for the year 1907, of the state of North Dakota, relating to primary election.

Was read the third time.

Mr. Carter moved, as an amendment:

In line 8, last page of the engrossed bill, by striking out the word "two" and insert therein the word "three."

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were 40 ayes, 5 nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steele of Renville
Baker	Johnson	Stevens
Bessesen	Linde	Syverfson
Cashel	McDonald	Thoreson
Davis	McDowell	Trimble
Duis	McLean	Turner
Duncan	Overson	Wallin
Elken	Pierce	Walton
Ellingson	Plain	Welo
Ganssle	Putnam	Welch
Garden	Ruzicka	Whitcher
Gibbens	Simpson	Williams
Gunderson	Steel o. Stutsman	Young
Hookway		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Carter	Kennedy	Movius
Gronvold	Martin	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	LaMoure	Talcott
Kretschmar		

So the bill passed and the title was agreed to.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA.

February 18, 1911.

To the Senate:

In deference to the request of Hon. Hiram W. Johnson Governor of the state of California, I present to you a telegram and letter recently received, for your consideration.

Very respectfully,

JOHN BURKE,
Governor.

State of California,

Executive Office, Sacramento,

February 13, 1911.

Hon. John Burke, Governor of North Dakota, Bismarck, North Dakota.

Your Excellency: This is to confirm my night telegram of the 12th inst., reading as follows:

"Congress having honored San Francisco by designating her the exposition city for nineteen fifteen, it is desired that a commission be appointed from your state, of which you shall be a member, to visit San Francisco and the exposition site. This commission should visit this city during the summer months when work on the exposition will have started. I earnestly ask you to endorse a bill and urge its introduction at this session of your legislature appropriating such an amount as you may deem necessary for the expenses of this commission. This will permit the commissioners to gain an intelligent idea of the requirements for a building and proper exhibit from your state and would be better able to advise your legislature at this or next session when the matter of appropriation for the Panama-Pacific International Exposition will be made. Letter follows. Please accept my deepest appreciation."

It is planned to have commissioners from every state in the Union visit San Francisco some time during the next six months, when the work on the exposition will be in full swing. In this way an opportunity will be afforded the commissioners to learn of the extensive plans for the exposition directors, to view the exposition site, and to select locations for their respective state buildings, as well as to see the new San Francisco and California.

It is my belief and the impression of the directors of the Panama-Pacific International Exposition Company that this general plan will materially help your State Legislature in making a suitable appropriation when the matter is formally presented. I strongly urge you to have a bill introduced at this session of your legislature appropriating an amount sufficient to cover the expenses of the commissioners to this city. I hope I may count on your hearty support, as we are anxious to have all arrangements perfected for the Panama-Pacific International Exposition at as early a date as possible. Enclosed please find copy of bill in blank.

Thanking you for your courtesy, and assuring you of the appreciation of every citizen in this state, I beg to remain,

Respectfully yours,

HIRAM W. JOHNSON,
Governor.

Senate Bill No. 278.

A bill for an act to amend and re-enact Section 13 of the Session Laws for the year 1907 of the state of North Dakota, relating to primary election.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 43 ayes, 1 nay, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Brookway	Simpson
Baker	Jacobsen	Steele of Renville
Bessesen	Johnson	Stevens
Carter	Kretschmar	Syverson
Cashel	Linde	Thoreson
Davis	McDonald	Trimble
Duis	McDowell	Turner
Duncan	McLean	Wallin
Elken	Movius	Walton
Elmanson	Overson	Welo
Ganssle	Pierce	Welch
Garden	Plain	Whitcher
Gibbens	Putnam	Williams
Gronvold	Ruzicka	Young
Gunderson		

Mr. Martin voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	LaMoure	Talcott
Kennedy	Steel of Stutsman	

So the bill passed and the title was agreed to.

Mr. Steele in the chair.

Senate Bill No. 112.

A bill for an act amending Section 1064 of the Revised Codes of North Dakota for 1905.

Mr. Trimble moved

That the consideration of the bill be laid over until Monday.

Which motion prevailed.

Senate Bill No. 148.

A bill for an act to amend Section 12 of Chapter 182, the same being Senate Bill No. 128 of the Session Laws for 1907, relating to the qualifications for registration of pharmacists.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 37 ayes, no nays, 12 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Putnam
Baker	Hookway	Ruzicka
Bessesen	Jacobsen	Simpson
Carter	Johnson	Steele of Renville
Cashel	Kennedy	Syvertson
Duis	Kretschmar	Thoreson
Duncan	McDonald	Turner
Elken	McDowell	Wallin
Ellingson	McLean	Welch
Ganssle	Overson	Whitcher
Garden	Pierce	Williams
Gibbens	Plain	Young
Gronvold		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Martin	Talcott
Gilbert	Movius	Trimble
LaMoure	Steel of Stutsman	Walton
Linde	Stevens	Welo

So the bill passed and the title was agreed to.

Mr. Steele moved

That the vote by which Senate Bills No. 222, 278 and 280 were passed, be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 198.

A bill for an act to amend and re-enact Section 7387 of Article 4 of Chapter 27 of the Revised Codes of North Dakota for the year 1905.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 40 ayes, no nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Ruzicka
Baker	Hookway	Simpson
Bessesen	Jacobsen	Steel of Stutsman
Carter	Johnson	Steele of Renville
Cashel	Kennedy	Stevens

Messrs.—	Messrs.—	Messrs.—
Duis	Kretschmar	Syverson
Duncan	McDonald	Thoreson
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Overson	Welch
Garden	Pierce	Whitcher
Gibbens	Plain	Williams
Gilbert	Putnam	Young
Gronvold		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Martin	Trimble
LaMoure	Movius	Walton
Linde	Talcott	Welo

So the bill passed and the title was agreed to.

Mr. Gunderson moved

That the vote by which Senate Bill No. 198 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 201.

A bill for an act to prohibit certain designated officers from advising, counseling, or suggesting to persons upon whom process is served, the name of attorneys and prescribing a penalty for violation.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 34 ayes, 8 nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Simpson
Baker	Hookway	Steel of Stutsman
Bessesen	Johnson	Stevens
Carter	Kennedy	Syverson
Cashel	Linde	Thoreson
Duis	Martin	Trimble
Duncan	McDonald	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Welo
Garden	Overson	Welch
Gilbert	Pierce	Williams
Gronvold		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Elken	McDowell	Ruzicka
Gibbens	Plain	Whitcher
Kretschmar	Putnam	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Steele of Renville	Walton
Jacobsen	Talcott	Young
LaMoure		

So the bill passed and the title was agreed to.

Mr. Simpson moved

That the vote by which Senate Bill No. 201 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Simpson moved

That the Senate do now concur in the House amendments to Senate Bill No. 166.

Which motion prevailed.

The question being on the concurrence of the House amendments.

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Johnson	Steele of Renville
Bessesen	Kennedy	Stevens
Cashel	Kretschmar	Syverson
Davis	Linde	Thoreson
Juis	McDonald	Trimble
Duncan	McDowell	Turner
Elken	McLean	Wallin
Elingson	Movius	Walton
Ganssle	Overson	Welo
Garden	Pierce	Welch
Gibbens	Plain	Whitcher
Gilbert	Putnam	Williams
Gronvold	Ruzicka	Young
Gunderson	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carter	LaMoire	Talcott
Jacobsen	Martin	

So the House amendments were concurred in.

Mr. Kretchmar moved

That the Senate do now concur in the House amendments to Senate Bill No. 180.

Which motion prevailed.

The question being on the concurrence of the House amendments.

The roll was called and there were 39 ayes, no nays, 10 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steel of Stutsman
Baker	Hookway	Steele of Renville
Jeasesen	Johnson	Stevens
Carter	Kennedy	Syverson
Cashel	Kretschmar	Thoreson
Davis	Linde	Trimble
Duis	McLean	Turner
Duncan	Movius	Wallin
Ellingson	Overson	Walton
Ganssle	Pierce	Welo
Gibbens	Plain	Whitcher
Gilbert	Putnam	Williams
Gronvold	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Elken	Martin	Simpson
Garden	McDonald	Talcott
Jacobsen	McDowell	Weich
LaMoire		

So the House amendments were concurred in.

Mr. Steele moved

That the Senate do now concur in the House amendments to Senate Bill No. 79.

Which motion prevailed.

The question being upon the concurrence of the House amendments.

The roll was called and there were 41 ayes, no nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Simpson
Baker	Johnson	Steel of Stutsman
Bessesen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	Linde	Syverson
Davis	Martin	Thoreson
Duis	McDonald	Trimble
Elken	McLean	Turner
Ellingson	Movius	Wallin
Ganssle	Overson	Welo
Gibbens	Pierce	Whitcher
Gilbert	Plain	Williams
Gronvold	Putnam	Young
Gunderson	Ruzicka	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duncan	LaMoire	Walton
Garden	McDowell	Welch
Jacobsen	Talcott	

So the House amendments were concurred in.

Mr. Ellingson moved

That the Senate do now concur in the House amendments to Senate Bill No. 20.

Which motion prevailed.

The question being on the concurrence of the House amendments.

The roll was called and there were 39 ayes, no nays, 10 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Simpson
Baker	Hookway	Steel of Stutsman
Bessesen	Johnson	Steele of Renville
Carter	Kennedy	Syverson
Cashel	Kretschmar	Thoreson
Davis	Linde	Trimble
Duis	Martin	Turner
Elken	McLean	Wallin
Ellingson	Movius	Walton
Ganssle	Overson	Welo
Gibbens	Pierce	Whitcher
Gilbert	Plain	Williams
Gronvold	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duncan	McDonald	Stevens
Garden	McDowell	Talcott
Jacobsen	Putnam	Welch
LaMoure		

So the House amendments were concurred in.

Mr. Williams moved

That the Senate do now concur in the House amendments to Senate Bill No. 155.

Which motion prevailed.

The question being on the concurrence on the House amendments.

The roll was called and there were 42 ayes, no nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Ruzicka
Baker	Hookway	Simpson
Bassesson	Jacobson	Steel of Stutsman
Carter	Johnson	Steele of Renville
Cashel	Kennedy	Stevens
Davis	Kretschmar	Syvertson
Duis	Linde	Thoreson
Duncan	Martin	Trimble
Elken	McLean	Turner
Ellingson	Movius	Wallin
Ganssle	Overson	Walton
Gibbens	Pierce	Whitcher
Gilbert	Plain	Williams
Gronvold	Putnam	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Garden	McDowell	Welo
LaMoure	Talcott	Welch
McDonald		

So the House amendments were concurred in.

Mr. Williams moved

That the Senate do now concur in the House amendments to Senate Bill No. 156.

The question being upon the concurrence of the House amendments.

The roll was called and there were 40 ayes, no nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Simpson
Baker	Jacobsen	Steel of Stutsman
Bessesen	Johnson	Steele of Renville
Carter	Kennedy	Stevens
Cashel	Kretschmar	Syvertson
Davis	Linde	Thoreson
Duis	Martin	Trimble
Duncan	McLean	Turner
Elken	Movius	Wallin
Elungson	Overson	Walton
Ganssle	Plain	Whitcher
Gilbert	Putnam	Williams
Gronvold	Ruzicka	Young
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Garden	McDonald	Talcott
Gibbens	McDowell	Welo
LaMoure	Pierce	Welch

So the House amendments were concurred in.

The President in the chair.

Senate Bill No. 212.

A bill for an act to provide for the refund of any tax upon land which shall have been paid through the error of a county official, or by mistake of the party so paying.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 41 ayes, no nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Ruzicka
Baker	Hookway	Simpson
Bessesen	Jacobson	Steele of Renville
Carter	Johnson	Stevens
Cashel	Kennedy	Syvertson
Davis	Kretschmar	Thoreson
Duis	Linde	Turner
Duncan	Martin	Wallin
Elken	McLean	Walton

Messrs.—	Messrs.—	Messrs.—
Ellingson	Movius	Welch
Ganssle	Overson	Whitcher
Gibbens	Pierce	Williams
Gilbert	Plain	Young
Gronvold	Putnam	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Garden	McDowell	Trimble
LaMoure	Steel of Stutsman	Welo
McDonald	Talcott	

So the bill passed and the title was agreed to.

Senate Bill No. 226.

A bill for an act giving the court authority to require the defendant to provide for the temporary support and maintenance of the plaintiff in divorce actions.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 42 ayes, no nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Ruzicka
Baker	Hookway	Simpson
Bessesen	Jacobsen	Steele of Renville
Carter	Johnson	Stevens
Cashel	Kennedy	Syverson
Davis	Kretschmar	Thoreson
Duis	Linde	Trimble
Duncan	Martin	Turner
Elken	McLean	Wallin
Ellingson	Movius	Walton
Ganssle	Overson	Welch
Gibbens	Pierce	Whitcher
Gilbert	Plain	Williams
Gronvold	Putnam	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Garden	McDonald	Talcott
Steel of Stutsman	McDowell	Welo
LaMoure		

So the bill passed and the title was agreed to.

Senate Bill No. 236.

A bill for an act to amend and re-enact Section 2240, Article 45, Chapter 24, of the Revised Codes of North Dakota for the year 1905, relating to the duties of county auditors and prescribing how records of fees shall be kept.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 36 ayes, 2 nays, 11 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Simpson
Bessesen	Gunderson	Stevens
Cashel	Hookway	Syverson
Davis	Jacobsen	Thoreson
Duis	Johnson	Trimble
Duncan	Kennedy	Turner
Elken	Kretschmar	Wallin
Ellingson	Martin	Walton
Ganssle	McLean	Welch
Garden	Oversen	Whitcher
Gibbens	Plain	Williams
Gilbert	Ruzicka	Young

Messrs. Baker and Linde voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carter	Movius	Steele of Renville
LaMoure	Pierce	Talcott
McDonald	Putnam	Welo
McDowell	Steel of Stutsman	

So the bill passed and the title was agreed to.

Mr. Martin moved

That the vote by which Senate Bill No. 236 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 242.

A bill for an act prohibiting and punishing the unauthorized publication or distribution of the secret work of fraternal orders, and any publication claimed or represented to be secret work.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 35 ayes, 1 nay, 13 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Gunderson	Simpson
Bessesen	Hookway	Steel o Stutsman
Carter	Johnson	Stevens
Cashel	Kennedy	Syverson
Davis	Kretschmar	Thoreson
Duncan	Linde	Trimble
Elken	Martin	Turner
Ellingson	McLean	Walton
Ganssle	Overson	Welch
Garden	Pierce	Whitche
Gilbert	Plain	Young
Gronvold	Ruzicka	

Mr. Williams voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	McDonald	Steele Renville
Duis	McDowell	Talcott
Gibbens	Movius	Wallin
Jacobsen	Putnam	Welo
LaMoure		

So the bill passed and the title was agreed to.

Senate Bill No. 243.

A bill for an act to amend Section 2084 of the Revised Codes of North Dakota for 1905, relating to proof of planting trees, under the tree bounty law

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 34 ayes, 1 nay, 14 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Steel of Stutsman
Baker	Hookway	Syverson
Bessesen	Jacobsen	Thoreson
Carter	Johnson	Trimble
Cashel	Kennedy	Turner

Messrs.—	Messrs.—	Messrs.—
Davis	Kretschmar	Wallin
Duncan	Linde	Walton
Elken	Martin	Welch
Ellingson	McDowell	Whitehe'
Ganssle	McLean	Williams
Gibbens	Plain	Young
Gilbert		

Mr. Stevens voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duis	Movius	Simpson
Garden	Overson	Steele of Renville
Gunderson	Pierce	Talcott
LaMoure	Putnam	Welo
McDonald	Ruzicka	

So the bill passed and the title was agreed to.

Senate Bill No. 281.

A concurrent resolution for an amendment to the Constitution of the state of North Dakota, providing for the recall of public officers by the people.

Was read the third time.

Mr. Elken moved, as an amendment:

On line 13, page 1, the word "shall" be substituted for "may."

Which motion prevailed, and

The amendment was adopted.

Mr. Gunderson moved, as an amendment:

That the percentage stated in the bill be increased from 30 to 51.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were 37 ayes, 5 nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Stevens
Baker	Hookway	Syvertson
Bessesen	Johnson	Thorson
Garter	Kretschmar	Trimble
Cashel	Linde	Turner
Davis	McDonald	Wallin

Messrs.—	Messrs.—	Messrs.—
Duis	McDowell	Walton
Duncan	Overson	Welo
Elken	Plain	Welch
Ellingson	Putnam	Whitcher
Garden	Ruzicka	Williams
Gibbens	Steel of Stutsman	Young
Gilbert		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Kennedy	Martin
Gunderson	Movius	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Jacobsen	Pierce	Steele of Renville
LaMoure	Simpson	Talcott
McLean		

So the bill passed and the title was agreed to.

Mr. Bessesen moved

That the vote by which Senate Bill No. 281 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Messrs. Gunderson, Martin and Stevens explained their votes.

Mr. Gunderson explained his vote, stating:

I vote "No" on account of the senate failing to amend the resolution so as to read fifty-one per cent. I believe that the people should rule, and in order for them to rule a majority should be required on the petition. I do not believe in a dissatisfied minority having the chance to continually agitate the overthrowing of what a majority has done, and to be in position to continually hamper and disturb.

Mr. Martin explained his vote, stating:

It is a well known fact that I am in favor of majority rule and a government of the people, for the people and by the people; but I am not in favor of this bill because it gives a minority of the people a chance to dictate who shall serve them and what shall be done by our legislatures. I therefore vote "No."

Senate Bill No. 246.

A bill for an act to prohibit the carrying and use of firearms by children and minors.

Was read the third time.

Mr. Williams moved, as an amendment:

That the age limit in the bill be decreased from 15 years to 14 years.

Which motion was lost.

The question being on the final passage of the bill,

The roll was called and there were 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Ruzicka
Baker	Hookway	Simpson
Bessesen	Jacobsen	Steel of Stutsman
Carter	Johnson	Stevens
Cashel	Kennedy	Syvertson
Davis	Kretschmar	Thoreson
Duis	Linde	Turner
Duncan	Martin	Wallin
Elken	McDonald	Walton
Ellingson	McDowell	Welo
Ganssle	Movius	Welch
Garden	Overson	Whitcher
Gibbens	Plain	Williams
Gilbert	Putnam	Young
Gronvold		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Pierce	Talcott
McLean	Steele of Renville	Trimble

So the bill passed and the title was agreed to.

Senate Bill No. 252.

A bill for an act to amend Section 1541 of the Revised Codes of 1905, relating to tax lists made out by county auditors.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 40 ayes, no nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Ruzicka
Baker	Gunderson	Simpson
Bessesen	Hookway	Steel of Stutsman

Messrs.—	Messrs.—	Messrs.—
Carter	Jacobsen	Stevens
Cashel	Johnson	Syverson
Davis	Kennedy	Turner
Dujs	Kretschmar	Wallin
Duncan	McDowell	Walton
Elken	McLean	Welo
Ellingson	Movius	Welch
Ganssle	Overson	Whitcher
Garden	Plain	Williams
Gibbens	Putnam	Young
Gilbert		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	McDonald	Talcott
Linde	Pierce	Thoreson
Martin	Steele of Renville	Trimble

So the bill passed and the title was agreed to.

Mr. Cashel moved

That the vote by which Senate Bill No. 252 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Movius in the chair.

Senate Bill No. 188.

A bill for an act to license motor and other vehicles, and chauffeurs, defining the road regulations of such vehicles, providing that the funds received from such licenses shall be expended on the maintenance of public highways and making it a misdemeanor to take and remove motor and other vehicles from any warehouse, garage or building without the knowledge and consent of the owner, and repealing Sections 2169, 2170, 2171 and 2172 of the Revised Codes of 1905, and repealing Sections 2173 and 2174 of the Revised Codes of 1905, as amended in Chapter 42 of the Session Laws of 1909.

Was read the third time.

Mr. Ellingson moved the following amendments:

After the word "highways" in line 4 of section 25 of the printed bill, insert "and where no county superintendent of highways has been appointed, then under the direction of the Board of County Commissioners."

After the word "highways" in line 1, section 28, insert "and."

After the word "highways" in line 2 of section 28, insert "when such are appointed, and otherwise the Board of County Commissioners."

Strike out section 30, emergency clause.

Which motion prevailed, and
The amendments were adopted.

Mr. Duis moved

That the rate of speed mentioned in section 16, line 17, be changed from 30 to 35 miles.

Which motion was lost.

The question being on the final passage of the bill,

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Simpson
Baker	Jacobsen	Steel of Stutsman
Bessesen	Johnson	Stevens
Carter	Kennedy	Syvertson
Cashel	Kretschmar	Thoreson
Davis	Linde	Trimble
Duis	Martin	Turner
Duncan	McDowell	Wallin
Elken	McLean	Walton
Ellingson	Movius	Welo
Ganssle	Oversor	Welch
Garden	Pierco	Whitche
Gibbens	Plain	Williams
Gilbert	Putnam	Young
Gronvold	Ruzicka	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	McDonald	Talcott
LaMoure	Steele of Renville	

So the bill passed and the title was agreed to.

Senate Bill No. 81.

A bill for an act to amend Section 1564 of the Revised Codes, relating to fees of sheriffs for the collection of delinquent personal property taxes.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 39 ayes, 4 nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gilbert	Pierce
Baker	Gronvold	Plain
Bessesen	Gunderson	Ruzicka
Carter	Jacobson	Simpson
Cashel	Johnson	Steel of Stutsman
Davis	Kennedy	Stevens
Duis	Kretschmar	Syvertson
Duncan	Linde	Thoreson
Elken	Martin	Turner
Ellingson	McDonald	Walton
Ganssle	McDowell	Welo
Garden	McLean	Weich
Gibbens	Movius	Whitcher

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Overson	Wallin	Williams
Putnam		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	Steele of Renville	Trimble
LaMoure	Talcott	Young

So the bill passed and the title was agreed to.

Senate Bill No. 95.

A bill for an act regulating the conditions and provisions to be contained in policies of health or accident insurance issued in this state.

Was read the third time.

Mr. Simpson moved, as an amendment:

In line 8 of the printed bill, section 1, strike out the word "twenty" and insert "thirty," and in the parentheses, same line, change the figure 2 to 3. Also in line 6, section 2, on the last line on page 2, change the words "one year" to "two years."

Which motion prevailed, and

The amendment was adopted.

Mr. Overson moved

That the bill be made a special order for Monday at 3 o'clock.

Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 260.

A bill for an act to amend Section 12, Chapter 109, of the laws of 1907, entitled, an act providing for the selection of candidates for election by popular vote, and relating to their nomination and perpetuation of political parties, and relating particularly to percentage of votes required to nominate candidates.

Was read the first and second times, and

Referred to the committee on elections and privileges.

House Bill No. 207.

A bill for an act to regulate the sale of nursery stock to provide for a nursery inspector.

Was read the first and second times and

Referred to the committee on agriculture.

House Bill No. 249.

A bill for an act prohibiting drinking intoxicating liquors on railroad trains in North Dakota, prescribing penalty for violation thereof and prescribing duties of peace officers.

Was read the first and second times and

Referred to the committee on railroads.

House Bill No. 212.

A concurrent resolution proposing an amendment to the Constitution of the State of North Dakota, providing for the sale of the school and public lands and reserving to the state the coal in them.

Was read the first and second times and

Referred to the committee on public lands.

House Bill No. 264.

A bill for an act to amend Section 4112 of the Revised Codes of 1905, relating to the adoption of minor children.

Was read the first and second times and

Referred to the committee on judiciary.

House Bill No. 297.

A bill for an act to amend Section 1168 of the Revised Codes of 1905, as amended by Section 3 of Chapter 237 of the Session Laws of 1907.

Was read the first and second times and

Referred to the committee on state affairs.

House Bill No. 270.

A bill for an act to amend Article 4 of Chapter 30 of the Political Code of North Dakota, being Section 2678 of the Revised Codes of North Dakota of 1905, relating to powers of city councils.

Was read the first and second times and

Referred to the committee on cities and municipal corporations.

House Bill No. 328.

A bill for an act prohibiting the keeping open, or the running or permitting of running of any theatre, show, moving picture show, or theatrical performance, upon the first day of the week, commonly called the Sabbath, and providing a penalty for violations of the same.

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 2972 of the Political Code of the Revised Codes of North Dakota of 1905.

Was read the first and second times and

Referred to the committee on state affairs.

House Bill No. 125.

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 drainage board, and fixing the compensation of drain commissioners.

Was read the first and second times and

Referred to the committee on drainage.

House Bill No. 217.

A bill for an act authorizing the board of railroad commissioners to refund license fee of public grain warehouses.

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

House Bill No. 219.

A bill for an act to prevent fraud in taking mortgages on personal property, to extend the time of validity of the same, to provide a penalty for alteration, and to repeal Section 6186 of the Revised Codes of 1905.

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

House Bill No. 277.

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 state affairs.

House Bill No. 334.

A bill for an act to amend Section 5 of Chapter 172 of the Session Laws of 1909, relating to the regulation of practice of osteopathy.

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

The courtesies of the floor were extended to the following:

C. A. Jacobson, Schafer.
A. V. Rhodes, Stanley.
Peter Regan, Webster.
C. K. Wing, Carrington.
W. L. Neussle, Washburn.
Aug. Johnson, Washburn.

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

J. W. FOLEY,
Secretary.

FORTY-NINTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

February 20, 1911.

The senate convened at 2 o'clock.

The President pro tem 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 20, 1911.

Mr. President:

I have the honor to transmit herewith

House Bill No. 190.

A bill for an act providing for aid to the poor, consisting of persons convicted of crime who have been placed upon

probation subject to the provisions of law, or who have been paroled or whose term of imprisonment has expired, and making an appropriation therefor.

Also

House Bill No. 313.

A bill for an act to provide for the establishment, organization, regulation, and management of a state board of health, county boards of health, township boards of health, city boards of health and village boards of health, and making an appropriation for the expenses of the state board of health.

Also,

House Bill No. 227.

A bill for an act to amend and re-enact Section 7475 of the Revised Codes of 1905, State of North Dakota, relating to costs and disbursements on the foreclosure of a real estate mortgage by advertisement.

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

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

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

Whereas, It is necessary to expedite and complete the work of this session of the assembly;

Resolved by the Senate, the House Concurring:

That further introduction of bills be limited and that no further bill be introduced in either House after the forty-fifth day, except upon a two-thirds vote of the House into which it is offered.

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

Strike out the word "forty-fifth" and insert in lieu thereof "fifty-first."

In which the House has concurred as amended.

Very Respectfully,

E. H. GRIFFIN,
Chief Clerk.

REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the Journal of the 47th day, have carefully examined the same and recommend that the same be corrected as follows:

Page 6, line 1, of title of Senate Bill No. 216, after "re-enact," insert "Section 8023 of."

Page 21, line 4 from the bottom, between the words "present" and "Legislative," insert the word "respective."

Page 22, line 5, change the word "foreign" to "forage."

Page 23, line 11, after the word "their" insert the word "actual."

Page 29, line 6, "Senate Bill No. 22" be changed to "House Bill No. 22," also change the title to that of House Bill No. 22.

Page 40, line 19, "41" to "42" and "8" to "7."

Between "Jacobsen" and "Kennedy" in the list of those who voted in the affirmative on Senate Bill No. 226, page 40, insert the name "Johnson." Also in the list of those absent and not voting on the same bill strike out the name "Johnson."

Page 43, line 10 from the bottom, change "38" to "37." and "6" to "7."

Strike out all of lines 4 and 5 of page 53.

Page 55, "House Bill No. 124" be changed to "House Bill No. 194." Also strike out the title following and insert in lieu thereof the title of House Bill No. 194.

And when so amended recommend that the same be approved.

J. E. STEVENS,
Chairman.

Mr. Stevens moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

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. 125.

A bill for an act to create a legislative "committee on uniform methods for public accounts," prescribing its powers, duties and the service it shall render in creating and enforcing the use of standard and uniform accounting methods, for all state officers, state institutions, all public institutions under the control of the state, county officers, municipalities, and school districts, as hereinafter provided.

Have had the same under consideration and recommend that the same be amended as follows, and re-referred to the committee on appropriations.

AMENDMENTS TO SENATE BILL NO. 125.

In amending reference is made to the printed bill.

Strike out the word "committee" wherever it appears and insert the word "commission."

Strike out all of lines five and six and in the words "representatives from among its members" and insert in lieu thereof the words "state examiner and two persons to be appointed by the governor."

In line eight strike out the words "selected" and "so" and insert in lieu thereof the words "named and appointed."

Strike out all of lines ten, eleven and twelve on page two in section one.

Strike out the words "persons appointed as" in line one, section two on page two.

Strike out all of lines eight and nine on page two.

In line fourteen on page three, after the word "five," insert the following: "county treasurer's and county auditor's offices in."

In lines fifteen and sixteen on page three, change the word "or" to "nor." In line two of section seven, after the word "committee," insert "excepting the state examiner," and strike out the figure "ten" and insert in lieu thereof the figure "eight." In line seven of the same section, strike out "\$2,000.00" and insert in lieu thereof "\$1,500.00," and in line eight strike out the words "chairman and assistant," and in line ten strike out "\$4,000 each," and insert in lieu thereof "\$3,000.00;" in line eleven strike out the word "their" and insert in lieu thereof "his," and in the same line strike out the word "them" and insert in lieu thereof the word "him."

In line five of section eight strike out "\$10,000.00" and insert in lieu thereof "\$4,500.00;" strike out all of line six in the same section, and in line eight strike out "\$25,000." and insert in lieu thereof "\$10,000.00."

Strike out the sum "\$39,000." at the bottom of page six and insert in lieu thereof "\$14,500."

H. H. STEELE,
Chairman.

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

Also

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 245.

A bill for an act to amend and re-enact Sections 1, 2, 3, 4, 7, 8 of Chapter 260 of the Session Laws of the state of North Dakota for the year 1907, to repeal Sections 5 and 6 thereof and to repeal Chapter 258 of the Session Laws of the state of North Dakota for the year 1907, relating to the prohibition of unfair discrimination between different sections, communities or localities, unfair competition and providing penalties for the violation thereof.

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

H. H. STEELE,
Chairman.

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

Also,

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 328.

A bill for an act prohibiting the keeping open, or the running or permitting of running of any theatre, show, moving picture show, or theatrical performance, upon the first day of the week, commonly called the Sabbath, and providing a penalty for violations of the same.

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 102.

A bill for an act to amend Section 9791 of the Revised Codes of 1905, relating to prosecution on information and in what cases.

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 90.

A bill for an act to provide for the ascertaining and giving notice of the title of 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 amended as follows:

Add in the title of printed bill after "therefor" "and to repeal sections 8040, 8041, 8042, 8043, 8044 and 8045, of the Revised Codes of North Dakota." Also strike out "and binding whether such unknown persons are of age or" in line 10 on page 4, and also strike out "minors and on those claiming under them" in line 11, and insert in lieu thereof, "against all persons affected thereby." After "persons" in line 15½ on page 5 insert "affected thereby."

On page 6, section 8, all the words in lines one and two up to the word "and" to be stricken out.

And when so amended recommend the same do pass.

H. H. STEELE,
Chairman.

Mr. Pierce requested that the consideration of this report go over for one day.

Which request was granted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 299.

A bill for an act providing for the making of necessary repairs upon the capitol building and making an appropriation therefor.

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

J. LAMOURE,
Chairman.

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

Mr. Welch moved

That the rules be suspended and Senate Bill No. 299 be now placed on its third reading and final passage.

Mr. Simpson: It appearing that the engrossed bill is not now before the Senate, and I object to the procedure suggested, on the ground that the Senate has no authority and is positively prohibited under Section 63 of the Constitution, from taking any such action, any rule of the Senate to the contrary notwithstanding.

Mr. Welch thereupon withdrew his motion.

The committee on irrigation and drainage made the following report:

Mr. President:

Your committee on irrigation and drainage, to whom was referred

House Bill No. 28.

A bill for an act providing a penalty for obstructing water courses or diverting the water therefrom.

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 was adopted.

The committee on counties and county boundaries made the following report:

Mr. President:

Your committee on counties and county boundaries to whom was referred

Senate Bill No. 286.

A bill for an act to amend and re-enact Section 2336 of the Revised Codes of North Dakota for the year of 1905, and to repeal Section 2338 of the Revised Codes of North Dakota for the year of 1905, relating to the settlement of assets and liabilities between counties growing out of the division of a county.

Have had the same under consideration and recommend that the same do pass, and that it be re-referred to the judiciary committee.

H. J. LINDE,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 234.

A bill for an act to authorize and empower the state auditing board to audit, approve and order paid, bills contracted by the capitol commission under Chapter 166 of the

Session Laws of 1905, and making an appropriation therefor.

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

J. LAMOURE,
Chairman.

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

The committee on temperance made the following report:

Mr. President:

Your committee on temperance to whom was referred
Senate Bill No. 186.

A bill for an act to amend and re-enact Section 9371 of Revised Codes of the State of North Dakota for the year 1905, relating to the enforcement of the prohibition law by state's attorneys, providing for a special fund in each county for the fines and penalties and the payment of prosecution expenses.

Have had the same under consideration and recommend that the same do pass, and re-referred to the committee on judiciary.

E. L. GARDEN,
Chairman.

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

Also,

Mr. President:

Your committee on temperance to whom was referred
Senate Bill No. 259.

A bill for an act making an appropriation to compensate P. G. Johnson for services as assistant attorney general, es-

pecially authorized to enforce the prohibitory law of this state.

Have had the same under consideration and recommend that the same do pass, and be re-referred to committee on appropriations.

E. L. GARDEN,
Chairman.

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

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 18.

A bill for the regulation and control of fraternal benefit societies.

Also

Senate Bill No. 307.

A concurrent resolution for an amendment to the Constitution of the state of North Dakota, relating to the term of office of the judges of the supreme court.

Also,

Senate Bill No. 311.

A bill for an act to amend and re-enact Sections 6240 and 6241 of Chapter 79 of the Revised Codes of North Dakota for 1905, relating to accounts to be filed with clerk of court in mechanic's liens; and clerk's records thereof.

Also

Senate Bill No. 302.

A bill for an act to forfeit firearms or other weapons to the state when found on the person of any one arrested and convicted of a felony, misdemeanor or other crime.

Also,

Senate Bill No. 289.

A bill for an act making it unlawful for any chairman of the board of county commissioners of any county in the state of North Dakota from signing any county warrant or warrants before such warrant or warrants are drawn by the county auditor, and all blanks filled out in full and compared with the bill for which the same was allowed.

Also,

Senate Bill No. 290.

A bill for an act to amend and re-enact Section 496 of the Revised Codes of North Dakota, relating to qualifications of applicants for admission to the bar of the state of North Dakota.

Also

Senate Bill No. 277.

A bill for an act relating to trespassing while hunting game.

Also

Senate Bill No. 260.

A bill for an act to regulate the names of corporations and to prohibit the use of misleading words in the names of corporations organized or authorized to do business in this state.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

The majority and minority reports on

Senate Bill No. 91.

A bill for an act entitled, an act specifying who may sue for divorce in this state, and amending Section 4067, Revised Codes of North Dakota of 1905.

Were laid before the Senate.

Mr. Steele moved

That the majority report be adopted.
Which motion was lost.

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

And the further consideration of the bill was indefinitely postponed.

MOTIONS AND RESOLUTIONS.

Mr. Pierce introduced the following concurrent resolution:

Whereas, the Constitution of the State of North Dakota located at the city of Lisbon "A Soldiers' Home or such other educational or charitable institution as the legislative assembly may determine" with a grant of forty thousand acres of land; and

WHEREAS, Pursuant thereto, there was established at said city of Lisbon a soldiers' home, which has been in operation for nearly twenty years, and so efficiently and economically managed, that while furnishing the maximum of comfort, convenience and good cheer to those veterans who are making their several homes therein, a surplus of revenue or income beyond its expense of maintenance is annually arising from the income of its land grant or permanent fund; and

WHEREAS, There has been brought prominently before this legislative assembly the question of the care, maintenance and education of orphaned, destitute and abandoned children, who have become or may become wards of the state, and it is apparent that with the increase of population said question will assume greater importance and magnitude, and that ere long the state will be called upon to consider the question of maintaining a home for such children; and

WHEREAS, The natural beauty and advantages of the location of the Soldiers' Home, its adequate farm lands and grounds, its economy and efficiency of management, and the constantly increasing fund at its disposal, would warrant the consideration of the question of combining both institutions should such a home be created;

Therefore, Be it Resolved by the Senate, the House of Representatives Concurring:

That the governor and the board of trustees of the Soldiers' Home be and they are hereby requested to investigate the advisability and feasibility of establishing a children's home at the location of the Soldiers' Home, under the same management and participating in the same source of income or maintenance; and to report to the Thirteenth Legislative Assembly their findings and conclusions, and to recommend such legislation, if any, as they might deem necessary or proper.

That copies of this resolution be engrossed and signed by the secretary of the Senate and the chief clerk of the House, and transmitted to the governor and to each member of said board.

Mr. Simpson moved

That the resolution be referred to the committee on judiciary.

Which motion prevailed.

Mr. Hookway introduced the following concurrent resolution:

Be it Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

THAT, WHEREAS, The reciprocity agreement now pending before the National Congress is of the most vital importance to the North Dakota people; and

WHEREAS, The Hon. James J. Hill, president of the board of directors of the Great Northern road, made a certain speech in the city of Chicago on the 15th day of February, 1910, in which the said speaker is quoted in the press as saying that "the Northwest was in favor of said reciprocity agreement"; and

WHEREAS, Said speech has been widely circulated throughout the United States; and

WHEREAS, Said speech has had its influence upon Congress, and inasmuch as it does not express the sentiments of the farmers and business interests of the state of North Dakota; and

WHEREAS, Action will be taken on said reciprocity agreement on Wednesday or Thursday of the present week;

Now, Therefore, Be it Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

That two members of the Senate and three members of the House of Representatives be appointed to draft the proper resolution to be telegraphed to our representatives in the National Congress by the secretary of state, setting forth fully the sentiments of the North Dakota farmers and other business interests of North Dakota.

Mr. Hookway moved

That the resolution be adopted.

The motion prevailed, and

The resolution was adopted.

Mr. Cashel moved

That the rules be suspended and House Bill No. 254 be placed on its third reading and final passage.

Which motion prevailed.

House Bill No. 254.

A bill for an act to amend Section 7894 of the Revised Codes of 1905, relating to who shall act when a county judge is disqualified or absent.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 47 ayes, no nays, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Ruzicka
Baker	Jacobsen	Simpson
Bessesen	Johnson	Stevens
Carter	Kennedy	Syvertson
Cashel	Kretschmar	Talcott
Davis	LaMoure	Thoreson
Duis	Linde	Turner
Duncan	Martin	Trimble
Elken	McDonaid	Wallin
Ellingson	McDowell	Walton
Ganssle	McLean	Welo
Garden	Movius	Welch
Gibbens	Overson	Whitcher
Gilbert	Pierce	Williams
Gronvold	Plain	Young
Gunderson	Putnam	

Messrs. Steele of Stutsman and Steele of Renville were absent and not voting.

So the bill passed and the title was agreed to.

Mr. Cashel moved

That the vote by which House Bill No. 254 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

FIRST READING OF SENATE BILLS.

Mr. Kennedy introduced

Senate Bill No. 356.

A bill for an act to amend Article 3 of Chapter 75 of the Civil Code of North Dakota, being Section 6186 of the Revised Codes of North Dakota of 1905.

Which was read the first time.

Mr. Baker introduced

Senate Bill No. 357.

A bill for an act to repeal Article 24 of the Revised Codes of the state of North Dakota for 1905, entitled tree planting, said article 24 consisting of Sections 2082, 2083,

2084 and 2085; also Chapter 41 of the Session Laws of the state of North Dakota for 1907 and Chapter 50 of the Session Laws of the State of North Dakota for 1909.

Which was read the first time.

Mr. Carter introduced

Senate Bill No. 358.

A bill for an act to amend Section 6188 of the Revised Codes of North Dakota, for the year 1905, relating to duties of registers of deeds.

Which was read the first time.

Mr. Carter introduced

Senate Bill No. 359.

A bill for an act to amend Sections 2595 and 2596 of the Revised Codes of North Dakota.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 356.

A bill for an act to amend Article 3 of Chapter 75 of the Civil Code of North Dakota, being Section 6186 of the Revised Codes of North Dakota of 1905.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 357.

A bill for an act to repeal Article 24 of the Revised Codes of the state of North Dakota for 1905, entitled tree planting, said article 24 consisting of Sections 2082, 2083, 2084 and 2085; also Chapter 41 of the Session Laws of the state of North Dakota for 1907 and Chapter 50 of the Session Laws of the State of North Dakota for 1909.

Was read the second time and

Referred to the committee on agriculture.

Senate Bill No. 358.

A bill for an act to amend Section 6188 of the Revised Codes of North Dakota, for the year 1905, relating to duties of registers of deeds.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 359.

A bill for an act to amend Sections 2595 and 2596 of the Revised Codes of North Dakota.

Was read the second time and

Referred to the committee on state affairs.

Mr. Gilbert moved

That the Senate do now concur in the concurrent resolution as amended by the House, extending the time for introducing bills to the 51st day.

Which motion prevailed.

SPECIAL ORDER.

Senate Bill No. 95.

A bill for an act regulating the conditions and provisions to be contained in policies of health or accident insurance issued in this state.

Was laid before the Senate.

Mr. Gunderson moved, as amendments, the following:

In line 8 of section 1, on page 1, strike out "twenty (20)" and insert in lieu thereof "forty (40)."

In line 13 of section 1, on page 1, strike out the word "within."

In line 14 of section 1, on page 2, strike out "thirty days from" and insert in lieu thereof "after." Beginning in line 15 of section 1, on page 2, strike out the following: "as to disability beginning after the payment has actually been made."

Strike out all of subdivision 4 of section 1, being lines 17, 18, 19, 20 and 21, on page 2.

Commencing after the word "one" in line 23 of section 1, being on page 2, strike out the following: "or if the insured is injured while doing any act or thing pertaining thereto, except ordinary duties about residence."

In line 6 of section 2, on page 2, strike out the word "one" and insert in lieu thereof the word "two."

Commencing in line 16 of section 2, being on page 3, after the word

"paid" strike out everything down to and including the word "paid" in line 26 of said section.

In line 4 of section 4, being on page 4, after the word "same" insert the following: "together with a table of rates and classification of risks."

Which motion prevailed, and

The amendments were adopted.

Mr. Simpson moved

That the final passage of the bill be deferred until the bill has been engrossed.

Which motion prevailed.

Mr. Trimble moved

That Senate Bill No. 112 be referred to the committee on appropriations.

Which motion prevailed.

MESSAGE FROM THE GOVERNOR.

A sealed communication was received from the governor.

Mr. Talcott moved

That the Senate do now go into executive session.

Which motion prevailed.

OPEN SESSION.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

February 20, 1911.

Mr. President:

I have the honor to return herewith the following concurrent resolution, relating to reciprocity agreement, which the House has amended as follows:

By inserting after the words "our representatives in the national congress," the words "President W. H. Taft," and concurred in as amended, and the Speaker has appoint-

ed as House members of committee to draft resolutions, Messrs. Fraine, Norheim and Price.

Very respectfully,

E. H. GRIFFIN.
Chief Clerk.

Mr. Talcott moved that the Senate do now concur in the House amendments to this resolution.

Which motion prevailed.

The President announced the appointment of Messrs. Hookway and Bessesen as Senate members of the committee to draft such resolutions.

Senate Bill No. 129.

A bill for an act concerning insurance contracts and providing that contracts of insurance made by any company belonging to or member of or in any way connected with any tariff association or such like thing by whatever name called, shall be construed to add twenty-five per cent to the face of the policy or contract of insurance in addition to the actual loss or damage suffered; providing that the jury or court finding certain facts must add the amount of said penalty to the verdict, and providing for a liberal construction 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 29 ayes, 15 nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Simpson
Bessesen	LaMoure	Stevens
Davis	Linde	Syvertson
Duncan	Martin	Talcott
Elken	McDonald	Thoreson
Ganssle	McDowell	Trimble
Gibbens	McLean	Turner
Gilbert	Overson	Wallin
Hookway	Plain	Welch
Jacobsen	Ruzicka	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Gronvold	Steele of Renville
Carter	Kennedy	Walton
Duis	Kretschmar	Welo
Ellingson	Movius	Whitcher
Garden	Steel of Stutsman	Williams

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	Pierce	Young
Gunderson	Putnam	

So the bill passed and the title was agreed to.

Mr. Simpson moved

That the vote by which Senate Bill No. 129 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. 19.

A bill for an act to amend Section 7782 of the Revised Codes of 1905, relating to the priority of claims in insolvency proceedings.

Also,

Senate Bill No. 99.

A bill for an act to amend and re-enact Section 1513 of Revised Codes of North Dakota, as amended by Chapter 41, of the laws of 1909, relating to the furnishing by the county auditor of assessment books and blanks, lists of real property, regulating the time of meeting of assessors, and providing for their compensation for attending such meeting.

Also

Senate Bill No. 108.

A bill for an act to amend Section 2744 of the Revised Codes of North Dakota for 1905, relating to qualified voters and registration in cities.

Also

Senate Bill No. 147.

A bill for an act to amend Section 4048 of the Revised Codes of 1905, providing for the dissolution of marriage; the effect thereof and the duty of the court to regulate the re-marriage of either or both parties.

Also,

Senate Bill No. 166.

A bill for an act to amend and re-enact Section 6064 of the Revised Codes of North Dakota for the year A. D., 1905, relating to life insurance.

Also,

Senate Bill No. 180.

A bill for an act to amend and re-enact Section 1607 of the Revised Codes of North Dakota for the year 1905.

Also,

Senate Bill No. 216.

A bill for an act to amend and re-enact Section 8023 of the Revised Codes of North Dakota for 1905, relating to time to apply for letters of administration and providing when the statute of limitations shall run against claims against decedents.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The Secretary announced that the President was about to sign

Senate Bill No. 19.

A bill for an act to amend Section 7782 of the Revised Codes of 1905, relating to the priority of claims in insolvency proceedings.

Also,

Senate Bill No. 99.

A bill for an act to amend and re-enact Section 1513 of Revised Codes of North Dakota, as amended by Chapter 41, of the laws of 1909, relating to the furnishing by the county auditor of assessment books and blanks, lists of real property, regulating the time of meeting of assessors, and providing for their compensation for attending such meeting.

Also,

Senate Bill No. 108.

A bill for an act to amend Section 2744 of the Revised Codes of North Dakota for 1905, relating to qualified voters and registration in cities.

Also,

Senate Bill No. 147.

A bill for an act to amend Section 4048 of the Revised Codes of 1905, providing for the dissolution of marriage; the effect thereof and the duty of the court to regulate the re-marriage of either or both parties.

Also

Senate Bill No. 166.

A bill for an act to amend and re-enact Section 6064 of the Revised Codes of North Dakota for the year A. D., 1905, relating to life insurance.

Also,

Senate Bill No. 180.

A bill for an act to amend and re-enact Section 1607 of the Revised Codes of North Dakota for the year 1905.

Also,

Senate Bill No. 216.

A bill for an act to amend and re-enact Section 8023 of the Revised Codes of North Dakota for 1905, relating to time to apply for letters of administration and providing

when the statute of limitations shall run against claims against decedents.

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. 76.

A bill for an act in relation to the legal rates for the publication of legal notices, reports and proceedings, and to amend Section 2432 of the Revised Codes of 1905, relating to the publication of the proceedings of boards of county commissioners, and the legal rates therefor.

Also,

House Bill No. 1.

A joint resolution ratifying the sixteenth amendment to the constitution of the United States.

Also,

House Bill No. 173.

A bill for an act to amend and re-enact Section 4201 of the Civil Code of the Revised Codes of North Dakota of 1905, relating to by-laws of private corporations.

And the President signed the same in the presence of the Senate.

Senate Bill No. 159.

A bill for an act to require a re-insurance reserve for mutual 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 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Allen
Baker
Bessesen
Carter
Cashel

Messrs.—

Gunderson
Hookway
Jacobsen
Johnson
Kennedy

Messrs.—

Plain
Simpson
Steel of Stutsman
Steele of Renville
Stevens

Messrs.—	Messrs.—	Messrs.—
Davis	Kretschmar	Syvertson
Duis	Linde	Talcott
Duncan	Martin	Thoreson
Elken	McDonald	Turner
Ellingson	McDowell	Wallin
Ganssle	McLean	Walton
Garden	Movius	Welch
Gibbens	Overson	Whitcher
Gilbert	Pierce	Williams
Gronvold		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Ruzicka	Welo
Putnam	Trimble	Young

So the bill passed and the title was agreed to.

Senate Bill No. 185.

A bill for an act providing for the establishing of savings banks and defining the powers and restrictions of the same.

Was read the third time.

Mr. Simpson moved, as an amendment:

That the word "shall" be inserted after the word "directors," in line 13, page 2 of the printed bill.

Which motion prevailed, and

The amendment was adopted.

Mr. Overson moved, as an amendment:

That in line 14, page 5, section 4, the word "twice" be stricken out and "three times" inserted in lieu thereof.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Simpson
Baker	Johnson	Steel of Stutsman
Bessesen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	Linde	Syvertson
Davis	Martin	Thoreson
Duis	McDonald	Trimble

Messrs.—	Messrs.—	Messrs.—
Duncan	McDowell	Turner
Elken	McLean	Wallin
Ellingson	Movius	Walton
Ganssle	Overson	Welo
Garden	Pierce	Whitcher
Gilbert	Plain	Williams
Gronvold	Putnam	Young
Gunderson	Ruzicka	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gibbens	LaMoure	Welch
Hookway	Talcott	

So the bill passed and the title was agreed to.

Mr. Overson asked consent to return to the 7th order of business.

REPORT OF SELECT COMMITTEE.

To the President of the Senate and Speaker of the House.

Mr. President: Your committee appointed to visit the State School of Science at Wahpeton, begs leave to report as follows:

Your committee arrived at Wahpeton at 1:00 o'clock a. m. on Monday, February 6th, and were met in the hotel the next morning by President Smith of the School of Science, and after discussing the condition of the school for some time with him, we finally accompanied him to the new ladies' dormitory, built with the appropriation provided in 1909. We arrived just in time to partake of a delicious dinner prepared by the girls in the domestic science course, whose department is in that building. After dinner we made a thorough investigation of the girls' dormitory and found the building well planned and furnished, and most substantially built. The work in the domestic science course, as explained, was very interesting and instructive, and your committee believes that this work should have continued and careful attention in many of the schools in the state.

We next directed our attention to the main building, a building built about twenty years ago and purchased from the Red River Valley University. The building was bought at a very low figure originally and has had very little repairs since that time. The roof on this building is leaky in many places, and we would recommend that a new roof be put on the building, and that the amount of \$3,500.00 would place the building in a fair state of repair until the next session of the legislature, when a further appropriation should be made.

The engineering building where the work in manual training, consisting of wood working, iron working and work with engines, etc., is carried on, we found very crowded; and there is a great necessity for more room to properly carry on the work.

The gymnasium is a part of this same building, and could be used as an addition to the engineering department of the building, providing a new assembly hall and gymnasium is furnished. The gymnasium at the present time is situated across the campus some two hundred yards from the girls' dormitory and from the main building where many of the boys room. There are no dressing rooms or bath rooms in the gymnasium building, and after exercising, the boys and girls are obliged to go across

the campus in all kinds of weather, this being a menace to their health as they are liable to take cold.

An assembly hall and gymnasium are badly needed by the institution, and we would recommend that \$20,000.00 be appropriated for such a building. This sum would not, in our opinion, be sufficient to complete and equip the building, but would probably enclose it so it could be used until the next session of the legislature, when an additional appropriation to complete the building would be required.

We believe that the boys' dormitory asked for will have to be dispensed with for the present biennial period.

We recommend the appropriation of \$4,950.00 for the deficit in cost of the girls' dormitory, chemical building and heating plant, which amount was temporarily transferred from the maintenance fund.

Cement walks are needed, and the amount of \$1,800.00 asked for should be appropriated for these walks.

An appropriation of \$1,000.00 for grading and improving the ground as asked for should also be allowed. There was a great deal of snow, so we were not able to judge of the existing condition of the ground, but understand that considerable work has already been done, and this amount is necessary to properly complete the work.

Unless the assembly hall and gymnasium can be built within the next two years, it will be necessary to make some temporary provision for the accommodation of the engineering students, and some appropriation for an addition to the present engineering building should be made.

Respectfully submitted,

W. B. OVERSON,
S. N. PUTNAM,
N. O. JOHNSON,
T. E. TOSTENSON.

Mr. Stevens moved

That Senate Bill No. 266 be recalled from the committee on highways and bridges, and withdrawn.

Which motion prevailed.

Mr. Plain moved

That Senate Bill No. 121 be recalled from the committee on live stock and withdrawn.

Which motion prevailed.

Mr. Talcott moved

That a committee be appointed to escort former Governor Sarles to the President's desk.

Which motion prevailed.

The President appointed Messrs Talcott and Martin to conduct ex-Governors Sarles and Devine to the President's desk.

Ex-Governor Sarles addressed the Senate.

Ex-Governor Devine addressed the Senate.

Senate Bill No. 213.

A bill for an act to regulate the manner of sale of food products and beverages, and establishing the legal weight for lard or lard substitutes and for bread, and providing 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 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Simpson
Baker	Jacobsen	Steel of Stutsman
Bessessen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	Linde	Syverson
Davis	Martin	Talcott
Duncan	McDonald	Thoreson
Elken	McDowell	Trimble
Elmington	McLean	Turner
Ganssle	Movius	Wallin
Garden	Overson	Walton
Gibbens	Pierce	Welo
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duis	LaMoure	Welch
Johnson		

So the bill passed and the title was agreed to.

Senate Bill No. 253.

A bill for an act transferring funds from the state wolf bounty fund of this state to the general fund of the state.

Was read the third time.

Mr. Cashel moved

That the bill be amended:

That the bill be amended by striking out the period following the word "dollars," in line 3 of the printed bill, and insert a semi-colon (;) in lieu thereof and add the following: "provided that said transfer shall be made by the state auditing board from time to time as a surplus may accumulate in said wolf bounty fund."

The question being on the final passage of the bill.

The roll was called and there were 42 ayes, 1 nay, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gundersen	Steel of Stutsman
Baker	Hookway	Steele of Renville
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syverson
Cashel	Linde	Talcott
Davis	Martin	Thoreson
Duncan	McDowell	Trimble
Elken	McLean	Turner
Ellingson	Movius	Wallin
Ganssle	Overson	Welo
Garden	Plain	Welch
Gibbens	Putnam	Williams
Gilbert	Ruzicka	Whitcher
Gronvold	Simpson	Young

Mr. Jacobson voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duis	LaMoure	Pierce
Johnson	McDonald	Walton

So the bill passed and the title was agreed to.

Mr. Cashel moved

That the vote by which Senate Bill No. 253 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 267.

A bill for an act to amend Sections 2, 3, 4, 10, 14 and 28, of Chapter 92 of the Session Laws of the state of North Dakota of 1909, relating to the creation of 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 assistant dairy commissioners, fixing their compensation, defining their powers and duties, prescribing rules and regulations for the manufacture and sale of dairy products, prescribing penalties for violations, providing for a license for creameries, cream stations, cheese factories and renovating or process butter factories, throughout the state.

Was read the third time.

Mr. Duncan moved, as an amendment:

That the words, "prescribing penalties for violation" be stricken from the title.

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill,
The roll was called and there were 41 ayes, no nays, 8
absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Ruzicka
Baker	Hookway	Steel of Stutsman
Bessesen	Jacobsen	Steele of Renville
Carter	Kennedy	Stevens
Cashel	Kretschmar	Talcott
Davis	Linde	Turner
Duis	Martin	Wallin
Duncan	McDonald	Walton
Elken	McDowell	Welo
Ellingson	McLean	Welch
Garden	Movius	Whitcher
Gibbens	Overson	Williams
Gilbert	Plain	Young
Gronvold	Putnam	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ganssle	Pierce	Thoreson
Johnson	Simpson	Trimble
LaMoure	Syverson	

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. 149.

A bill for an act to require sheriffs in all counties of the State of North Dakota to issue receipts and to file with the county auditor of their respective counties all duplicate re-

ceipts issued for the payment of delinquent taxes collected by them or their deputies during their term of office.

Also,

Senate Bill No. 165.

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 fixing the penalty for the violation thereof, except as provided therein and to require the granting of free transportation to the board of railroad commissioners, their experts and their agents.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The Secretary announced that the President was about to sign

Senate Bill No. 149.

A bill for an act to require sheriffs in all counties of the State of North Dakota to issue receipts and to file with the county auditor of their respective counties all duplicate receipts issued for the payment of delinquent taxes collected by them or their deputies during their term of office.

Also

Senate Bill No. 165.

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 fixing the penalty for the violation thereof, except as provided therein and to require the granting of free transportation to the board of railroad commissioners, their experts and their agents.

And the President signed the same in the presence of the Senate.

Senate Bill No. 18.

A bill for the regulation and control of fraternal benefit societies.

Was read the third time.

Mr. Gilbert moved

That the further consideration of Senate Bill No. 18 be laid over until tomorrow.

Which motion prevailed,

Senate Bill No. 265.

A bill for an act to amend Sections 2772, 2775, 2776, 2777, 2786, Revised Codes of 1905, relating to the creation of improvement districts and the purposes for which special assessments may be levied 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 40 ayes, no nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Simpson
Baker	Gunderson	Steel of Stutsman
Bessesen	Jacobsen	Stevens
Carter	Johnson	Syvertsen
Cashel	Kennedy	Talcott
Davis	Linde	Trimble
Duis	Martin	Turner
Duncan	McDowell	Wallin
Elken	McLean	Walton
Ellingson	Movius	Welch
Ganssle	Plain	Whitcher
Garden	Putnam	Williams
Gibbens	Ruzicka	Young
Gilbert		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	McDonald	Steele of Renville
Kretschmar	Overson	Thoreson
LaMoure	Pierce	Welo

So the bill passed and the title was agreed to.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 227.

A bill for an act to amend and re-enact Section 7475 of the Revised Codes of 1905, State of North Dakota, relat-

ing to costs and disbursements on the foreclosure of a real estate mortgage by advertisement.

Was read the first and second times and

Referred to the committee on judiciary.

House Bill No. 190.

A bill for an act providing for aid to the poor, consisting of persons convicted of crime who have been placed upon probation subject to the provisions of law, or who have been paroled or whose term of imprisonment has expired, and making an appropriation therefor.

Was read the first and second times and

Referred to the committee on state affairs.

House Bill No. 313.

A bill for an act to provide for the establishment, organization, regulation, and management of a state board of health, county boards of health, township boards of health, city boards of health and village boards of health, and making an appropriation for the expenses of the state board of health.

Was read the first and second times and

Referred to the committee on public health.

The courtesies of the floor were extended to the following:

James Parden of Stanley.

W. A. Shear of Sentinel Butte.

S. H. Epler of Sentinel Butte.

Mr. Trimble moved

That the Senate do now take a recess until 10 o'clock a. m., tomorrow.

Which motion prevailed.

JAMES W. FOLEY,
Secretary.

FORTY-NINTH DAY AFTER RECESS, AND
FIFTIETH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

February 21, 1911.

The Senate convened at 10 o'clock a. m., pursuant to recess taken.

The president presiding.

Senate Bill No. 18.

A bill for the regulation and control of fraternal benefit societies.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 21 ayes, 11 nays, 17 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Baker
Cashel
Duncan
Ellingson
Ganssle
Gronvold
Gunderson

Messrs.—

Kennedy
Linde
McDowell
McLean
Overson
Syvertson
Thoreson

Messrs.—

Wallin
Walton
Welo
Welch
Whitcher
Williams
Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Duis	Kretschmar	Stevens
Gibbens	Plain	Trimble
Gilbert	Ruzicka	Turner
Hookway	Steel of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Pierce
Bessesen	Johnson	Putnam
Carter	LaMoure	Simpson
Davis	Martin	Steele of Renville
Elken	McDonald	Talcott
Garden	Movius	

So the bill was lost.

Senate Bill No. 204.

A bill for an act to authorize boards of trustees of incorporated villages to regulate and license liveries, dray and express lines, and other vehicles used for the carrying of passengers, messages, or property for hire.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 32 ayes, 4 nays, 13 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Jacobsen	Syvertson
Bessesen	Kennedy	Thoreson
Carter	Kretschmar	Turner
Cashel	Linde	Wallin
Duis	Martin	Walton
Duncan	McDowell	Welo
Ellingson	McLean	Wich
Ganssle	Overson	Whitcher
Gronvold	Ruzicka	Williams
Gunderson	Steel of Stutsman	Young
Hookway	Stevens	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Gibbens	Plain	Trimble
Gilbert		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	LaMoure	Putnam
Davis	McDonald	Simpson
Elken	Movius	Steele of Renville
Garden	Pierce	Talcott
Johnson		

So the bill passed and the title was agreed to.

Senate Bill No. 257.

A bill for an act entitled, an act regulating the erection of telegraph, telephone, electric light, power and other poles carrying wires conveying electricity in incorporated cities.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 35 ayes, no nays, 14 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Hookway	Syverson
Bessessen	Kennedy	Thoreson
Carter	Kretschmar	Trimble
Cashel	Linde	Turner
Duis	Martin	Wallin
Duncan	McDowell	Walton
Ellingson	McLean	Welo
Ganssle	Overson	Welch
Gibbens	Plain	Whitcher
Gilbert	Ruzicka	Williams
Gronvold	Steel of Stutsman	Young
Gunderson	Stevens	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Putnam
Davis	LaMoure	Simpson
Elken	McDonald	Steele of Renville
Garden	Movius	Talcott
Jacobson	Pierce	

So the bill passed and the title was agreed to.

Senate Bill No. 282.

A bill for an act to amend and re-enact Section 2563 of the Revised Codes of the state of North Dakota for the year 1905, relating to the power of counties to issue bonds

for the purpose of purchasing sites and constructing county buildings.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 34 ayes, no nays, 15 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Hookway	Stevens
Bessesen	Kennedy	Syvertsen
Carter	Kretschmar	Thoreson
Cashel	Linde	Turner
Duis	Martin	Wallin
Duncan	McDowell	Walton
Elingson	McLean	Welo
Ganssle	Overson	Welch
Gibbens	Plain	Whitcher
Gilbert	Ruzicka	Williams
Gronvold	Steel of Stutsman	Young
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Putnam
Davis	LaMoore	Simpson
Elken	McDonald	Steele of Renville
Garden	Movius	Talcott
Jacobsen	Pierce	Trimble

So the bill passed and the title was agreed to.

Mr. Hookway asked permission to return to the 8th order of business.

Which permission was granted.

Mr. Hookway introduced the following concurrent resolution:

Introduced by a committee of three members from the House of Representatives and two members of the Senate of the Twelfth Legislative Assembly of the State of North Dakota.

Be It Resolved by the Senate of the State of North Dakota and the House of Representatives Concurring:

That, Whereas, the Reciprocity Agreement now pending before the National Congress is of the most vital importance to the welfare of the people of the state of North Dakota, and

Whereas, The Honorable James J. Hill, President of the Board of Directors of the Great Northern Railway Company, made a certain speech in the city of Chicago on the 15th day of February, 1910, in which the

speaker is quoted in the press as saying: "The farmers of the northwest are two to one in favor of said reciprocity agreement," and

Whereas, the said speech has been widely circulated throughout the United States, and

Whereas, said speech does not express the sentiment of the farmers of the northwest, and

Whereas, if Mr. Hill made said statement, as alleged, it is not in accordance with the facts and sentiment of the North Dakota farmers and other interests in said state, and

Whereas, the Twelfth Legislative Assembly of the State of North Dakota is fully convinced that if said reciprocity agreement is entered into and becomes a law or a treaty between the United States and Canada, that it will be a great detriment to the agricultural interests as well as other interests of the state of North Dakota, and will have a disastrous effect upon the farm products and farm values of the State of North Dakota;

Now, Therefore, Be It Resolved by the Senate of the State of North Dakota, and the House of Representatives concurring, that the senator and members of the house of representatives representing the state of North Dakota in the National Congress, be and they are hereby requested by the Twelfth Legislative Assembly of the State of North Dakota, to use all honorable means within their power to prevent the passage of said Reciprocity Treaty and its enactment into law.

Resolved, Further, that copies of this resolution, duly signed by representative officers of both houses of the Twelfth Legislative Assembly of the State of North Dakota and be sent to the President of the United States and to each of said Senators and Representatives in the National Congress, that they may have the sentiment of the North Dakota people properly expressed by the legislative body of this state before them for their consideration.

It Is Further Resolved, That the Secretary of State is hereby authorized to transmit the foregoing resolution by telegraph to William H. Taft, President of the United States, and to the Senators and Representatives in Congress from the State of North Dakota.

Mr. Plain moved

That the resolution be adopted.

Which motion prevailed.

And the resolution was adopted.

Senate Bill No. 228.

A bill for an act to amend and re-enact Section 1599 of the Revised Codes of 1905, relating to the platting of irregular tracts of land.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 36 ayes, no nays, 13 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Hookway	Steel of Stutsman
Bessesen	Jacobsen	Stevens
Carter	Kennedy	Syverson
Cashel	Kretschmar	Thoreson
Duis	LaMoure	Turner
Duncan	Linde	Wallin
Ellingson	Martin	Walton
Ganssle	McDowell	Welo
Gibbens	McLean	Welch
Gilbert	Overson	Whitcher
Gronvold	Plain	Williams
Gunderson	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	McDonald	Simpson
Davis	Movius	Steele of Renville
Elken	Pierce	Talcott
Garden	Putnam	Trimble
Johnson		

So the bill passed and the title was agreed to.

Senate Bill No. 289.

A bill for an act making it unlawful for any chairman of the board of county commissioners of any county in the state of North Dakota from signing any county warrant or warrants before such warrant or warrants are drawn by the county auditor, and all blanks filled out in full and compared with the bill for which the same was allowed.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 34 ayes, no nays, 15 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Jacobsen	Syverson
Bessesen	Kennedy	Thoreson
Carter	LaMoure	Trimble
Cashel	Linde	Turner
Duis	McDowell	Wallin
Duncan	McLean	Walton
Ellingson	Overson	Welo
Ganssle	Plain	Welch
Gibbens	Ruzicka	Whitcher
Gilbert	Steel of Stutsman	Williams
Gunderson	Stevens	Young
Gronvold		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Pierce
Davis	Kretschmar	Putnam
Elken	Martin	Simpson
Garden	McDonald	Steele of Renville
Hookway	Movius	Talcott

So the bill passed and the title was agreed to.

Senate Bill No. 307.

A concurrent resolution for an amendment to 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 29 ayes, 6 nays, 14 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Kennedy	Syvertson
Carter	Kretschmar	Thoreson
Cashel	LaMoure	Trimble
Duis	Linde	Turner
Duncan	McDowell	Wallin
Ellingson	Overson	Walton
Ganssle	Plain	Whitcher
Gilbert	Ruzicka	Williams
Gunderson	Steel of Stutsman	Young
Jacobsen	Stevens	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Garden	Gronvold	McLean
Gibbens	Martin	Welch

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Simpson
Bessesen	McDonald	Steele of Renville
Davis	Movius	Talcott
Elken	Pierce	Welo
Hookway	Putnam	

So the bill passed and the title was agreed to.

Senate Bill No. 311.

A bill for an act to amend and re-enact Sections 6240 and 6241 of Chapter 79 of the Revised Codes of North Dakota for 1905, relating to accounts to be filed with clerk of court in mechanic's liens; and clerk's records thereof.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 33 ayes, 3 nays, 13 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Gunderson	Syverson
Bessesen	Kennedy	Thoreson
Carter	LaMoore	Trimble
Cashel	Linde	Turner
Duis	McDowell	Wallin
Duncan	McLean	Walton
Ellingson	Overson	Welo
Gaessle	Plain	Welch
Garden	Ruzicka	Whitcher
Gilbert	Steel of Stutsman	Williams
Gronvold	Stevens	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Jacobsen	Kretschmar	Martin

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Simpson
Davis	McDonald	Steele of Renville
Elken	Movius	Putnam
Gibbens	Pierce	Talcott
Hookway		

So the bill passed and the title was agreed to.

Senate Bill No. 302.

A bill for an act to forfeit firearms or other weapons to the state when found on the person of any one 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 37 ayes, no nays, 12 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Jacobsen	Stevens
Bessesen	Kennedy	Syverson
Carter	Kretschmar	Thoreson
Cashel	LaMoure	Trimble
Duis	Linde	Turner
Duncan	Martin	Wallin
Ellingson	McDowell	Walton
Ganssle	McLean	Welo
Garden	Overson	Welch
Gilbert	Plain	Whitcher
Gronvold	Ruzicka	Williams
Gunderson	Steel of Stutsman	Young
Hookway		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Putnam
Davis	McDonald	Simpson
Elken	Movius	Steele of Renville
Gibbens	Pierce	Talcott

So the bill passed and the title was agreed to.

Senate Bill No. 277.

A bill for an act relating to trespassing while hunting game.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 35 ayes, 3 nays, 11 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ailen	Kenned	Syverson
Baker	Kretschmar	Thoreson
Carter	LaMoure	Trimble
Cashel	Linde	Turner
Duis	Martin	Wallin
Duncan	McDowell	Walton
Ellingson	McLean	Welo
Ganssle	Overson	Welch
Garden	Plain	Whitcher
Gibbens	Ruzicka	Williams
Gronvold	Steel o Stutsman	Young
Gunderson	Stevens	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Gilbert	Jacobsen

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	McDonald	Simpson
Elken	Movius	Steele of Renville
Hookway	Pierce	Talcott
Johnson	Putnam	

So the bill passed and the title was agreed to.

Senate Bill No. 260.

A bill for an act to regulate the names of corporations and to prohibit the use of misleading words in the names of corporations organized or authorized to do business in this state.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 39 ayes, no nays, 10 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steele of Renville
Baker	Jacobson	Stevens
Bessessen	Kennedy	Syverson
Carter	Kretschmar	Thoreson
Cashel	LaMoire	Trimble
Duis	Linde	Turner
Ellingson	Martin	Wallin
Ganssle	McDowell	Walton
Garden	McLean	Welo
Gibbens	Overson	Welch
Gilbert	Plain	Whitcher
Gronvold	Ruzicka	Williams
Gunderson	Steel of Stutsman	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	McDonald	Putnam
Duncan	Movius	Simpson
Elken	Pierce	Talcott
Johnson		

So the bill passed and the title was agreed to.

Mr. Jacobsen moved

That the consideration of Senate Bill No. 290 be laid over one day.

Which motion was lost.

Senate Bill No. 290.

A bill for an act to amend and re-enact Section 496 of the Revised Codes of North Dakota, relating to qualifications of applicants for admission to the bar of the state of North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 39 ayes, no nays, 10 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gundersen	Steele of Renville
Baker	Jacobsen	Stevens
Bessesen	Kennedy	Syvertson
Carter	Kretschmar	Thoreson
Cashel	LaMoure	Trimble
Duis	Linde	Turner
Duncan	Martin	Wallin
Ellingson	McDowell	Walton
Ganssle	McLean	Welo
Garden	Overson	Welch
Gibbens	Plain	Whitcher
Gilbert	Ruzicka	Williams
Gronvold	Steel of Stutsman	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	McDonald	Putnam
Elken	Movius	Simpson
Hookway	Pierce	Talcott
Johnson		

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the vote by which Senate Bills Nos. 204, 257, 282, 228, 289, 307, 311, 302, 277, 260 and 290 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 64.

A bill for an act to amend Section 1380 of the Session Laws of 1907, relating to location and building of bridges.

Was read the third time.

Mr. Bessesen moved

That the title be amended to read as follows:

For an Act to Amend Section 1380 of the Revised Codes of 1905, as amended by Chapter 42 of the Session Laws of 1907.

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill.

The roll was called and there were 29 ayes, 6 nays, 14 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gilbert	Steel of Stutsman
Baker	Gronvold	Syvertson
Bessesen	Gunderson	Thoreson
Carter	Jacobson	Turner
Cashel	Kennedy	Walton
Duis	Kretschmar	Welo
Duncan	McLean	Welch
Ganssle	Overson	Whitcher
Garden	Plain	Williams
Gibbens	Ruzicka	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Steele of Renville	Wallin
Martin	Stevens	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Linde	Putnam
Elken	McDonald	Simpson
Ellingson	McDowell	Talcott
Hookway	Movius	Trimble
Johnson	Pierce	

So the bill passed and the title was agreed to.

House Bill No. 67.

A bill for an act to amend Section 1737 of the Revised Codes of North Dakota of 1905.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 32 ayes, no nays, 17 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Jacobsen	Syverson
Bessesen	Kennedy	Thoreson
Carter	Kretschmar	Turner
Cashel	LaMoure	Wallin
Duis	Martin	Walton
Duncan	McLean	Welo
Ganssle	Overson	Welch
Garden	Plain	Whitcher
Gilbert	Ruzicka	Williams
Gronvold	Steel of Stutsman	Young
Gunderson	Stevens	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Putnam
Davis	Linde	Simpson
Elken	McDonald	Steele of Renville
Ellingson	McDowell	Talcott
Gibbens	Movius	Trimble
Hookway	Pierce	

So the bill passed and the title was agreed to.

House Bill No. 27.

A bill for an act to amend Section 1575, Chapter 20, of the Revised Codes of 1905, relating to the disposition of penalty and interest.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 36 ayes, no nays, 13 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Stevens
Baker	Jacobsen	Syverson
Bessesen	Kennedy	Thoreson
Carter	Kretschmar	Trimble
Cashel	LaMoure	Turner
Duis	Martin	Wallin
Duncan	McLean	Walton
Ganssle	Overson	Welo
Garden	Plain	Welch
Gibbens	Ruzicka	Whitcher
Gilbert	Steel of Stutsman	Williams
Gronvold	Steele of Renville	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Linde	Pierce
Elken	McDonall	Putnam
Ellingson	McDowell	Simpson
Hookway	Movius	Talcott
Johnson		

So the bill passed and the title was agreed to.

House Bill No. 78.

A concurrent resolution to amend Article 19, Section 216 of the Constitution of the State of North Dakota, pertaining to public institutions.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 36 ayes, no nays, 13 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Stevens
Baker	Gunderson	Syvertson
Bessesen	Kennedy	Thoreson
Carter	Kretschmar	Trimble
Cashel	LaMoure	Turner
Duis	Martin	Wallin
Duncan	McLean	Walton
Ellingson	Overson	Welo
Ganssle	Plain	Welch
Garden	Ruzicka	Whitcher
Gibbens	Steel of Stutsman	Williams
Gilbert	Steele of Renville	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Linde	Pierce
Elken	McDonall	Putnam
Hookway	McDowell	Simpson
Jacobsen	Movius	Talcott
Johnson		

So the bill passed and the title was agreed to.

House Bill No. 158.

A bill for an act to amend Section 7117 of the Revised Codes of North Dakota, 1905, relating to additional exemptions allowed the head of a family residing in North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 37 ayes, no nays, 12 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Stevens
Baker	Jacobsen	Syvertson
Carter	Kennedy	Talcott
Cashel	Kretschmar	Thoreson
Duis	LaMoure	Trimble
Duncan	Martin	Turner
Elken	McLean	Wallin
Ellingson	Overson	Walton
Ganssle	Plain	Welo
Garden	Ruzicka	Welch
Gibbens	Steel o Stutsman	Whitche"
Gilbert	Steele Renville	Young
Gronvold		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Linde	Pierce
Davis	McDonald	Putnam
Hookway	McDowell	Simpson
Johnson	Movius	Williams

So the bill passed and the title was agreed to.

House Bill No. 178.

A bill for an act entitled, an act to amend Section 4429 of the Revised Codes of North Dakota of 1905, as amended by Chapter 147 of the Session Laws of 1909, relating to the capital stock of domestic stock insurance companies.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 35 ayes, no nays, 14 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Talcott
Baker	Gunderson	Thorsen
Bessesen	Jacobsen	Trimble
Carter	Kennedy	Turner
Cashel	Kretschmar	Wallin
Duis	Martin	Walton
Duncan	Overson	Welo

Messrs.—	Messrs.—	Messrs.—
Elken	Plain	Welch
Ganssle	Ruzicka	Whitcher
Garden	Steel of Stutsman	Williams
Gibbens	Stevens	Young
Gilbert	Syverson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Linde	Pierce
Ellingson	McDonald	Putnam
Hookway	McDowell	Simpson
Johnson	McLean	Steele of Renville
LaMoure	Movius	

So the bill passed and the title was agreed to.

House Bill No. 36.

A bill for an act to amend Section 4305 of the 1905 Revised Codes of North Dakota, relating to the maintenance of station houses.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 38 ayes, no nays, 11 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Syverson
Baker	Jacobsen	Talcott
Bessesen	Kennedy	Thoreson
Carter	Kretschmar	Trimble
Cashe	Martin	Turner
Duis	McDowell	Wallin
Duncan	McLean	Walton
Elken	Overson	Welo
Ganssle	Plain	Welch
Garden	Ruzicka	Whitcher
Gibbens	Steel of Stutsman	Williams
Gilbert	Steele of Renville	Young
Gronvold	Stevens	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	LaMoure	Pierce
Ellingson	Linde	Putnam
Hookway	McDonald	Simpson
Johnson	Movius	

So the bill passed and the title was agreed to.

House Bill No. 44.

A bill for an act to amend Section 4381 and 4383 of the Revised Codes of the state of North Dakota of 1905, relating to track from elevator to railroad.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 37 ayes, no nays, 12 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Syvertson
Baker	Kennedy	Talcott
Bessesen	Kretschmar	Thoreson
Carter	McDowell	Trimble
Cashel	McLean	Turner
Duis	Overson	Wallin
Duncan	Pierce	Walton
Elken	Plain	Welo
Ganssle	Ruzicka	Welch
Garden	Steel o. Stutsman	Whitcher
Gibbens	Steele of Renville	Williams
Gronvold	Stevens	Young
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Johnson	McDonald
Ellingson	LaMoure	Movius
Gilbert	Linde	Putnam
Hookway	Martin	Simpson

So the bill passed and the title was agreed to.

House Bill No. 56.

A bill for an act entitled, an act to amend Section 8231 of the Revised Codes of 1905, relating to the disposition of unclaimed shares of estate in county court.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 37 ayes, no nays, 12 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Syvertson
Baker	Jacobsen	Talcot:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Kennedy	Thoreson
Carter	McDowell	Trimble
Cashel	McLean	Turner
Duis	Overson	Wallin
Duncan	Pierce	Walton
Elken	Plain	Welo
Ellungson	Ruzicka	Welch
Ganssle	Steel of Stutsman	Whitcher
Garden	Steele of Renville	Williams
Gibbens	Stevens	Young
Gronvold		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Kretschmar	McDonald
Gilbert	LaMoure	Movius
Hookway	Linde	Putnam
Johnson	Martin	Simpson

So the bill passed and the title was agreed to.

House Bill No. 153.

A bill for an act to amend and re-enact Section 1597 of Chapter 219, Laws of 1907, relative to duty of county auditor, and requirements of tax deeds.

Was read the third time.

Mr. Jabosen moved, as an amendment:

In line one of the title of the bill, after the word "of" insert "the codes of 1905 as amended by."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill,

The roll was called and there were 38 ayes, no nays, 11 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Syverson
Baker	Gunderson	Talcott
Bessesen	Jacobsen	Thoreson
Carter	Kennedy	Trimble
Cashel	Martin	Turner
Duis	McDowell	Wallin
Duncan	McLean	Walton
Elken	Overson	Welo
Ellingson	Pierce	Welch
Ganssle	Plain	Whitcher

Messrs.—	Messrs.—	Messrs.—
Garden	Ruzicka	Williams
Gibbens	Steel of Stutsman	Young
Gilbert	Stevens	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	LaMoure	Putnam
Hookway	Linde	Simpson
Johnson	McDonald	Steele c- Renville
Kretschmar	Movius	

So the bill passed and the title was agreed to.

House Bill No. 242.

A bill for an act to amend Section 1968 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 38 ayes, no nays, 11 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Syvertson
Baker	Gunderson	Talcott
Bessesen	Jacobsen	Thoreson
Carter	LaMoure	Trimble
Cashel	Martin	Turnor
Duis	McDowell	Wallin
Duncan	McLear	Walton
Elken	Overson	Welo
Ellingson	Pierce	Welch
Ganssle	Plain	Whitcher
Garden	Ruzicka	Williams
Gibbens	Steel of Stutsman	Young
Gilbert	Stevens	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Kretschmar	Putnam
Hookway	Linde	Simpson
Johnson	McDonald	Steele of Renville
Kenney	Movius	

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. 20.

A bill for an act prescribing the conditions by which the public examiner, his deputies and employes of the state public examiner's department, the stockholders, officers and employes of any banking association in this state may secure loans from banking associations with which they are in any way connected, and fixing the liability for non-compliance with the provisions of this act.

Also,

Senate Bill No. 79.

A bill for an act to amend and re-enact Section 2323 of the Revised Codes for the year 1905, of the State of North Dakota.

Also

Senate Bill No. 107.

A bill for an act to amend Section No. 2743 of the Revised Codes of North Dakota for 1905, relating to election districts and precincts.

Also,

Senate Bill No. 123.

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof, admissible in evidence.

Also

Senate Bill No. 155.

A bill for an act to amend Section 8103 of the Revised Codes of 1905, of the State of North Dakota, relating to endorsement of allowance or rejection of claims by executive or administrators and providing for notice thereof.

Also

Senate Bill No. 156.

A bill for an act to amend Section 8105 of the Revised Codes of 1905, relating to rejecting claims and providing how suit is instituted.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The Secretary announced that the President was about to sign

Senate Bill No. 20.

A bill for an act prescribing the conditions by which the public examiner, his deputies and employes of the state public examiner's department, the stockholders, officers and employes of any banking association in this state may secure loans from banking associations with which they are in any way connected, and fixing the liability for non-compliance with the provisions of this act.

Also

Senate Bill No. 79.

A bill for an act to amend and re-enact Section 2323 of the Revised Codes for the year 1905, of the State of North Dakota.

Also

Senate Bill No. 107.

A bill for an act to amend Section No. 2743 of the Revised Codes of North Dakota for 1905, relating to election districts and precincts.

Also,

Senate Bill No. 123.

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof, admissible in evidence.

Also,

Senate Bill No. 155.

A bill for an act to amend Section 8103 of the Revised Codes of 1905, of the State of North Dakota, relating to endorsement of allowance or rejection of claims by executive or administrators and providing for notice thereof.

Also,

Senate Bill No. 156.

A bill for an act to amend Section 8105 of the Revised Codes of 1905, relating to rejecting claims and providing how suit is instituted.

And the President signed the same in the presence of the Senate.

Mr. Elken moved

That the vote by which all House Bills passed this day, be reconsidered and the motion to reconsider be laid upon the table.

Which motion prevailed.

House Bill No. 134.

A bill for an act to amend Sections 4324 and 4343 of the Revised Codes of 1905, relative to the powers and duties of the board of railroad commissioners.

Was read the third time.

Mr. Welch moved

That the bill be amended by adding:

"Provided, further, that nothing in this act shall be construed to prevent express, telegraph, telephone and cable companies from entering into contracts with common carriers, for the exchange of service, nor to affect existing contracts relating thereto, nor to prohibit the privileges of passes or franks and the exchange thereof with each other for the officers, agents, employes and their families of such telegraph and telephone and cable companies and the officers, agents, employes and their families of other common carrier subject to the provisions of this act."

Which motion was lost.

Mr. Pierce moved

That the bill be laid over.

Mr. Welch moved, as a substitute:

That the bill be re-referred to the committee on railroads.
Which motion was lost.

The question being on the original motion.
The motion prevailed.

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

J. W. FOLEY,
Secretary.

FIFTIETH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 21, 1911.

The senate convened at 2 o'clock.

The president presiding.

Prayer by Rev. Hughes.

Roll call.

All present except Messrs. Johnson, Putnam 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 of the first half of 49th day, have carefully examined the same and recommend that the same be corrected as follows:

Page 5, "Senate Bill No. 328" be changed to "House Bill No. 328." Also strike out title following and insert in lieu the title to House Bill No. 328.

Page 22, six lines from the bottom, insert the following: "Those who voted in the affirmative were:"

Page 23, line 11 from bottom, change "45" to "44."

And when so amended recommend that the same be approved.

J. E. STEVENS,
Chairman.

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

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

February 21, 1911.

Mr. President:

I have the honor to return herewith
Senate Bill No. 176.

A bill for an act providing for the appointment of county superintendents of highways and deputy superintendents in organized counties, who shall have charge and supervision of the construction, improvement and maintenance of roads within said counties, providing for road institutes, prescribing the duties of the state engineer in connection therewith.

Which the House has amended as follows:

In line 8, section 2, after the word "township" insert the following: "Provided, however, that this act shall not apply in cases where townships have heretofore adopted, or which may hereafter adopt the system of cash payment of road taxes, and the contract system of road labor, pursuant to Section 3210 of the Revised Codes of 1905."

In line 1, section 1, strike out the word "shall" and insert in lieu thereof the word "may."

In line 1, section 2, after the words "Section 2," insert the following words: "In counties where county superintendent of highways has been appointed."

In line 4, Section 5, strike out the word "may," after the word "supervisors" and insert the word "shall."

Between lines 4 and 5, section 2, after the word "be" insert the following words: "a resident of such township shall be."

Section 2, line 1, strike out the word "office," and insert the word "offices," and in the same line after the word "overseer" insert "and county road superintendent," and strike out the word "is" and insert the word "are."

Line 4, section 2, after the word "supervisors," insert "in organized townships and to the Board of County Commissioners if in unorganized townships."

Section 4, line 9, after the word "taxes" insert: "provided that in un-

organized townships such examination, inspection and acceptance shall be made by said county superintendent or deputy superintendent of highways."

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith
Senate Bill No. 219.

A bill for an act, making an appropriation to meet the deficiency incurred by William Blake of Stutsman county, North Dakota, in carrying on the work of state humane agent.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to transmit herewith
House Bill No. 317.

A bill for an act to prevent the spread of contagious diseases and sanitary regulation of coaches, cars and steam boats in this state.

Also

House Bill No. 180.

A bill for an act amending Section 8406, Revised Codes of 1905, providing when an action of forcible detainer is maintainable.

Also

House Bill No. 278.

A bill for an act to provide for the payment of the expenses of district judges when acting outside of their judicial districts.

Also,

House Bill No. 170.

A bill for an act to amend Section 10243 of the Revised Codes of North Dakota for 1905.

Also,

House Bill No. 267.

A bill for an act to amend and re-enact Chapter 172 of the laws of the state of North Dakota for 1907, relating to whom may solemnize marriages and to marriage licenses.

Also,

House Bill No. 332.

A bill for an act prohibiting the placing of screens or other obstructions across the windows and doors of pool halls and providing a penalty therefor.

Also,

House Bill No. 209.

A bill for an act to amend Chapter 70, Laws of 1909, relating to the investment of county sinking funds.

Also,

House Bill No. 73.

A bill for an act making an appropriation to meet the deficiency incurred by the State Live Stock Sanitary board in carrying out the purpose of Chapter 169 of the Session Laws of 1907.

Also

House Bill No. 269.

A bill for an act entitled, an act to amend and re-enact Sections 1352 and 1353 of Chapter 19 of the Revised Codes of North Dakota for the year 1905, relating to altering, discontinuing and laying out public roads and defining what shall be deemed sufficient notices to all parties concerned.

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

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

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. 24.

A bill for an act to appropriate money for maintenance, equipment and 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 section 1 of said bill be stricken out and the following inserted in lieu thereof:

Section 1. Appropriation.) There is hereby appropriated the following sums of money, for the biennial period 1911-1912, out of the moneys in the state treasury not otherwise appropriated, for the purposes enumerated as follows:

For completing the Commons building	\$ 27,600
For furnishing the commons building	5,000
For equipment of engineering college	17,000
For maintenance, \$12,500 annually	25,000
For reimbursement of maintenance fund for payment on building: Teachers' College, \$6,500; power house, \$17,500	24,000
For re-wiring and establishment of permanent lighting system	12,000
For library, books, magazines	5,000
For maintenance of university grounds and campus	2,500
For extension lectures and courses	3,500
For equipment of biology department	5,000
For furnishing teachers' college building	5,000
For School of Mines equipment (burned)	1,100
For equipment, School of Mines	9,000
For equipment of chemistry department	2,500
For summer session, two years	3,000

Total \$ 147,200

And when so amended recommend the same do pass.

J. LAMOURE,
Chairman.

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

Also,

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 145.

A bill for an act making an appropriation for the experimental station of the School of Mines and the Mining sub-station at Hebron, Morton county.

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

That lines 15, 16 and 17 of the printed bill be stricken out and the following inserted in lieu thereof: "Hereby appropriated for the biennial period of 1911 and 1912, out of any money in the state treasury not otherwise appropriated, the sum of twenty-five thousand dollars, to be paid quarterly of each year to the treasurer of the university for."

At the end of section 1 of said bill there be added the following:

"Provided, however, that not more than one-fourth of the money hereby appropriated shall be expended upon or at the sub-station at Hebron, in Morton county, North Dakota, until the process or formula used in the manufacturing of briquettes at said sub-station at Hebron is patented in the name of the inventor and duly assigned to the Governor of North Dakota as trustee for the benefit of the people of the state; and provided, further, that all discoveries of utility in experimentation and testing of state minerals or allied industrial resources at the mining experimental station, the school of mines, and the mining sub-station at Hebron in Morton county, North Dakota, shall be patented in the name of the inventor and duly assigned to the Governor of North Dakota as trustee for the benefit of the people of the state. And it is hereby made the duty of the Dean of said school of mines and the said sub-station at Hebron and the professors connected therewith, and any person or persons in the employ of said school of mines or experimental stations, to report such discoveries and to make proper application for patent therefor, and to duly assign the patent, when obtained, to the Governor of North Dakota as said trustee. Any costs and expenses incurred in securing patents shall be paid out of the appropriation herein provided for. The provisions hereof do not apply to discoveries that are not patentable."

And when so amended recommend the same do pass.

J. LAMOURE,
Chairman

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

Also,

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 37.

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

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

That lines 6 to 31 inclusive of the printed bill be stricken out and the following inserted in lieu thereof:

"One hundred four thousand seven hundred and fifty dollars, or as much thereof as may be necessary, as follows:

For employes' wages including officers' salaries	\$ 3,400
For fuel and lights	13,000
For training school supplies and amusements	800
For incidental expenses	1,200
For drugs, medicines, etc.	700
For repairs	1,500
For plumbing	350
For beds and bedding	2,000
For furniture	1,800
For electrical supplies and repairs	1,000
For laundry machinery and repairs	2,050
For supplies for engine room	800
For paints and painting	1,000
For farm implements and machinery	200
For stock	200
For a new fireproof custodial building	70,000
For addition to laundry	1,000
For addition to barn and well	1,250
For a new farm house	2,500
Total	\$ 104,750

And when so amended recommend the same do pass.

J. LAMOURE,
Chairman.

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

Also,

Mr. President:

Your committee on appropriations to whom was referred

Senate Bill No. 161.

A bill for an act to provide an appropriation for the current and contingent expenses and for the permanent improvements of the State School of Science at Wahpeton.

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

That lines six to seventeen inclusive of the printed bill, be stricken out and the following inserted in lieu thereof:

"The sum of fourteen thousand two hundred fifty dollars, or as much thereof as may be necessary, as follows:

For cement walks	\$	1,800
For grading and improving grounds		1,000
For deficit in cost of girls' dormitory, chemical building and heating plant, which was temporarily transferred from maintenance fund		4,950
For repairs on main building		3,500
For addition to engineering building		3,000
Total	\$	14,250

And when so amended recommend the same do pass.

J. LAMOURE,
Chairman.

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

Also,

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 158.

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 amended as follows:

That lines seven, eight, nine, ten, eleven, twelve and thirteen of the printed bill be stricken out and the following inserted in lieu thereof:

For sidewalks, relaying floors, repainting buildings,

etc.	\$	1,500
For furnishing girls' building, superintendent's rooms and office		2,000
For increased water supply		750
For putting in steam laundry		1,500
Total	\$	5,750

And when so amended recommend the same do pass.

J. LAMOURE,
Chairman.

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

Mr. LaMouse moved

Also,

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 82.

A bill for an act to provide an appropriation for the
erection of new buildings and other necessary improve-
ments 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:

That all of Section 1 of the printed bill, after the word "buildings," be
stricken out and the following inserted in lieu thereof:

"The sum of one hundred one thousand six hundred dollars, as follows:

Fireproof ward building for women	\$	90,000
Dairy barn and silos		5,000
Addition to laundry		5,000
Slaughter house and yards		1,250
Concrete mixer		350
Total	\$	101,600

And when so amended recommend the same do pass.

J. LAMOURE,
Chairman.

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

Also,

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 189.

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 all of section 1 of the printed bill after line 6 of said section be stricken out and the following inserted in lieu thereof:

Warden's salary	\$ 4,000
Deputy warden's salary	3,000
Bookkeeper's salary	2,500
Storekeeper's and clerk's salary	1,500
Matron's salary	400
Chaplain's salary	500
Guards' and employes' salary	25,000
Maintenance	45,000
Heating and lighting	15,000
Repairs and improvements	3,000
Incidentals	1,000
Physician and medicines	2,500
Transportation, clothing, etc., discharged inmates..	4,000
Clothing	4,000
Bedding	1,000
Books and stationery	1,000
Water supply	3,000
Expenses of warden, to be paid monthly, not to exceed the biennial sum of	1,000
Finishing and furnishing chapel in the new seat wing of the main building	1,000
Boilers and additional room	5,200
Machine shed	1,200
Well for water supply	1,500
Antiseptic tank	1,500
Total	\$ 127,800

And when so amended recommend the same do pass.

J. LAMOURE,
Chairman.

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

Also,

Mr. President:

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

A bill for an act making appropriation to pay balance due on girls' dormitory and domestic science laboratory and for the equipment and furnishing of same; for the installation of a boiler and smokestack for the heating plant and for the purchase of additional land for the use of the government experiment station at Fargo.

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

That the figures "\$50,000.00" in line 5 of the printed bill be stricken out and the figures "\$40,000.00" inserted in lieu thereof.

That lines 6 and 7 of the printed bill be stricken out.

And when so amended recommend the same do pass.

J. LAMOURE,
Chairman.

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

Also

Mr. President:

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

A bill for an act to provide additional maintenance for the government experiment station and North Dakota agricultural college at Fargo.

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

That in line 3 of the printed bill, the words and figures "fifty thousand (\$50,000)" be stricken out, and the words and figures "twenty-five thousand (\$25,000)" be inserted in lieu thereof.

And when so amended recommend the same do pass.

J. LAMOURE,
Chairman.

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

Also,

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 41.

A bill for an act appropriating money for the purpose of
building and equipping a chemistry building and labora-
tories for the North Dakota Agricultural college at Fargo,
North Dakota.

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

That the figures "\$85,000.00" in line 5 of the printed bill be stricken out
and the figures "\$65,000.00" be inserted in lieu of the same.

And when so amended recommend the same do pass.

J. LAMOURE,
Chairman.

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

Also

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 106.

A bill for an act to amend Sections 1985 and 1986 of the
Revised Codes, relating to cruelty to animals, and to pro-
vide for the organization and operation of societies for the
purpose of inculcating humane principles and the preven-
tion of cruelty especially to animals and children.

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

J. LAMOURE,
Chairman.

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

Also

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 89.

A bill for an act to amend Section 4 of Chapter 172 of the
Laws of 1901, entitled, an act to create a State Farmers' in-
stitute board of directors and prescribing its powers and
duties, and making an appropriation for conducting farm-
ers' institutes, as the same was amended by Chapter 11 of
the laws of 1903, and Chapter 23 of the Laws of 1905.

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

J. LAMOURE,
Chairman.

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

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred
House Bill No. 249.

A bill for an act prohibiting drinking intoxicating liq-
uors on railroad trains in North Dakota, prescribing pen-
alty for violation thereof and prescribing duties of peace
officers.

Have had the same under consideration and recommend
that the same be referred to the committee on temperance,
for the reason that said committee has been or is now con-
sidering other legislation pertaining to the same subject.

E. F. GILBERT,
Chairman.

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

The committee on cities and municipalities made the following report:

Mr. President:

Your committee on cities and municipalities to whom was referred

House Bill No. 270.

A bill for an act to amend Article 4 of Chapter 30 of the Political Code of North Dakota, being Section 2678 of the Revised Codes of North Dakota of 1905, relating to powers of city councils.

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 was adopted.

Also,

Mr. President:

Your committee on cities and municipalities to whom was referred

Senate Bill No. 271.

A bill for an act for the organization of villages in territory embracing more than one county.

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 was adopted.

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

Your committee on railroad, to whom was referred
House Bill No. 217.

A bill for an act authorizing the board of railroad commissioners to refund license fee of public grain warehouses.

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 was adopted.

The committee on corporations made the following report:

Mr. President:

Your committee on corporations to whom was referred
Senate Bill No. 333.

A bill for an act to amend Section 4173 of the Revised Codes of 1905, relating to articles of incorporation.

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

C. W. HOOKWAY,
Chairman.

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

Also,

Mr. President:

Your committee on corporations to whom was referred

Senate Bill No. 334.

A bill for an act to amend Chapter 63, Laws of 1909, being Section 4210, Revised Codes of 1905, as amended by said chapter, relating to indebtedness of corporations.

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

C. W. HOOKWAY,
Chairman.

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

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred
House Bill No. 334.

A bill for an act to amend Section 5 of Chapter 172 of the Session Laws of 1909, relating to the regulation of practice of osteopathy.

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

F. T. GRONVOLD,
Chairman.

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

Also,

Mr. President:

Your committee on public health to whom was referred
Senate Bill No. 312.

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.

F. T. GRONVOLD,
Chairman.

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

The committee on banks and banking made the following report:

Mr. President:

Your committee on banks and banking to whom was referred

Senate Bill No. 227.

A bill for an act making it unlawful for corporations having banking powers to invest more than thirty per cent of its capital stock and surplus in banking house, furniture and fixtures, defining its powers as to other real estate and repealing Section 4640 of the Revised Codes for the year 1905.

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

ED. PIERCE,
Chairman.

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

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 95.

A bill for an act regulating the conditions and provisions to be contained in policies of health or accident insurance issued in this state.

Also

Senate Bill No. 234.

A bill for an act to authorize and empower the state auditing board to audit, approve and order paid, bills contracted by the capitol commission under Chapter 166 of the Session Laws of 1905, and making an appropriation therefor.

Also

Senate Bill No. 245.

A bill for an act to amend and re-enact Sections 1, 2, 3, 4, 7, 8 of Chapter 260 of the Session Laws of the state of North Dakota for the year 1907, to repeal Sections 5 and 6 thereof and to repeal Chapter 258 of the Session Laws of the state of North Dakota for the year 1907, relating to the prohibition of unfair discrimination between different sections, communities or localities, unfair competition and providing penalties for the violation thereof.

Also,

Senate Bill No. 256.

A bill for an act to amend Section 1833 of the Revised Codes of North Dakota for the year 1905, relating to additional assessments for drains.

Also,

Senate Bill No. 262.

A bill for an act to establish a revolving fund out of the net profits derived from the operation of the twine plant at the state penitentiary, and to provide for the disposal thereof.

Also

Senate Bill No. 299.

A bill for an act providing for the making of necessary repairs upon the capitol building and making an appropriation therefor.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

The committee on public health made the following report:

Mr. President:

The majority of your committee on public health to whom was referred

Senate Bill No. 293.

A bill for an act to regulate the practice of naturopathy in the state of North Dakota.

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

In line 2, section 1, amend the word "naturopathy" to read "naturopathic."

In line 8, section 7, amend the word "license" to read "licenses."

In line 1, section 8, amend the word "revokacation" to read "revocation."

In line 6, section 8, amend "alcohol" to read "alcoholic."

In line 20, section 5, after the word "mercy" insert a semi-colon and add "or to in any way regulate or prohibit the use of electricity."

And when so amended recommend the same do pass.

F. T. GRONVOLD,
Chairman.

Also,

Mr. President:

A minority of your committee on public health to whom was referred

Senate Bill No. 293.

A bill for an act to regulate the practice of naturopathy in the state of North Dakota.

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

A. L. MARTIN,
CHAS. McDONALD.

Mr. Welo moved

That the majority report be adopted.

Mr. Trimble moved

That the consideration of the report go over for one day.

Which motion prevailed.

The majority and minority reports on
Senate Bill No. 90.

A bill for an act to provide for the ascertaining and giving notice of the title of lands to the heirs of deceased persons and establishing the right of heirship to real property and to provide a method of procedure therefor.

Were laid before the Senate.

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

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 21, 1911.

Mr. President:

I have the honor to return herewith
Senate Bill No. 184.

A bill for an act fixing the liability of a bank to its depositor for payment of forged and raised checks.

Also,

Senate Bill No. 233.

A bill for an act to amend Section 7045 of the Revised Codes of 1905, relating to the calling of another judge on account of prejudice or bias.

Also,

Senate Bill No. 97.

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

Also,

Senate Bill No. 86.

A bill for an act to provide a judicial procedure to determine the identity of the grantees and the shares of each in cases where lands have been or may be patented, granted or conveyed by the United States to the heirs or devisees of a deceased person without naming therein the persons so designated as grantees.

Also,

Senate Bill No. 72.

A bill for an act to amend Section 1582 of the Revised Codes of North Dakota for 1905, as amended by Chapter 199 of the Session Laws of North Dakota for 1909, relating to the redemption of real estate.

Also,

Senate Bill No. 120.

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 the payment of the same.

Also,

Senate Bill No. 168.

A bill for an act amending Section 1968 of the Revised Codes of 1905, known as the state bounty for wolves and coyotes.

Also,

Senate Bill No. 55.

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

Also,

Senate Bill No. 196.

A bill for an act to amend and re-enact Section 8841 of the Revised Codes of North Dakota for the year 1905, relating to kidnaping, defining same, providing punishment therefor, and prescribing punishment of aiders, assistors and abettors therein.

Also,

Senate Bill No. 179.

A bill for an act providing for the regulation and the use of the public drinking cup and public towel.

Also,

Senate Bill No. 94.

A bill for an act regulating inheritance in case of unlawful killing.

Also,

Senate Bill No. 182.

A bill for an act to amend Section 12 of Chapter 109 of the laws of North Dakota for 1907, relating to the percentage of votes required for nomination at primary elections.

Also,

Senate Bill No. 206.

A bill for an act to amend Section 1346 of the Revised Codes of North Dakota for 1905, relating to highways.

Also,

Senate Bill No. 203.

A bill for 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. 167.

A bill for an act to provide for the non-forfeiture of premiums on policies of life insurance.

Which the House has indefinitely postponed.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

MOTIONS AND RESOLUTIONS.

Mr. Steele moved

That the Senate do now concur in the House amendments to Senate Bill No. 154.

The question being upon the concurrence in the House amendments:

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Jacobsen	Steel of Stutsman
Bessesen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syverson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Wallin
Elungson	McLean	Walton
Ganssle	Movius	Welo
Garden	Overson	Welch
Gibbens	Pierce	Whitcher
Gilbert	Plain	Williams
Gronvold	Putnam	Young
Gunderson	Ruzicka	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Turner
Hookway	Simpson	

So the House amendments were concurred in.

Mr. Welo moved

That the Senate do now concur in the House amendments to Senate Bill No. 176.

The question being upon the concurrence in the House amendments.

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steel of Stutsman
Baker	Jacobsen	Steele of Renville
Bessesen	Kennedy	Stevens

Messrs.—	Messrs.—	Messrs.—
Carter	Kretschmar	Syverson
Cashel	Linde	Talcott
Davis	Martin	Thoreson
Duis	McDonald	Trimble
Duncan	McDowell	Wallin
Elken	McLean	Walton
Ellingson	Movius	Welo
Gansle	Overson	Welch
Garden	Pierce	Whitcher
Gibbens	Plain	Williams
Gilbert	Putnam	Young
Gronvold	Ruzicka	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	LaMoure	Turner
Johnson	Simpson	

So the House amendments were concurred in.

Mr. Gunderson introduced the following concurrent resolution:

Memorializing Congress to Provide for the Physical Valuation of Railroads.

WHEREAS, The physical valuation of railroads has been repeatedly urged by the Interstate Commerce Commission as essential for the efficient regulation of rates; and

WHEREAS, The Republican party in its platform has affirmed its belief in the necessity for such a valuation;

Be it Therefore Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

That the Congress of the United States be requested to enact a law providing for the physical valuation of all railroad property to form a basis for fixing the rates and charges for service by railroads, and

Be it Further Resolved:

That the Secretary of State is hereby directed to forward a copy of this resolution to the President of the Senate, the Speaker of the House of Representatives, and to each member of Congress from the state of North Dakota.

Mr. Gunderson moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Stevens moved

That the vote by which Senate Bill No. 18 was lost, be reconsidered.

Which motion prevailed.

FIRST READING OF SENATE BILLS.

Mr. Baker introduced

Senate Bill No. 359.

A bill for an act to amend Chapter 74 of the Laws of 1907, being an amendment of Section 2580 of the Revised Codes of 1905, relating to the salary of the clerk of the district court.

Which was read the first time.

Mr. Bessesen introduced

Senate Bill No. 360.

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. Allen introduced

Senate Bill No. 361.

A bill for an act to amend Section 231 of the Revised Codes of 1905.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 359.

A bill for an act to amend Chapter 74 of the Laws of 1907, being an amendment of Section 2580 of the Revised Codes of 1905, relating to the salary of the clerk of the district court.

Was read the second time and

Referred to the committee on ways and means.

Senate Bill No. 360.

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. 361.

A bill for an act to amend Section 231 of the Revised Codes of 1905.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 95.

A bill for an act regulating the conditions and provisions to be contained in policies of health or accident insurance issued 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 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Jacobsen	Steel of Stutsman
Bessesen	Kennedy	Steele of Renville
Carter	LaMoure	Stevens
Cashel	Linde	Syvertson
Davis	Martin	Talcott
Duis	McDonald	Thoreson
Duncan	McDowell	Trimble
Elken	McLean	Turner
Ellingson	Movius	Walton
Ganssle	Overson	Welo
Garden	Pierce	Welch
Gibbens	Plain	Whitcher
Gilbert	Putnam	Williams
Gronvold	Ruzicka	Young
Gunderson	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Wallin
Hookway	Kretschmar	

So the bill passed and the title was agreed to.

Mr. McDowell moved

That Senate Bill No. 210 be placed upon the calendar for its third reading and final passage, on the next legislative day.

Which motion prevailed.

Mr. Simpson moved

That action on Senate Bill No. 245 be deferred for one day.

Which motion prevailed.

Senate Bill No. 299.

A bill for an act providing for the making of necessary repairs upon the capitol building 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 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steel of Stutsman
Baker	Jacobsen	Steele or Renville
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syverson
Cashel	Linde	Talcott
Davis	Martin	Thoreson
Duis	McDonald	Turner
Duncan	McDowell	Wallin
Elken	McLean	Walton
Ellingson	Movius	Welo
Ganssle	Overson	Welch
Garden	Plain	Whitcher
Gibbens	Putnam	Williams
Gilbert	Ruzicka	Young
Gronvold		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	LaMoure	Simpson
Johnson	Pierce	Trimble

So the bill passed and the title was agreed to.

Senate Bill No. 234.

A bill for an act to authorize and empower the state auditing board to audit, approve and order paid, bills contracted by the capitol commission under Chapter 166 of the Session Laws of 1905, and making an appropriation there-

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Allen
Baker
Bessesen
Carter
Cashel
Davis
Duis
Duncan
Ellingson
Ganssle
Garden
Gibbens
Gilbert
Gronvold
Gunderson

Messrs.—

Jacobsen
Kennedy
LaMoure
Linde
Martin
McDonald
McDowell
McLean
Movius
Overson
Plain
Putnam
Ruzicka
Simpson
Steel of Stutsman

Messrs.—

Steele of Renville
Stevens
Syvertson
Talcott
Thoreson
Trimble
Turner
Wallin
Walton
Welo
Weich
Whitcher
Williams
Young

Absent and not voting:

Messrs.—

Elken
Hookway

Messrs.—

Johnson
Kretschmar

Messrs.—

Pierce

So the bill passed and the title was agreed to.

Senate Bill No. 256.

A bill for an act to amend Section 1833 of the Revised Codes of North Dakota for the year 1905, relating to additional assessments for drains.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 42 ayes, no nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Allen
Baker
Bessesen
Carter
Cashel
Davis
Duis

Messrs.—

Gunderson
Jacobsen
Kennedy
LaMoure
Linde
McDonald
McDowell

Messrs.—

Steel of Stutsman
Stevens
Syvertson
Talcott
Thoreson
Trimble
Turner

Messrs.—	Messrs.—	Messrs.—
Duncan	McLean	Wallin
Ellingson	Movius	Walton
Ganssle	Overson	Welo
Garden	Plain	Welch
Gibbens	Pierce	Whitcher
Gilbert	Putnam	Williams
Gronvold	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Elken	Kretschmar	Simpson
Hookway	Martin	Steele of Renville
Johnson		

So the bill passed and the title was agreed to.

Mr. Talcott moved

That the consideration of Senate Bill No. 18 be made a special order for Thursday at 3 o'clock.

Which motion was lost.

Senate Bill No. 18.

A bill for the regulation and control of fraternal benefit societies.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 25 ayes, 19 nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Simpson
Baker	Kennedy	Stevens
Bessesen	LaMoure	Syvertson
Cashel	Linde	Thoreson
Davis	McDowell	Walton
Duncan	McLean	Welch
Ellingson	Overson	Williams
Ganssle	Pierce	Young
Garden		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Carter	McDonald	Steele of Renville
Duis	Movius	Talcott
Elken	Plain	Trimble
Gibbens	Putnam	Turner
Gilbert	Ruzicka	Welo

Messrs.— Jacobsen Martin	Messrs.— Steel of Stutsman	Messrs.— Whitcher
--------------------------------	-------------------------------	----------------------

Absent and not voting:

Messrs.— Gunderson Hookway	Messrs.— Johnson Kretschmar	Messrs.— Wallin
----------------------------------	-----------------------------------	--------------------

So the bill passed and the title was agreed to.

Mr. Stevens moved

That the vote by which Senate Bill No. 18 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion was lost.

Senate Bill No. 262.

A bill for an act to establish a revolving fund out of the net profits derived from the operation of the twine plant at the state penitentiary, and to provide for the disposal thereof.

Was read the third time.

Mr. Talcott moved, as an amendment:

In line 2, section 2 of the engrossed bill, the word "cash" be inserted between the words "annual" and "profits."

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were 32 ayes, 13 nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.— Baker Besseser Davis Duis Duncan Elken Ellingson Gibbens Gronvold Jacobsen Kretschmar	Messrs.— Linde McDonald McDowell Overson Plain Putnam Ruzicka Steel of Stutsman Steele & Renville Stevens Syvertson	Messrs.— Talcott Thoreson Trimble Turner Wallin Walton Welo Whitcher Williams Young
---	--	---

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Kennedy	Movius
Carter	LaMoure	Pierce
Cashel	Martin	Simpson
Ganssle	McLean	Weich
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Garden	Hookway	Johnson
Gilbert		

So the bill was passed and the title was agreed to.

Mr. Stevens moved

That the vote by which Senate Bill No. 262 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 73.

A bill for an act making an appropriation to meet the deficiency incurred by the State Live Stock Sanitary board in carrying out the purpose of Chapter 169 of the Session Laws of 1907.

Was read the first and second times, and

Referred to the committee on public health.

House Bill No. 170.

A bill for an act to amend Section 10243 of the Revised Codes of North Dakota for 1905.

Was read the first and second times and

Referred to the committee on state affairs.

House Bill No. 180.

A bill for an act amending Section 8406, Revised Codes of 1905, providing when an action of forcible detainer is maintainable.

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 Chapter 70, Laws of 1909, relating to the investment of county sinking funds.

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 267.

A bill for an act to amend and re-enact Chapter 172 of the laws of the state of North Dakota for 1907, relating to whom may solemnize marriages and to marriage license.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 269.

A bill for an act entitled, an act to amend and re-enact Sections 1352 and 1353 of Chapter 19 of the Revised Codes of North Dakota for the year 1905, relating to altering, discontinuing and laying out public roads and defining what shall be deemed sufficient notices to all parties concerned.

Was read the first and second times, and

Referred to the committee on highways and bridges.

House Bill No. 278.

A bill for an act to provide for the payment of the expenses of district judges when acting outside of their judicial districts.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 317.

A bill for an act to prevent the spread of contagious diseases and sanitary regulation of coaches, cars and steam boats in this state.

Was read the first and second times, and

Referred to the committee on public health.

House Bill No. 332.

A bill for an act prohibiting the placing of screens or other obstructions across the windows and doors of pool halls and providing a penalty therefor.

Was read the first and second times, and

Referred to the committee on state affairs.

Mr. Welo moved a call of the Senate.

Mr. Simpson moved:

That the call be dispensed with.

Which motion was lost.

Mr. Duis moved

That further proceedings under the call be now dispensed with.

Which motion prevailed.

Mr. Simpson moved

That the third reading of House Bills be passed until the next legislative day.

Which motion was lost.

House Bill No. 100.

A bill for an act to regulate the practice of medicine and surgery in the State of North Dakota.

Was read the third time.

Mr. Overson moved, as an amendment:

In line 2 of section 11 of the printed bill, after the word "examiner" insert the following: "shall keep a record of all its proceedings, together with the evidence offered in the matter of revoking or refusing licenses hereunder."

Which motion prevailed, and

The amendment was adopted.

Mr. Overson moved, as an amendment:

In line 26, after section 11 of the printed bill, insert the following: "An appeal from the final decision of such board shall lie to the District Court of the county in which such decision was made, within sixty days after notice to the party aggrieved. The record on appeal shall consist of the entire proceedings of such board, together with the evidence offered. Such appeal shall be governed by the Code of Civil Procedure so far as applicable."

Which motion prevailed, and

The amendment was adopted.

Mr. Gibbens moved, as an amendment, the following:

Striking out the word "therefore" upon page 5 at line 8. Insert after the word "whatsoever" on line 9 of said page the following: "as compensation or payment for such suggestion, recommendation or prescription."

Which motion was lost.

Mr. Welo moved that the bill be amended as follows:

In section 6, line 5, after the word "beings" insert the following words: "by the use of drugs, medicines or surgery."

Also in line 7, section 6, after the word "ailment" insert the following words: "by the use of drugs, medicines or surgery."

Also in line 10, section 6, after the word "mind" insert the following words: "by the use of drugs, medicines or surgery."

Also in line 13, section 6, after the word "beings" insert the following words: "by the use of drugs, medicines or surgery."

Also in line 20, section 6, after the word "of" insert the word "naturo-pathy."

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were 38 ayes, 7 nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Putnam
Baker	Gunderson	Simpson
Bessesen	Jacobsen	Steel of Stutsman
Carter	Kennedy	Steele of Renville
Cashel	Kretschmar	Stevens
Davis	Linde	Syvertson
Duis	Martin	Talcott
Duncan	McDonald	Thoreson
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Garden	Movius	Welch
Ganssle	Overson	Young
Gilbert	Pierce	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Gibbens	Trimble	Welo
Plain	Walton	Whitcher
Ruzicka		

Absent and not voting:

Messrs.—
Hookway
Johnson

Messrs.—
LaMoure

Messrs.—
Williams

So the bill was passed and the title was agreed to.

Mr. Talcott moved

That the vote by which Senate Bill No. 100 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Gibbens asked permission to return to the 9th order of business.

Which permission was granted.

FIRST READING OF SENATE BILLS.

Mr. Gibbens introduced

Senate Bill No. 362.

A bill for an act to amend and re-enact Section 10393 of the Revised Codes of 1905, providing that twenty-five (25) per cent of the profits of the brick yard be set aside as a manufacturing and operating fund for making furniture and school supplies for sale to public institutions of this state.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 362.

A bill for an act to amend and re-enact Section 10393 of the Revised Codes of 1905, providing that twenty-five (25) per cent of the profits of the brick yard be set aside as a manufacturing and operating fund for making furniture and school supplies for sale to public institutions of this state.

Was read the second time and

Referred to the committee on state affairs.

Mr. Simpson moved

That Senate Bills Nos. 220, 240, 231 and 207 be taken from the committee of the whole and re-referred to the committee on apportionment.

Which motion was lost.

Mr. Steele moved

That the Senate do now return to the third reading of House bills.

Which motion prevailed.

House Bill No. 221.

A bill for an act to amend and re-enact Section 4303 of the Revised Codes of 1905, and repeal Section 4304 of said code.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 16 ays, 23 nays, 10 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Jacobsen	Putnam
Duis	Kennedy	Steel of Stutsman
Duncan	Kretschmar	Trimble
Elken	Linde	Whitcher
Garden	McDonald	Williams
Gronvold		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Carter	Movius	Talcott
Cashel	Overson	Thoreson
Davis	Pierce	Turner
Ellingson	Plain	Wallin
Gunderson	Ruzicka	Walton
Martin	Simpson	Welch
McDowell	Stevens	Young
McLean	Syverson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Gilbert	LaMoure
Baker	Hookwa	Steele of Renville
Gansle	Johnson	Welo
Gibbens		

So the bill was lost.

House Bill No. 120.

A bill for an act requiring railroad companies to stop all regular passenger trains at county seats.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steel of Stutsman
Baker	Kefnedy	Steel of Renville
Bessesen	Kretschmar	Stevens
Carter	Linde	Syvertson
Cashel	Martin	Talcott
Davis	McDonald	Thoreson
Duis	McDowell	Trimble
Duncan	McLean	Turner
Elken	Movius	Wallin
Ellingson	Overson	Walton
Ganssle	Pierce	Welch
Garden	Plain	Whitcher
Gibbens	Putnam	Williams
Gilbert	Ruzicka	Young
Gronvold	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	Johnson	Welo
Jacobsen	LaMour	

So the bill was passed and the title was agreed to.

Mr. Whitcher moved

That the vote by which House Bill No. 120 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 181.

A bill for an act entitled, an act to amend Section 2 of Chapter 204 of the laws of 1909, entitled, "An act to amend Sections 811, 829, 882 and 883 of the Revised Codes 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 40 ayes, 1 nay, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steel of Stutsman
Baker	Jacobsen	Steele of Renville
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syverson
Cashel	Linde	Talcott
Davis	Martin	Thoreson
Duis	McDonald	Trimble
Duncan	McDowell	Turner
Elken	McLean	Wallin
Ellingson	Movius	Walton
Ganssle	Overson	Welch
Gibbens	Pierce	Whitche
Gilbert	Plain	Young
Gronvold		

Mr. Putnam voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Garden	LaMoure	Welo
Hookway	Ruzicka	Williams
Johnson	Simpson	

So the bill passed and the title was agreed to.

House Bill No. 133.

A bill for an act to amend Section 2763 of the Revised Codes of the State of North Dakota for the year 1905, providing for the vacation of streets and alleys, establishing the procedure and providing for an appeal.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 42 ayes, no nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Ruzicka
Baker	Gunderson	Simpson
Bessesen	Jacobsen	Steele of Renville
Carter	Kennedy	Stevens
Cashel	Kretschmar	Syverson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Turner
Elken	McLean	Wallin

Messrs.—	Messrs.—	Messrs.—
Ellingson	Movius	Walton
Ganssle	Overson	Welch
Garden	Pierce	Whitche
Gibbens	Plain	Williams
Gilbert	Putnam	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	McDowell	Trimble
Johnson	Steel of Stutsman	Welo
LaMoure		

So the bill passed and the title was agreed to.

House Bill No. 79.

A bill for an act to amend and re-enact Chapter 217 of the Laws of 1909, being an act to provide for a 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 39 ayes, no nays, 10 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Putnam
Baker	Gunderson	Simpson
Bessesen	Jacobsen	Stevens
Carter	Kennedy	Syverson
Cashel	Kretschmar	Talcott
Davis	Linde	Thoreson
Duncan	Martin	Turner
Elken	McDonald	Wallin
Ellingson	McLean	Walton
Ganssle	Movius	Welch
Garden	Overson	Whitcher
Gibbens	Pierce	Williams
Gilbert	Plain	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duis	McDowell	Steele of Renville
Hookway	Ruzicka	Trimble
Johnson	Steel of Stutsman	Welo
LaMoure		

So the bill passed and the title was agreed to.

Mr. Simpson moved

That House Bill No. 197 be re-referred to the committee on state affairs.

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. 219.

A bill for an act, making an appropriation to meet the deficiency incurred by William Blake of Stutsman county, North Dakota, in carrying on the work of state humane agent.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The Secretary announced that the President was about to sign

Senate Bill No. 219.

A bill for an act, making an appropriation to meet the deficiency incurred by William Blake of Stutsman county, North Dakota, in carrying on the work of state humane agent.

And the President signed the same in the presence of the Senate.

House Bill No. 96.

A bill for an act creating a state board of dental examiners; to regulate the practice of dentistry in the state of North Dakota; to provide for licensing dentists; and to provide 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 41 ayes, no nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Stevens
Baker	Gunderson	Syverson
Bessesen	Kennedy	Talcott
Carter	Kretschmar	Thoreson
Cashel	Linde	Trimble
Davis	Martin	Turner
Duis	McDonald	Wallin
Duncan	McLean	Walton
Elken	Movius	Welo
Ellingson	Overson	Welch
Ganssle	Plain	Whitcher
Garden	Putnam	Williams
Gibbens	Ruzicka	Young
Gilbert	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	LaMoure	Steel of Stutsman
Jacobsen	McDowell	Steele of Renville
Johnson	Pierce	

So the bill passed and the title was agreed to.

Mr. Talcott moved

That the Senate do now resolve itself into a committee of the whole for the consideration of

Senate Bill No. 273.

A bill for an act amending Section 49 of the Revised Codes of North Dakota of 1905, relating to how printing shall be done.

Which motion prevailed

The President called Mr. Linde to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose it made the following report:

Mr. President:

Your committee of the whole to whom was referred

Senate Bill No. 273.

A bill for an act amending Section 49 of the Revised Codes of North Dakota of 1905, relating to how printing shall be done.

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

H. J. LINDE,
Chairman.

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

The Secretary announced that the President was about to sign.

House Bill No. 254.

A bill for an act to amend Section 7894 of the Revised Codes of 1905, relating to who shall act when a county judge is disqualified or absent.

And the President signed the same in the presence of the Senate.

The courtesies of the floor were extended to the following:

Mr. Grasse, Fargo.
Mr. Dixon, Fargo.
Frank Askelmann, Fargo.
D. Y. Yonker, Ellendale.
Daniel Healy, Devils Lake.
Will Hutchinson, LaMoure.
A. F. Pierce, Valley City.
Alex Egeland, Bisbee.
D. B. Gore, Mandan.
S. M. Massingham, Mandan.
H. C. Miller, Ryder.

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

J. W. FOLEY,
Secretary.

FIFTY-FIRST DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 22, 1911.

The Senate convened at 2 o'clock, pursuant to adjournment.

The President pro tem presiding.

Mr. Talcott moved

That the Senate do now proceed to the House, for the joint session, for the purpose of hearing the address by Dr. McVey, and that at the conclusion of such joint session the Senate stand adjourned.

Which motion prevailed.

J. W. FOLEY,
Secretary.

FIFTY-SECOND DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 23, 1911.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All present except Mr. McDonald, 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 of the 49th day after recess, and 50th day, have carefully examined the same and recommend that the same be corrected as follows:

Page 38, line 12 from the bottom, after "1905" insert the following: "relating to articles of incorporation."

Page 39, line 4, after the word "chapter," insert the following: "relating to indebtedness of corporations."

Page 42, line 16, between the words "or" and "in" insert the word "to."
 Page 46, line 12 from the bottom after the word "the," insert the word "House."

Page 47, line 18, after the word "the" insert the word "House."

Page 49, line 13, "45 be changed to "44," and "4" to "5."

Page 57, in the list of those voting in the affirmative on House Bill No. 100, between the names "Ellingson" and "Garden," insert the name "Ganssle."

Page 59, line 15, change "19" to "16" and "7" to "10." Also on same page in the list of those absent and not voting on House Bill No. 221, between the names "Baker" and "Gibbens," insert the name "Ganssle." Also in same list between "LaMoure" and "Welo" insert the name "Steele of Renville."

And when so amended recommend that the same be approved.

J. E. STEVENS,
 Chairman.

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

REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the Journal of the 51st day, have carefully examined the same and find the same to be correct.

J. E. STEVENS,
 Chairman.

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

The Secretary announced that the President was about to sign

House Bill No. 56.

A bill for an act entitled, an act to amend Section 8231 of the Revised Codes of 1905, relating to the disposition of unclaimed shares of estate in county court.

Also,

House Bill No. 67.

A bill for an act to amend Section 1737 of the Revised Codes of North Dakota of 1905.

Also,

House Bill No. 78.

A concurrent resolution to amend Article 19, Section 216 of the Constitution of the State of North Dakota, pertaining to public institutions.

Also,

House Bill No. 178.

A bill for an act entitled, an act to amend Section 4429 of the Revised Codes of North Dakota of 1905, as amended by Chapter 147 of the Session Laws of 1909, relating to the capital stock of domestic stock insurance companies.

Also,

House Bill No. 158.

A bill for an act to amend Section 7117 of the Revised Codes of North Dakota, 1905, relating to additional exemptions allowed the head of a family residing in North Dakota.

Also,

House Bill No. 27.

A bill for an act to amend Section 1575, Chapter 20, of the Revised Codes of 1905, relating to the disposition of penalty and interest.

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. 154.

A bill for an act authorizing and directing the secretary of the State of North Dakota to loan the plates of the North Dakota supreme court reports covering volumes one to

nineteen inclusive, and for prescribing the manner and conditions on which the said loan is to be made.

Also,

Senate Bill No. 176.

A bill for an act providing for the appointment of county superintendents of highways and deputy superintendents in organized counties, who shall have charge and supervision of the construction, improvement and maintenance of roads within said counties, providing for road institutes, prescribing the duties of the state engineer in connection therewith.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The Secretary announced that the President was about to sign

Senate Bill No. 154.

A bill for an act authorizing and directing the secretary of the State of North Dakota to loan the plates of the North Dakota supreme court reports covering volumes one to ninten inclusive, and for prescribing the manner and conditions on which the said loan is to be made.

Also,

Senate Bill No. 176.

A bill for an act providing for the appointment of county superintendents of highways and deputy superintendents in organized counties, who shall have charge and supervision of the construction, improvement and maintenance of roads within said counties, providing for road institutes, prescribing the duties of the state engineer in connection therewith.

And the President signed the same in the presence of the Senate.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 23, 1911.

Mr. President:

I have the honor to return herewith

Senate Bill No. 197.

A bill for an act to amend Article 2, Chapter 10 of the Session Laws of 1909, relating to normal schools.

Which the House has amended as follows:

Strike out title and insert the following:

A BILL

For an act to provide for a State Board of Normal School Trustees, the organization, meetings and compensation of such board, and the purpose, maintenance and government of the normal schools of the state, and repealing Sections 1074 to 1091, inclusive, of the Revised Codes of North Dakota of 1905, as amended by Chapters 100 and 240 of the Session Laws of North Dakota of 1907, relating to Normal Schools.

Strike out three words "Article II. Normal Schools," immediately after enacting clause.

Strike out the figures 1074 in line 1 of section 1074 of the printed bill and insert the figure 1.

Strike out figure 1075 and insert figure 2 in section 1075 of printed bill.

Strike out figure 1076 and insert figure 3.

Strike out figure 1077 and insert figure 4.

Strike out figure 1078 and insert figure 5.

Strike out figure 1079 and insert figure 6.

Strike out figure 1080 and insert figure 7.

Strike out figure 1081 and insert figure 8.

Strike out figure 1082 and insert figure 9.

Strike out figure 1083 and insert figure 10.

Strike out figure 1084 and insert figure 11.

Strike out figure 1085 and insert figure 12.

Strike out figure 1086 and insert figure 13.

Strike out figure 1087 and insert figure 14.

Strike out figure 1088 and insert figure 15.

Strike out figure 1089 and insert figure 16.

Strike out figure 1090 and insert figure 17.

Strike out figure 1091 and insert figure 18.

Strike out lines 4 and 5 of section 1091 of printed bill and insert the following:

"Section 19. Repeal.) Sections 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090 and 1091 of the Revised Codes of North Dakota of 1905, as amended by Chapters 100 and 240 of the Session Laws of North Dakota of 1907, are hereby repealed."

At the beginning of line 6 of section 1091 of the printed bill, before the word "Whereas," insert the following: "Section 20. Emergency.)"

Very Respectfully,

E. H. GRIFFIN,

Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith

Senate Bill No. 81.

A bill for an act to amend Section 1564 of the Revised Codes, relating to fees of sheriffs for the collection of delinquent personal property taxes.

Also,

Senate Bill No. 200.

A bill for an act to amend and re-enact Section 10371 and Section 10373 of the Revised Codes of North Dakota, for the year 1905, relating to parole of inmates of the state penitentiary.

Which the House has indefinitely postponed.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to request the return of Senate Bill No. 167 and Senate Bill No. 224 and Senate Bill No. 72, for further consideration.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

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

Whereas, there is now filed away in the office of the State Treasurer of the State of North Dakota, unnegotiated bonds to the amount of \$185,000, the issuance of which was authorized by the Legislative Assembly of North Dakota in the year 1901, to be made by the board of trustees of the State Penitentiary, said bonds described as follows:

Numbers	Series	Date	Amount	Rate
61 to 70 inclusive	1st	May 1, 1901	\$ 10,000	4 per cent
86 to 105 inclusive	1st	July 1, 1901	20,000	5 per cent
86 to 105 inclusive	1st	July 1, 1901	20,000	5 per cent
71 to 105 inclusive	2nd	May 1, 1901	105,000	5 per cent
76 to 105 inclusive	2nd	May 1, 1901	30,000	4 per cent

The issuance of above described bonds being authorized for the purpose of retiring \$75,000 of certificates of indebtedness due November 1, 1902, and obtaining funds for the operation of the twine and cordage factories of the State Penitentiary at Bismarck, North Dakota.

And whereas, the bonds have not been floated and do not now represent any monetary value in the state treasurer's office.

And whereas, there is a possibility of a serious fraud being perpetrated upon the public by an accidental loss of said bonds in such a way that same may be negotiated to innocent parties.

And, whereas the state treasurer is anxious that said bonds should be cancelled;

Now, Therefore, Be It Resolved by the House of Representatives, the Senate concurring therein, that the State Board of Auditors be and the same is hereby authorized and instructed to cancel and destroy the above described and enumerated bonds.

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

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to transmit herewith

House Bill No. 130.

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, and Chapter 187 of the Laws of 1909, defining intoxicating liquors.

Also,

House Bill No. 93.

A concurrent resolution to amend Section 154 of the Constitution of the state of North Dakota, relating to appropriation of fines and forfeitures for the violation of state laws.

Also

House Bill No. 307.

A bill for an act to amend Section 4277 of the Revised Codes of North Dakota for the year 1905.

Also,

House Bill No. 345.

A bill for an act to harmonize Sections 8089 and 7117 of the 1905 Code, by amending Section 8089 of the act providing for the settlement of the estates of decedents.

Also

House Bill No. 237.

A concurrent resolution for amendment of the Constitution, providing for the initiative and referendum, recall of public officers and future amendments to the constitution.

Also,

House Bill No. 299.

A bill for an act authorizing county mutual insurance companies to borrow money.

Also,

House Bill No. 335.

A bill for an act to amend Section 4494 of the Revised Codes of North Dakota of 1905, relating to county mutual companies.

Also

House Bill No. 401.

A bill for an act to amend and re-enact Section 2979 of the Revised Codes of North Dakota of 1905, relating to increasing the debt limit.

Also,

House Bill No. 216.

A bill for an act creating the Thirteenth judicial district of the State of North Dakota, defining the boundaries thereof, providing for the appointment and election of a judge, and fixing the terms of court therein.

Also

House Bill No. 215.

A bill for an act defining the boundaries of the Fifth judicial district, fixing the terms of court therein, and validating certain judgments.

Also

House Bill No. 188.

A bill for an act to amend Section 521 of the Revised Codes of 1905, relating to the furnishing of a list of jurors to the clerk of the district court.

Also,

House Bill No. 310.

A bill for an act entitled, an act to amend and re-enact Section 2478 of the Revised Codes of North Dakota of the year 1905, relating to taxes.

Also,

House Bill No. 318.

A bill for an act amending Section 28 of Chapter 80 of the laws of 1909, relating to the taxation of costs in county courts having increased jurisdiction.

Also,

House Bill No. 340.

A bill for an act to amend Section 605 of the Revised Codes of North Dakota for 1905, relating to who is entitled to vote.

Also

House Bill No. 344.

A bill for an act to prohibit the appointment to any state, county or municipal situation, of clerks, bookkeepers, typewriters, shorthand writers or other office amanuensis who are not citizens of the United States (or who have not declared intention to become such) or who are not bona fide residents of North Dakota.

Also

House Bill No. 355.

A bill for an act to provide for the reimbursement of owners of cattle destroyed by order of the state live stock sanitary board on account of the disease known as tuberculosis, and providing for the levy of a tax to create a fund therefor.

Also

House Bill No. 31.

A bill for an act to amend Section 2247 of the Revised Code of 1905, defining public warehouses.

Also,

House Bill No. 75.

A bill for an act to amend and re-enact Sections 1031, 1033, 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,

House Bill No. 183.

A bill for an act to amend Section 5187 of the Revised Codes of 1905, relating to order of succession.

Also,

House Bill No. 204.

A bill for an act entitled, an act requiring railway companies to furnish sites for flour and feed mills on their right of way and fixing the manner in which sites may be obtained.

Also,

House Bill No. 273.

A bill for an act to regulate the size and construction of caboose cars.

Also,

House Bill No. 275.

A bill for an act entitled, "An act to regulate and provide for admission of live stock into the state of North Dakota from all other states and territories and foreign countries; and providing penalties for violation thereof."

Also,

House Bill No. 291.

A bill for an act to amend Chapter 93 of the Session Laws of 1909, relating to compensation of election officers and rental of polling places.

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

Very respectfully,

E. H. GRIFFIN,
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 House Bill No. 33.

A bill for an act to amend Section 2445 of Chapter 28, of the Revised Codes of 1905, relating to the monthly statement by depository.

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

J. E. DAVIS,
Chairman.

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

Also

Mr. President:

Your committee on state affairs to whom was referred Senate Bill No. 193.

A bill for an act to amend and re-enact Section 1486 of the Revised Codes of 1905, relating to listing of property for taxation.

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

J. E. DAVIS,
Chairman.

Mr. Davis moved

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

Also,

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 255.

A bill for an act amending and re-enacting Sections 2
and 4 of Chapter 141 of the laws of 1909, relating to fire
escapes for hotels.

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

J. E. DAVIS,
Chairman.

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

Also

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 152.

A bill for an act to specify and authorize a state flag.

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

J. E. DAVIS,
Chairman.

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

Also

Mr. President:

Your committee on state affairs to whom was referred

Concurrent resolution relating to the election of United States senators by direct vote.

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

Substitute the following for the original Concurrent Resolution:

A MEMORIAL BY THE COMMITTEE ON STATE AFFAIRS.

Be It Resolved by the Legislative Assembly of the State of North Dakota, the House and Senate Concurring:

That this memorial be directed to the Congress of the United States, calling upon Congress to submit to the state of the Union for ratification, an amendment to the federal constitution of the United States, providing for the election of United States senators by direct vote of the electors of the various state; and

Be It Further Resolved, That this memorial be enrolled and transmitted to the President of the United States Senate and to the Speaker of the House of Representatives of the United States.

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

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

Also

Mr. President:

Your committee on state affairs to whom was referred

Concurrent resolution, introduced by the state institutions visiting committees, relating to the payment of the expenses of said committee.

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

Insert after the 21st line from the bottom of the printed resolution the following amendment: "That the members visiting the University Sub-station at Hebron, be each allowed ten (\$10.00) dollars per day for three days for necessary expense and their actual railroad fare paid out by each of them; and."

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

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

Also

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 112.

A bill for an act amending Section 2400 of the Revised
Codes of 1905, relating to additional powers of the board of
county commissioners.

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

J. E. DAVIS,
Chairman.

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

Also

Mr. President:

Your committee on state affairs to whom was referred

Concurrent resolution introduced by Mr. Overson and
Mr. Steele, relating to the appointments of a single com-
mittee to visit all of the state institutions.

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

J. E. DAVIS,
Chairman.

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

The committee on highways, bridges and ferries made
the following report:

Mr. President:

Your committee on highways, bridges and ferries to whom was referred

Senate Bill No. 326.

A bill for an act to amend Section 1350, Revised Codes of 1905, relating to the laying out, altering or discontinuing roads.

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 was adopted.

The committee on elections and privileges made the following report:

Mr. President:

Your committee on elections and privileges to whom was referred

Senate Bill No. 340.

A bill for an act prohibiting the sale or purchase of political support or political editorials and prescribing a penalty therefor.

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

H. J. BESSESEN,
Chairman.

Mr. Bessesen moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also

Mr. President:

Your committee on elections and privileges to whom was referred

Senate Bill No. 310.

A bill for an act to amend and re-enact Section 733 of the Revised Codes of 1905 relating to the registration of voters.

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

On page 2, line 29 of the printed bill, after the word "matters" insert the following: "in all cities of three thousand inhabitants or over."

On page 3, line 44, printed bill, strike out word "felony" and insert in lieu thereof the word "misdemeanor."

On page 3, line 45, printed bill, strike out the word "penitentiary," and insert in lieu thereof the word "jail."

In line 46, printed bill, change the word "years" to "year" and add after the word "year," "or by such fine and imprisonment."

And when so amended recommend the same do pass.

H. J. BESSESEN,
Chairman.

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

Also

Mr. President:

Your committee on elections and privileges to whom was referred

Senate Bill No. 339.

A bill for an act to prescribe legal rates for the publication of political announcements.

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

H. J. BESSESEN,
Chairman.

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

Also

Mr. President:

Your committee on elections and privileges to whom was referred

Senate Bill No. 338.

A bill for an act providing for the publication of the names of candidates before the primary.

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

H. J. BESSESEN,
Chairman.

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

Also

Mr. President:

Your committee on elections and privileges to whom was referred

Senate Bill No. 34.

A bill for an act to provide for the nomination and election of candidates for judges of the supreme court, superintendent of public instruction, judges of the district courts, county superintendent of schools, whose election shall be non-partisan, and the selection of delegates to national conventions nominating presidential electors, electing a national committee man and promulgating party platforms for the respective parties.

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

H. J. BESSESEN,
Chairman.

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

The committee on banks and banking made the following report:

Mr. President:

Your committee on banks and banking to whom was referred

Senate Bill No. 297.

A bill for an act to amend Section 4655 of the Revised Codes of North Dakota for 1905, relating to the reserve fund of banking corporations.

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

ED. PIERCE,
Chairman.

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

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

Your committee on judiciary to whom was referred
Senate Bill No. 319.

A bill for an act to amend and re-enact Section 482 of the Revised Codes of North Dakota for 1905, relating to the duties of court stenographers.

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 report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on judiciary to whom was referred
Concurrent resolution by Mr. Pierce.

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 218.

A bill for an act to amend and re-enact Section 7047 of the Revised Codes of North Dakota for the year 1905, relating to references and trials by referees.

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 186.

A bill for an act to amend and re-enact Section 9371 of Revised Codes of the State of North Dakota for the year 1905, relating to the enforcement of the prohibition law by state's attorneys, providing for a special fund in each county for the fines and penalties and the payment of prosecution expenses.

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

In title of printed bill strike out "fines and penalties," and insert "Proceeds of Forfeited Bonds."

In line 4, page 1, strike out "Fines," and insert "Proceeds of Forfeited Bonds and Undertakings."

In lines 9 and 10 strike out "to recover the fines and penalties."

Add at end of bill the following: "Section 2. Repeal.) All acts or parts of acts in conflict herewith are hereby repealed. Section 3. Emergency.) Whereas an emergency exists 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.

H. H. STEELE,
Chairman.

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

Also

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 227.

A bill for an act to amend and re-enact Section 7475 of
the Revised Codes of 1905, State of North Dakota, relat-
ing to costs and disbursements on the foreclosure of a real
estate mortgage by advertisement.

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 report was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 332.

A bill for an act to amend section 7530, Revised Code
of 1905, relating to adjustment of cross judgment in actions
to determine conflicting claims to real property.

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

In line 10 of original bill after word "said," strike out "opposition" and
insert "option."

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 225.

A bill for an act to amend and re-enact Section 537 of
the Revised Codes of North Dakota for 1905, relating to
the bonds of notaries public.

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 180.

A bill for an act amending Section 8406, Revised Codes
of 1905, providing when an action of forcible detainer is
maintainable.

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 84.

A bill for an act to amend Section 7575 of the Revised Codes of North Dakota for A. D. 1905, and prescribing the instances where the right of eminent domain may be exercised for public uses.

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

On page 2, line 22 of printed bill, strike out "proportioning" and insert "apportioning," and insert "and collecting" after same.

On page 3, line 44, after "ground" add "provided that no ground shall be condemned within one half mile of any residence."

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 150.

A bill for an act to amend Section 1546 of the Revised Codes of North Dakota, 1905, relating to tax receipts, their contents, numbering and duplicates.

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

In line 17, page 2 of the printed bill after word "such," insert "duplicate."
In line 16, page 2, after the word "shall," strike out the word "return," and insert in lieu thereof the word "deliver."

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 was adopted.

The committee on municipal corporations made the following report:

Mr. President:

Your committee on municipal corporations to whom was referred

Senate Bill No. 288.

A bill for an act to amend Section 2755 of the Revised Codes of 1905, relating to powers of city councils to contract indebtedness.

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 report was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

Senate Bill No. 238.

A bill for an act authorizing the board of university and school lands to make examination of all state and school lands to determine the extent, depth and thickness of any lignite coal veins underlying the surface, and to show the soil characteristics and topographical features of such land, and providing an appropriation therefor.

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

J. LAMOURE,
Chairman.

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

Also

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 139.

A bill for an act to provide for the maintenance of the State Normal Industrial school located at Ellendale, and for necessary improvements, and providing appropriations therefor.

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

That the figures in lines 4 and 5 of the printed bill be changed to read "Thirty-five thousand five hundred."
That the figures in line 6 of the printed bill be changed to read "\$20,000."
That lines 9 and 10 of the printed bill be stricken out.
That the total figures be changed to read "\$35,500."

And when so amended recommend the same do pass.

J. LAMOURE,
Chairman.

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

Also

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 268.

A bill for an act to amend Section 28 of Chapter 92, of the Session Laws of North Dakota for 1909.

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

That title of said bill be changed to read as follows: "An Act to Amend and Re-enact Section 28, of Chapter 92, of the Session Laws of 1909, Providing an Appropriation for the Dairy Department of the Department of Agriculture and Labor."

That line 3 of the printed bill be changed to read as follows: "The sum of five thousand dollars, annually, and in addition thereto."

That the word "that" at the beginning of line 4 of the printed bill be stricken out.

And when so amended recommend the same do pass.

J. LAMOURE,
Chairman.

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

Also

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 187.

A bill for an act to encourage elementary education in
North Dakota, and appropriate money therefor.

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

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report 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. 212.

A concurrent resolution proposing an amendment to the
Constitution of the State of North Dakota, providing for
the sale of the school and public lands and reserving to
the state the coal in them.

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

E. A. MOVIUS,
Chairman.

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

And the further consideration of the bill was indefinitely postponed.

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred
House Bill No. 73.

A bill for an act making an appropriation to meet the deficiency incurred by the State Live Stock Sanitary board in carrying out the purpose of Chapter 169 of the Session Laws of 1907.

Have had the same under consideration and recommend that the same be re-referred to the committee on appropriations.

F. T. GRONVOLD,
Chairman.

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

The committee on municipal corporations made the following report.

Mr. President:

Your committee on municipal corporations to whom was referred;

Senate Bill No. 249.

A bill for an act to amend Article 4 of Chapter 30 of the Political Code of North Dakota, being Section 2678 of the

Revised Codes of North Dakota of 1905, relating to powers of city councils.

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

Strike out all after the enacting clause and substitute the following: Section 1. Amendment.) That Article 4 of Chapter 30, of the Political Code of North Dakota, being Section 2678, of the Revised Codes of North Dakota of 1905, be and the same is hereby amended to read as follows: to wit,

Section 2678. General Powers of City Council.) The city council shall have power:

1. To control the finances and property of the corporation.
2. To appropriate money for corporate purposes only, and provide for the payment of debts and expenses of the corporation.
3. To levy and collect taxes for general and special purposes on real and personal property.
4. To fix the amount, terms and manner of issuing and revoking licenses.
5. To borrow money on the credits of the corporation for corporation purposes, and to issue bonds therefor, in such amounts and form, and on such conditions as it shall prescribe, but no such city shall become indebted in any manner or for any purpose to an amount, including existing indebtedness, exceeding five per cent of the taxable property therein, as determined by the last preceding city assessment provided, that any incorporated city may, by a two-thirds vote at any special or general election increase such indebtedness to an amount equal to three per cent of such assessed valuation beyond said five per cent limit and may issue bonds therefor provided, further, that any city, when authorized by a majority vote at a general or special election, may become indebted in any amount not exceeding four per cent of such assessed value without regard to the existing indebtedness of such city for the purpose of constructing or purchasing water works for the purpose of furnishing a supply of water to the inhabitants of such city, or for the purpose of constructing sewers, but for no other purpose whatever, and such city may issue bonds therefor; provided, further, that no bonds issued under the provisions of this section shall be sold for less than their par value, and the city issuing such bonds shall, at or before the time of issuing the same or incurring the indebtedness for which the same are to be issued, provide for the collection of a direct annual tax sufficient to pay the interest on such debt or such bonds when it falls due, and to pay and discharge the principal thereof when the same becomes due, and such provisions for the collection of such annual tax shall be irrevocable until such debt is paid provided, further, that none of the hereinbefore mentioned bonds shall be issued either for special or general purposes, except as by law otherwise provided, unless at an election after twenty days' notice in a newspaper published in the city stating the purpose for which said bonds are to be issued and the amount thereof, the legal voters of such city shall, by a majority vote, determine in favor of issuing such bonds provided, further, that no bonds issued under the provision of this chapter shall be issued for a longer period than twenty years.
6. To issue bonds in place of or to supply means to meet maturing bonds or for the consolidation or funding of the same or for the consolidation or funding of any floating indebtedness of such city.
7. To lay out, establish, open, alter, widen, grade, pave or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks and public grounds and vacate the same.

8. To plant trees on the same.
9. To regulate the use of the same.
10. To prevent and remove obstructions and encroachments upon the same.
11. To provide for the lighting of the same, and to provide for the furnishment of lights to the inhabitants of the city.
12. To provide for the cleaning of the same.
13. To regulate the openings therein for the laying of gas or water mains and pipes, and the building and repairing of sewers, tunnels and drains, and erecting gas or electric lights; provided, however, that any company heretofore organized under the general laws of this state or any association of persons organized or which may be hereafter organized for the purpose of manufacturing illuminating gas or electricity, to supply cities, or the inhabitants thereof with the same, shall have the right, by the consent of the city council, subject to existing rights, to erect gas or electric light works and lay down pipes or string wires on poles in the streets or alleys of any city in this state, subject to such regulations as such city may by ordinance prescribe.
14. To regulate the use of sidewalks and all structures thereunder; and to require the owner or occupant to any premises to keep the sidewalks in front of or along the same free from snow or other obstruction.
15. To regulate and prevent the throwing or depositing of ashes, offal, dirt, garbage, or any other offensive matter in, and to prevent injury to any street, avenue, alley or public ground.
16. To provide for and regulate crosswalks, curbs and gutters.
17. To regulate and prevent the use of streets, sidewalks and public grounds for signs, signposts, awnings, telegraph or telephone poles, horse troughs, racks, posting hand bills and advertisements.
18. To regulate and prohibit the exhibition or carrying of banners, placards, advertisements or hand bills in the streets or public grounds, or upon sidewalks.
19. To regulate and prevent the flying of flags, banners or signs across the streets or from houses.
20. To regulate traffic and sales upon the streets, sidewalks and public places.
21. To regulate the speed of horses and other animals, vehicles, cars and locomotives within the limits of the corporation.
22. To regulate the numbering of houses and lots.
23. To name and change the name of any street, avenue, alley or other public place.
24. To permit, regulate or prohibit the locating, constructing or laying of a track of any horse or other street railway in any street, alley or public place, but such permission shall not be for a longer time than fifty years.
25. To provide for and change the location, grade and crossing of any railroad.
26. To require railroad companies to fence their respective railroads, or any portion of the same, and construct cattle guards, crossings of streets and public roads and keep the same in repair within the limits of the corporation.
27. To require railroad companies to keep flagmen at railroad crossings of streets, and provide protection against injury to persons and property; to compel railroads to raise or lower their tracks to conform to any grade which may at any time be established by such city, and where such tracks run lengthwise of such street, alley or highway, to keep their tracks on a level with the street surface and so that such tracks may be crossed at any place on such street, alley or highway; to compel and require railroad companies to make and keep open and to

keep in repair, ditches, drains, sewers and culverts along and under their tracks, so that filthy and stagnant pools of water cannot stand on their grounds or right of way and so that the natural or artificial drainage of adjacent property shall not be impeded.

28. To construct and keep in repair bridges, viaducts and tunnels, and to regulate the use thereof.

29. To construct and keep in repair culverts, drains, sewers, catch-basins, manholes and cesspools and to regulate the use thereof.

30. To license, tax, regulate, suppress and prohibit hawkers, peddlers, pawnbrokers, keepers of ordinaries, theatricals and other exhibitions, shows and amusements, ticket scalpers and employment agencies, and to revoke such license at pleasure; provided, however, that the provision of this section with reference to hawkers and peddlers shall not apply to persons selling or offering for sale the products raised or grown on lands within this state.

31. To license, tax and regulate hackmen, draymen, omnibus drivers, carters, cabmen, porters, expressmen, watermen, and all others pursuing like occupations, and to prescribe their compensation.

32. To license, regulate, tax and restrain runners for stages, cars, public houses or other things or persons.

33. To license, regulate, tax or prohibit and suppress billiard, bagatelle, pigeon hole, or any other tables or implements kept or used for similar purpose in any place of public resort, pin alleys and ball alleys.

34. To license, tax and regulate plumbers and the business of plumbing, and to provide the manner in which plumbing shall be done, and for the inspection thereof, and the manner in which the connections thereof with the sewers and water mains of the city may be made.

35. To establish markets and market houses and to provide for the regulation and use thereof.

36. To provide for the place and manner of sale of meats, poultry, fish, butter, cheese, lard, vegetables and all other provisions, and regulate the selling of the same.

37. To regulate the sale of bread in the city and prescribe the weight and quality of the bread in the loaf.

38. To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat and other provisions, and to license and regulate the sale of milk, provide for the inspection of the same, and of all dairies and premises wherever situated from which any milk is offered for sale in such city, and to prohibit the sale of impure or diseased milk.

39. To regulate the inspection, weighing and measuring of lumber, firewood, coal, hay and any article of merchandise, to establish one or more city scales and to require dealers in hay, coal or firewood to use such scales in the sale of such hay, coal or firewood.

40. To provide for the inspection and sealing of weights and measures.

41. To enforce the keeping and use of proper weights and measures by vendors.

42. To regulate the construction, repairs and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters.

43. To regulate places of amusement.

44. To prevent intoxication, fighting, quarreling, dog fights, cock fights and all disorderly conduct.

45. To regulate partition fences and party walls.

46. To prescribe the thickness, strength and manner of constructing stone, brick and other buildings and the construction of fire escape therein, and to provide for the inspection of all buildings within the city limits.

47. To prescribe the limits within which wooden buildings shall not

be erected or placed, or repaired without permission, and to direct that all and any buildings within said limits, which shall be known as the fire limits, when the same shall have been damaged by fire, decay or otherwise, to the extent of fifty per cent of the value, shall be torn down or removed and to prescribe the manner of ascertaining such damage and to provide for the removal of any structure or building erected contrary to such prescription, and to declare each day's continuance of such structure or building a separate offense, and prescribe penalties therefor and define fire proof material and by ordinance provide for issuing building permits, and appointment of building inspectors.

48. To prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers and apparatus used in and about any building or manufactory, and to cause the same to be removed or placed in a safe condition when considered dangerous; to regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires; to prevent the deposit of ashes in unsafe places; and to cause all such buildings and inclosures as may be in a dangerous state to be put in a safe condition.

49. To erect engine houses and provide fire engines, hose carts, hooks and ladders, and other implements for the prevention and extinguishment of fires, and provide for the use and management of the same by voluntary fire companies or otherwise.

50. To regulate and prevent the storage of gunpowder, tar, pitch, resin, coal oil, benzine, turpentine, hemp, cotton, nitroglycerine, petroleum or any of the products thereof, and other combustible or explosive material, and the use of lights in stables, shops and other places, and the building of bonfires; also to regulate and restrain the use of fireworks, firecrackers, torpedoes, roman candles, skyrockets and other pyrotechnic displays.

51. To provide for the inspection of steam boilers.

52. To establish and erect a city jail, house of correction and work house for the confinement and reformation of disorderly persons convicted of violating any city ordinance, and make rules and regulations for the government of the same, and appoint necessary jailers and keepers.

53. To use the county jail for the confinement or punishment of offenders, subject to such conditions as are imposed by law and with the consent of the board of county commissioners; and to regulate the police of the city, and pass and enforce all necessary police ordinances.

54. To prevent and suppress riots, routs, affrays, noises, disturbances and disorderly assemblies in any public or private place.

55. To prohibit and punish cruelty to animals.

56. To restrain and punish vagrants, mendicants and prostitutes.

57. To declare what shall be a nuisance and abate the same, and impose fines upon persons who may create, continue or suffer nuisances to exist.

58. To erect and establish hospitals and medical dispensaries, and control and regulate the same, and provide and enforce quarantine regulations against all contagious and infectious diseases.

59. To do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

60. To establish and regulate cemeteries within or without the corporation, and acquire lands therefor by purchase or otherwise, and cause cemeteries to be removed, and prohibit their establishment within one mile of the corporation.

61. To regulate, restrain and prevent the running at large of horses, mules, cattle, swine, sheep, goats and geese; and to provide for the establishment and maintenance of public pounds for the impounding of any such stock running at large, or tethered in any street in the city, in

violation of its ordinances, and establish procedure for the impounding and discharging of stock so impounded and make the expenses thereof and fines imposed for the violation of ordinances passed under this subdivision, a lien upon such stock and provide for the sale thereof to satisfy such liens.

62. To license, regulate or prohibit the running at large of dogs, and injuries and annoyances therefrom, and to authorize their summary destruction when at large contrary to any such prohibition or regulation.

63. To direct the location and regulate the management and construction of packing houses, renderies, bone factories, slaughter houses, soap factories, foundries, livery stables and blacksmith shops within, or within one mile of the limits of the corporation.

64. To prohibit any offensive or unwholesome business or establishment within, or within one mile of the limits of the corporation.

65. To compel the owner of any grocery, cellar, stable, pigsty, privy, sewer or other unwholesome or nauseous house or place, to cleanse, abate or remove the same, and to regulate the location thereof.

66. To provide for the taking of the city census, but no city census shall be taken oftener than once in three years.

67. To provide for the erection and care of all public buildings necessary for the use of the city.

68. To extend, by condemnation or otherwise, any street, alley, or highway, over or across, or to construct any sewer under or through any railroad tracts, right of way or land of any railroad company, within the corporate limits.

69. The city council shall have power to grant the use of, or right to lay down any railroad tracks in any street of the city to any railway company.

70. To tax, license and regulate auctioneers, lumber yards, public scales, money changers and brokers.

71. To prevent and regulate the rolling of hoops, playing of ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the street or on the sidewalks, or to frighten teams or horses.

72. To regulate or prohibit the keeping of any lumber yard and the placing or piling or selling of any lumber, timber, wood or other combustible material within the fire limits of the city.

73. To provide by ordinance that all the paper, printing, stationery, blanks, fuel and all the supplies needed for the use of the city shall be furnished by contract let to the lowest responsible bidder.

74. To tax, license and regulate second hand and junk stores and to forbid their purchasing or receiving from minors, without the written consent of their parents or guardians, any article whatever, and to prescribe punishment for the violation thereof.

75. To purchase, erect, lease, rent, manage and maintain any system or part of system of waterworks, hydrants and supply of water, telegraphing, fire signals, or fire apparatus that may be of use in the prevention and extinguishment of fires, and to pass all ordinances, penal or otherwise, that shall be necessary for the full protection, maintenance, management and control of the property so leased, purchased or erected.

76. To redistrict the city into wards and prescribe the boundaries thereof, whenever a census of the city shall show the population to be large enough to require two aldermen more than are in the council at the time of making such census.

77. To adopt such other ordinances, not repugnant to the constitution and laws of the state, as the general welfare of the city may demand.

78. To pass all ordinances, rules and make all regulations proper or necessary to carry into effect the powers granted cities, with such fines, penalties or forfeitures as the city council shall deem proper; provided,

that no fine or penalty shall exceed one hundred dollars and no imprisonment shall exceed three months for one offense.

79. No special privileges or immunities shall ever be granted by the city council of any city which may not be altered, revoked or repealed by the city council of such city; nor shall any citizen or class of citizens be granted any privileges or immunities which upon the same terms shall not be granted to all citizens.

Provided, however, that no special privileges or immunities, heretofore or hereafter granted by any city to any person or corporation, shall be altered, revoked or repealed, except upon notice to the person to be affected, entitling him to appear and be heard in relation to such matter, in such manner as the council or commission may direct, and on such hearing the council or commission may require the production of all records of such persons pertaining to such privileges or business conducted thereunder; and any person aggrieved by any such alteration, revocation or repeal, may by suit in the District Court of the county, have the reasonableness of such alteration, repeal or revocation adjudicated, and appeal from such adjudication shall lie to the Supreme Court, as provided for by the code of civil procedure.

And when so amended that the bill be referred to the committee of the whole without recommendation.

JAS. KENNEDY,
Chairman.

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

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

Your committee on education to whom was referred
Senate Bill No. 60.

A bill for an act to provide a system of free public schools for the state of North Dakota and to repeal Sections 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901,

902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, and section 1038 of the Revised Codes of 1905, with any and all amendments thereto, and also Chapters 49, 98, 100, 103, 124, 153, and 201 of the Session Laws of 1909.

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

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

In section 6, line 2, after the word "superintendents" insert the words "and boards of education in special or independent school districts."

In section 7, line 4, after the word "meeting," insert the words "and it shall be their duty to attend such meetings."

In section 14, line 7, after the word "he," strike out the word "may," and insert in lieu thereof the word "shall."

In section 18, line 4, after the word "hold" strike out the words "a first," and insert in lieu thereof the words "at least a second."

In section 18, line 6, after the word "in," strike out the word "the" and insert in lieu thereof the word "this."

In section 23, line 1, after the word "he," strike out the word "may," and insert in lieu thereof the word "shall."

Strike out all of section 28, and insert in lieu thereof:

"Section 28. Office, Postage and Stationery.) He may provide for himself a suitable office for the transaction of official business when not provided therewith by the county commissioners, and such commissioners shall audit and pay his reasonable accounts for the use and furniture of such office. They shall also furnish him with all necessary books, stationery and postage."

In section 33 strike out the whole section and insert in lieu thereof:

"Section 33. Deputies, How Appointed, Salary.) In counties having fifty or more schools, the county superintendent may appoint an office deputy, for whose acts as such he shall be responsible, which deputy shall be entitled to a salary equal to fifty per cent of the county superintendent's salary, provided that in counties having 150 or more schools, the county superintendent shall be allowed one deputy for each 100 schools or major fraction thereof, under the supervision of said superintendent. Such deputies shall be for the purpose of assisting the county superintendent in visiting schools and in the general supervision of the educational work of the county. They shall possess the qualifications of the county superintendent of schools specified in section 18 of this chapter, and shall each receive a salary of two hundred (200) dollars per annum in excess of that paid to the office deputy."

In section 34, strike out all the section after the word "thereto," in line 5. and insert in lieu thereof, "he shall receive ten cents per mile for the distance actually and necessarily traveled by him or his field deputy in the discharge of his duties within the county and in attendance at

meetings of county superintendents called by the superintendent of public instruction as provided by law. He shall at the end of every three months make and furnish to the county commissioners an itemized statement subscribed and sworn to of the distance so traveled in the discharge of his duties, which shall be audited and ordered paid by the Board of County Commissioners."

In section 38, line 8, after the word "least," strike out the word "eight," and insert in lieu thereof the word "twelve."

In section 43, line 3, after the word "district" insert the words "or consolidate two or more districts already organized."

Between sections 43 and 44 insert:

"Section 43½. Boundaries to be Re-arranged and Established. How.) The county commissioners and county superintendent of schools of each county which at the taking effect of this act is organized for school purposes under the district system, shall meet on the second Monday in July, A. D. 1911, at the place where the meetings of such commissioners are usually held, and shall re-arrange and establish the boundaries of the several school districts of the county, as follows:

1. Each school district now organized, which has less than ten persons of school age residing therein, may be annexed to and form a part of such adjacent district as shall be most convenient for such persons of school age, if in the judgment of such commissioners and superintendent, such annexation can be made without detriment to the school or to the pupils residing in such district.

2. Such commissioners and superintendent shall make such changes generally in the boundary line of the school districts of the county, and may organize school districts, as in their judgment will be for the best interests of the schools of the county."

Strike out all of section 44 and insert in lieu thereof:

"Section 44. New Common School Districts, How Organized.) The board of county commissioners and county superintendent may organize a new school district from portions of school districts already organized, if in their judgment the organization of a new district is desirable and necessary, upon being petitioned so to do by at least a majority of the school voters residing in the districts, whose boundaries will be affected by the organization of a new district, and by at least three-fourths of the residents of the territory to be included in the new district. No school district shall be organized under the provisions of this section which shall have less than \$20,000 assessed valuation and shall have residing therein less than twelve children of school age; provided, that when the districts from portions of which such new district is sought to be organized, lie in two or more adjoining counties, such new district shall be organized by the concurrent action of the boards of county commissioners and county superintendents of such counties; provided further, that action on such organization shall be taken only at the July meeting of the county commissioners when petitioned by a majority of the voters residing in each of the districts to be affected."

In section 45, line 3, after the word "districts" insert the words, "or to change the boundaries of districts already organized."

In section 47, line 4, after the word "organization" insert the words, "and also all school districts, whether duly and legally organized under the provisions of statute or not, which have heretofore attached or attempted to attach territory outside of the limits thereof and adjacent to such district, and now included in the territory comprising or exercising the powers of such school district."

Strike out all of section 48 and insert in lieu thereof the following:

"Section 48. Officers to be Elected.) On the first Tuesday in June of each year there shall be elected one school director for the term of three years and on the first Tuesday in June of each even numbered year a school treasurer for the term of two years. Such officers shall hold their

respective offices from the second Tuesday in July following their election for the number of years respectively for which they were elected, and until their successors are elected and qualified. At the first election for the organization of a new school district there shall be elected at large for such school district three directors, one to serve until the first annual election, one to serve until the second annual election thereafter, and one to serve until the third annual election thereafter, and a school treasurer to serve until the annual election in the next even numbered year and until his successor is elected and qualified."

In section 50, line 7, after the word "director," insert the words "district treasurer."

In section 56, line 2, after the word "director" insert the words "or district treasurer."

Strike out all of section 62 and insert in lieu thereof:

"Section 62. Treasurer's Bond, How Approved. Vacancy, How Filled.) The school treasurer shall on or before the second Tuesday in July following his election, and before entering upon his duties, give a bond to the school district conditioned for the honest and faithful discharge of his duties and that he will render a true account of all funds and property that shall come into his hands and pay and deliver the same according to law. Such bonds shall be in such sum as may be fixed by the board, but not less than double the sum to come into his hands in any one year as nearly as may be ascertained, which bond shall be signed by two or more sufficient sureties to be approved by the school board. In case the school board neglects or refuses to approve the bond of such treasurer and the sureties thereon, such treasurer may present the same to the county superintendent and serve notice thereof upon the board and due proof of such notice being made to the county superintendent, he shall, unless good cause for delay appears, proceed to hear and determine the sufficiency of the bond and the sureties thereon, and may approve or disapprove the same as the facts warrant. In case of a failure to elect a successor to any school treasurer at the expiration of his term of office, the said treasurer holds over and he shall be required to give a new bond within ten days after notice by the board. In case of a failure so to do, a vacancy shall be deemed to exist in said office and shall be filled as provided by law. In case a vacancy occurs in the office of the school treasurer, it shall be the duty of the county treasurer of the county wherein such school district is located, upon being notified by the county superintendent or clerk of such school district that such vacancy exists, to perform the duties of treasurer of such school district until the vacancy is duly filled."

Strike out all of section 63 and insert in lieu thereof:

"Section 63. When Additional Bonds Required.) Whenever the amount in the hands of the treasurer or subject to his order exceeds two-thirds of the penal sum of his bond, or when in the judgment of the board or of the county superintendent the security on such bond is impaired, the board or county superintendent shall require an additional bond. If the treasurer fails for twenty days to give such additional bond, the office shall be declared vacant and the vacancy shall be filled as provided by this chapter."

After section 63, add:

"Section 63½. Surety Bonds. Premiums, How Paid.) Every person hereafter elected to the office of district treasurer within the state of North Dakota, be and is hereby required to give an official bond in the penal sum to be fixed by the board of directors, which bond shall not be a less penal sum than double the amount of money likely to come into his hands in any one year, and such board may by resolution require that such bond shall be executed by some responsible fidelity or surety company authorized and qualified to do business in the state of North Dakota, and subject to approval as provided by law; provided, further, if a surety bond is

given it shall be for a sum fixed by the board of directors. The amount of premiums for such surety or fidelity bond shall be audited by the board of directors and paid out of the general fund of the district."

Also add:

"Section 63 $\frac{3}{4}$. School Funds, How Paid Out.) The school treasurer shall keep such account and make such reports as are required of him by law. He shall pay no money out of the funds in his hands except upon the warrant of the school board, signed by the president and countersigned by the clerk. He shall pay all warrants properly drawn and signed when presented, if there is any money in his hands or subject to his order for their payment."

In section 64, line 2, after the word "the" strike out the word "county" and insert in lieu thereof the word "district."

In section 65, line 2, after the word "the" strike out the word "county" and insert in lieu thereof the word "district."

Strike out all of section 66 and insert in lieu thereof:

"Section 66. Oaths and Bonds. Where to be Filed.) All official oaths and bonds of school district officers shall be filed with the district clerk, who shall immediately certify to the county superintendent the fact of such oaths and bonds being filed. Said clerk shall file school treasurer's bond with the county auditor after such bond has been approved by the district school board, as provided in this chapter. In case of the breach of any of the conditions of the treasurer's bond, the board, through its president, and in case of his refusal to do so, the county superintendent, shall cause an action to be commenced and prosecuted thereon in the corporate name of the district, and any money collected for the district shall be paid to the district treasurer, and any money collected for fines shall be paid into the county treasury and be credited to the general school fund of the state.

If the board and county superintendent both fail or refuse to bring such action, any taxpayer in the district may commence and prosecute such action, and the necessary expense thereof shall be paid out of the district treasury, unless otherwise ordered by the court."

After section 66, add:

"Section 66 $\frac{1}{2}$. Salary of School Treasurer.) The school treasurer shall be paid for his services such sum as shall be fixed by the board, not less than five nor more than twenty-five dollars per annum."

In section 70, lines 9 and 10, after the word "teacher" strike out the words "and the county superintendent of schools."

In section 72, lines 11 and 12, after the word "month" strike out the words "on and after the passage and taking effect of this act."

In section 79, line 7, after the word "be" strike out the words "in accordance with such vote," and insert in lieu thereof the words "then the board shall proceed to carry out the decision of the voters of the district."

In section 79, line 11, after the word "meeting" insert the words "and further, if the question of removing the schoolhouse fails to carry, then the question of removing such schoolhouse cannot again be raised within one year."

In section 79, line 20, after the word "requirements" change period to semi-colon and insert in lieu thereof, "provided, further, that school boards and county superintendents shall secure from a competent carpenter or architect complete specifications and blue prints for plans furnished by the state superintendent of public instruction, or approved plans that may be furnished by said carpenter or architect, at a cost not to exceed twenty-five dollars for a one-room schoolhouse and forty dollars for a two-room schoolhouse. A copy of such plans and specifications shall be filed in the office of county superintendent."

In section 89, line 3, after the word "all" insert the word "unmarried."

In section 95, line 4, strike out all words after the word "section."

In section 104, line 7, strike out the word "county" and insert in lieu thereof the word "district."

In section 104, line 10, after the word "the" insert the word "district."

In section 106, line 1, after the word "by" strike out the word "county" and insert in lieu thereof the word "district."

In section 106, line 3, after the word "the" strike out the word "county" and insert in lieu thereof the word "district."

In section 107, line 8, add the words, "and, further, the county superintendent shall not authorize the payment of money apportioned to any district unless the bond and oath of the treasurer of such district has been duly approved and filed as provided by law."

In section 109, line 6, after the word "then" strike out the word "seven" and insert in lieu thereof the word "six."

In section 110, line 13, after the word "notify" strike out the words "such district clerk," and insert in lieu thereof the words, "each district treasurer."

In section 110, strike out the rest of said section after the word "district," in line 15, and insert in lieu thereof the words "the county treasurer shall deliver to the several school treasurers, upon the order of the county auditor, the amounts apportioned to their respective districts, taking a receipt therefor."

Strike out all of section 111 and insert in lieu thereof:

"Section 111. Treasurer's Accounts. Annual Settlement.) The district treasurer shall open new accounts with each fund at the beginning of each school year, and the balance of each fund shall be brought down and become a part of the first entry in opening the account for the new year. On the second Tuesday in July, the school board shall make settlement with the district treasurer, and shall carefully examine his books, accounts and vouchers and shall ascertain if the amount of all warrants, bonds and coupons paid and redeemed or paid in part, together with the cash in his hands or under his control, is equal to the amount of cash on hand at the beginning of the school year, together with all money received by him from all sources for school purposes during the year. The district treasurer shall deliver to the board at such annual meeting, all warrants, bonds and coupons paid and redeemed by him during the school year and held by him as vouchers, taking the receipt of the board therefor, and such vouchers shall forthwith be filed with the district clerk. He shall at that meeting make his annual report in triplicate, one copy to be preserved in the treasurer's office, one to be filed with the clerk of the school board and one to be transmitted to the county superintendent of schools, and the board shall cause to be published an itemized statement of the receipts and expenditure of the preceding year in a newspaper of the county nearest said school district; provided, that if said board or treasurer shall have failed to publish said statement by the first of September following the presentation of the treasurer's annual report, then it shall be the duty of the county superintendent of schools to cause the publication of the same in a newspaper of the county, said publication to be paid for by the school district. The treasurer's report shall show the following:

RECEIPTS.

The balance at the close of the year.
 The amount received into the state tuition fund.
 The amount received into the special fund.
 The amount received into the county tuition fund.
 The amount received into the sinking fund.

EXPENDITURES.

The amount paid for school houses, sites and furniture.
 The amount paid for apparatus and fixtures.
 The amount paid for teachers' wages.
 The amount paid for services and expenses of school officers.
 The amount paid for redemption of bonds.

The amount paid for interest on bonds.

The amount paid for incidental expenses.

The cash on hand at the close of the school year.

Such report shall include such other items as may be required by the district board, or the superintendent of public instruction, and shall be upon and in conformity with the blanks furnished him for that purpose."

Strike out all of section 112 and insert in lieu thereof the following:

"Section 112. When County Treasurer to Pay Funds to District Treasurer.) The treasurer of each district shall apply to the county auditor for an order, and the county treasurer shall pay over to him on such order all of the school money collected for such district and all school money apportioned to such district by the county superintendent of and the county auditor shall issue such order; provided, such district treasurer has qualified and filed his oath and bond as required by law. It shall be the duty of the county treasurer, when payment is made to any school treasurer of any funds herein provided for, immediately to notify the clerk of the school board of the payment of the same."

Strike out all of section 113.

Strike out all of section 114 and insert in lieu thereof the following:

"Section 114. County Treasurer to Keep Accounts With School Corporations.) Each county treasurer shall keep a regular account with each school corporation, in which he shall charge himself with all taxes collected by levy of the district school board and all sums apportioned to the district by the county superintendent or other authority and all sums received from the district, and he shall credit himself with all payments made to the treasurer of the district, distinguishing between the items paid by apportionment, those from county taxes and those from other sources. He shall also credit himself with all payments for redemption or indorsement of warrants in the collection of taxes and shall deliver to the district treasurer a duplicate tax receipt for the amount of each warrant so indorsed or redeemed, together with all warrants so redeemed at the time of making other regular payments to the district treasurer. To these credits, to balance the accounts, he shall add all items for legal fees, for collection and other duties."

Strike out all of section 116 and insert in lieu thereof the following:

"Section 116. School Taxes. How and When Collected.) It shall be the duty of the county treasurer to collect the taxes for school purposes at the same time and in the same manner that the county and state taxes are collected, and full power is hereby given him to sell property for school taxes the same as is provided by law for the collection of other taxes. Whenever an error occurs in any school corporation's tax list, the district board or board of education in special or independent districts or districts organized under special laws may correct such errors and refund such taxes improperly collected. All penalties and interest collected on delinquent school taxes shall be applied to the proper fund to which such delinquent taxes belong."

In section 124, line 5, after the word "city" strike out the word "or" and insert a comma in lieu thereof. After the word "incorporated," same section, same line, insert the words "or platted."

In section 124, line 6, strike out the words "having a population of over 150 inhabitants."

In section 135, line 2, after the word "any" strike out the words "city, town or village," and insert in lieu thereof "special school district." In the same line, after the word "organized" strike out the word "for."

In section 135, line 3, strike out the words "school purposes."

In section 135, line 6, after the word "such" strike out the words "city, town or village for school purposes," and insert in lieu thereof the words "special school district."

In section 135, line 28, after the word "commissioners" strike out the word "shall" and insert in lieu thereof the word "may."

In section 135, line 32, after the word "territory" insert the words "after notice and hearing."

In section 149, line 3, after the word "thereof" insert the following: "provided, however, should the said special school district have within its boundaries and be comprised partly of territory without the limits of said city, town or village, then the special school district shall elect, at its regular elections, a treasurer in the manner provided by law for the election of school district treasurer."

In section 170, line 60, after the word "state" strike out the words "and to persons who are actual residents thereof."

In section 170, line 63, strike out all of said line and insert in lieu thereof the words, "to exceed forty per cent of the appraised valuation of such lands."

In section 180, line 2, after the word "least" strike out the word "twenty" and insert in lieu thereof the word "fourteen."

Strike out all of section 183 after sub-title, and insert in lieu thereof the following:

"Such board shall consist of one member from each ward in the city, and when the city is divided into an even number of wards, then such city shall elect one member of such board at large, and when such city is divided into an odd number of wards, such city shall elect two members of such board at large. Such members shall hold their office for the term of three years and until their successors are elected and qualified. Provided, that at the first election in independent districts hereafter organized members from even numbered wards shall be elected for a term of one year; and members from odd numbered wards for a term of two years, and members at large shall be elected for a term of three years. Provided, further, that in such cities as have heretofore been organized as independent school districts, the term of office for which the members of such independent school districts were elected shall not be changed; but at the first election of members at large they shall be elected for a term of three years, and the members from even numbered wards shall be elected for the term of one year; and at the first election of members from odd numbered wards, they shall be elected for the term of three years and thereafter the term of office of all of said members shall be three years. A majority of said board shall constitute a quorum for the transaction of business."

In section 186, line 16, after the word "first" change the word "Monday" to "Tuesday."

In section 191, line 11, after the word "fuel" add a comma and insert the words "to pay janitors."

In section 196, line 4, after the word "schools" insert the following words: "including the purchase of school sites and the construction and furnishing of schoolhouses."

After section 199 add the following:

"Section 199½. Investment of Sinking Funds. School Districts.) All moneys raised for the purpose of creating a sinking fund for the final redemption of all bonds issued under Article 71 of Chapter 9 of the Civil Code of the state shall be invested annually by the board of education of any independent school district in this state, as follows, viz.:

1. In the bonds of this state or of the United States.
2. An independent school district board may designate one or more national or state banks in the county where such independent school district is situated, as a depository for such sinking fund, and in such case the school board shall advertise for at least fourteen days in some newspaper printed within the limits of said independent school district, if there be one, if not, in the county where said school district is situated, for sealed proposals for the deposit of the sinking fund of such school district, reserving the right to reject any and all bids, and satisfying itself of the responsibility of all banks proposing to act as depositories. Before any

bank shall be designated as such depository, it shall present to the board a sealed proposal stating in writing what rate of interest will be paid for the deposit of such sinking funds, and shall submit to the board for its approval a bond payable to the independent school district conditioned for the safe keeping and repayment of any funds deposited in such bank, which bond shall be signed by not less than three freeholders of this state as sureties, or some surety bond company qualified to do business in this state, and such bond to be in the sum required by the school board and in no case to be less than double the probable amount of the funds to be deposited in such bank. The approval of such bond shall be endorsed thereon by the board and deposited with the county auditor, and any bank whose bond shall have been so approved shall thereupon be designated by the school board as a depository for the sinking fund, and shall continue as such until such time as the board shall direct the withdrawal of such funds, or until such funds are needed for the payment or the purchase of bonds as provided in this act. When the sinking fund of any independent school district is deposited by the treasurer of the board of education of said school district in the name of the school district in such depository, such treasurer and his sureties shall be exempt from all liability thereon by reason of loss of any such funds from the failure, bankruptcy or any other act of any such bank, to the extent only of such funds in the hands of such bank or banks at the time of such failure or bankruptcy. Such depository shall furnish to the clerk of the board of education of such independent school district prior to the fifth day of July of each year, a verified statement of the school district account with such depository for the year ending June 30, which statement shall show a credit to such deposit account of all sums of interest accruing on the sinking fund deposited.

3. The board of education of any independent school district may buy and cancel the bonds of such district and pay for the same with the moneys in the sinking fund created to pay such bonds."

In section 216, line 1, after the word "director" insert the words "or treasurer."

In section 216, line 2, after the word "director" insert the words "or treasurer."

In section 222, line 5, after the word "shall" strike out the words "be credited" and insert in lieu thereof the words "be paid over."

In section 222, line 7, after the word "districts" insert the words "lying outside of the district."

In section 222, line 8, after the word "be" strike out the words "credited to the school district" and insert in lieu thereof the words "paid to the treasurer of the school district."

In section 228, line 35, after the word "aforesaid" insert the words "and new depositories are designated and qualified."

In section 228, line 38, strike out the word "county" and insert in lieu thereof the word "district."

In section 229, line 4, after the word "said" strike out the word "county" and insert in lieu thereof the word "district."

In section 232, line 7, after the word "building" strike out the words "and furnishing."

In section 234, line 10, after the word "Lake" insert the words "for the entire school year, unless excused by the superintendent or principal of such school."

In section 234, line 11, after the word "Bathgate" insert the words "for the entire school year, unless excused by the superintendent or principal of such school."

In section 234, line 20, after the word "by" strike out the words "such board," and insert in lieu thereof the words, "the county superintendent of schools, subject to the appeal to the superintendent of public instruction."

In section 234, line 21, after the word "by" strike out the words "such board," and insert in lieu thereof the words, "the county superintendent of schools or superintendent of public instruction."

In section 234, line 42, after the word "deaf" insert the word "blind."

In section 234, line 46, after the word "months" insert the words "which may be taken in one or more years."

In section 237, line 3, after the word "school" insert the words "or the county superintendent of schools for children that are deaf, blind or feeble-minded."

In section 238, line 2, after the word "corporation" strike out the word "shall" and insert in lieu thereof the word "may."

In section 241, line 5, after the word "fuel" insert a comma and the words "the procuring of insurance."

After section 241 insert the following:

"Section 241a. Penalty for Unlawful Drawings of School Money.) Any person who draws money from the county treasury, who is not at the time a duly qualified treasurer of the school corporation for which he draws the money and authorized to act as such, shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not less than twenty-five dollars.

Section 241b. Use of School Funds. When Embezzlement.) Each treasurer who shall loan any portion of the money in his hands belonging to any school district, whether for consideration or not, or who shall expend any portion thereof for his own or any other person's private use, is guilty of embezzlement, and no such treasurer shall pay over or deliver the school money in his hands to any officer or person or to any committee to be expended by him or them; but all public funds shall be paid out only by the proper treasurer, as hereinbefore provided.

Section 241c. Action to Recover Money When Treasurer Fails to Pay Over.) If any person shall refuse or neglect to pay over any money in his hands as treasurer of a school district to his successor in office, his successor must, without delay, bring action upon the official bond of such treasurer for the recovery of such money.

Section 241d. Penalty When Indorsement of Unpaid Warrants is Not Made.) Any violation of a district treasurer of the provisions of this chapter requiring indorsement of warrants not paid for want of funds, and the payment thereof in the order of presentation and indorsement, is a misdemeanor punishable by a fine not exceeding one hundred dollars."

In section 244, line 7, after the comma after word "for" insert the words "for a period of ten days."

In section 251, line 16, strike out all after the word "grade" and insert in lieu thereof "and may be renewable by the county superintendent of schools under rules prescribed by the board of examiners."

In section 252, line 15, strike out the word "shall" and insert in lieu thereof the word "may."

In section 252, line 15, after the word "renewable" strike out the words "in the discretion of the board" and insert in lieu thereof the words "by the county superintendent of schools under rules prescribed by the board of examiners."

In section 254, line 3, after the word "education" insert the words, "and who have had at least eighteen months' experience in teaching."

Strike out all of sections 269, 270, 271, 272.

On page 148 of the printed bill, after the line "Article 18. Duties of Teachers," insert the following:

"Section 272½. Duties and Powers of City and Village Superintendents.) The superintendents of schools in all districts employing such officer shall, subject to the final authority of the board, supervise the administration of the course of study, visit schools, examine classes and have general super-

vision of the professional work of the school, including the holding of teachers' meetings and the classification of teachers. The superintendent, from time to time, shall make reports to the board of education embodying recommendations relative to the employment of teachers and janitors, adoption of text books, changes in the course of study, enforcement of discipline, and general school matters; and shall also make such other reports and perform such other duties as the board of education may direct and delegate."

In section 285, line 5, after the word "schools" insert the words "district teachers' meetings, and annual school officers' meetings."

In section 288, line 7, after the word "and" where it appears the first time, insert the words "the county superintendent shall certify to."

Strike out all of section 293 after the word "school" in line 7.

In section 296, line 11, after the word "the" strike out the rest of the section and insert in lieu thereof the words "county tuition fund."

Re-number the sections consecutively.

And when so amended recommend the same do pass.

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 was adopted.

The committee on municipal corporations made the following report:

Mr. President:

Your committee on municipal corporations to whom was referred

Senate Bill No. 296.

A bill for an act authorizing cities incorporated under the laws of this state to regulate and fix the rate 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:

After the word "utility" in line 8, section 1 of the printed bill, insert "except common carriers."

And when so amended recommend the same do pass.

JAMES KENNEDY,
Chairman.

Mr. Simpson objected to the consideration of the report on Senate Bill No. 296.

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. 12.

A bill for an act making appropriation to pay balance due on girls' dormitory and domestic science laboratory and for the equipment and furnishing of same; for the installation of a boiler and smokestack for the heating plant and for the purchase of additional land for the use of the government experiment station at Fargo.

Also

Senate Bill No. 13.

A bill for an act to provide additional maintenance for the government experiment station and North Dakota agricultural college at Fargo.

Also

Senate Bill No. 24.

A bill for an act to appropriate money for maintenance, equipment and permanent improvements at the State university and School of Mines of North Dakota.

Also

Senate Bill No. 37.

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

Also

Senate Bill No. 41.

A bill for an act appropriating money for the purpose of building and equipping a chemistry building and laboratories for the North Dakota Agricultural college at Fargo, North Dakota.

Also

Senate Bill No. 82.

A bill for an act to provide an appropriation for the erection of new buildings and other necessary improvements at the state hospital for the insane of North Dakota, at Jamestown.

Also

Senate Bill No. 145.

A bill for an act making an appropriation for the experimental station of the School of Mines and the Mining sub-station at Hebron, Morton county.

Also

Senate Bill No. 158.

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,

Senate Bill No. 161.

A bill for an act to provide an appropriation for the current and contingent expenses and for the permanent improvements of the State School of Science at Wahpeton.

Also,

Senate Bill No. 189.

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. 210.

A bill for an act to amend Sections 4635, 4638, 4641, 4642, 4664 and 4668, relating to state banking corporations; creating a separate banking department; and providing for placing banking and other financial corporations within the jurisdiction and control of the same.

Also,

Senate Bill No. 227.

A bill for an act making it unlawful for corporations having banking powers to invest more than thirty per cent of its capital stock and surplus 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.

Also,

Senate Bill No. 271.

A bill for an act for the organization of villages in territory embracing more than one county.

Also,

Senate Bill No. 273.

A bill for an act amending Section 49 of the Revised Codes of North Dakota of 1905, relating to how printing shall be done.

Also,

Senate Bill No. 312.

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,

Senate Bill No. 333.

A bill for an act to amend Section 4173 of the Revised Codes of 1905, relating to articles of incorporation.

Also,

Senate Bill No. 334.

A bill for an act to amend Chapter 63, Laws of 1909, being Section 4210, Revised Codes of 1905, as amended by said chapter, relating to indebtedness of corporations.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

The majority and minority reports on

Senate Bill No. 293.

A bill for an act to regulate the practice of naturopathy in the state of North Dakota.

Were laid before the Senate.

Mr. Martin moved

That the minority report be withdrawn and the majority report be referred to the committee on public health.

Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. Simpson moved

That the vote by which House Bill No. 221 was lost, be reconsidered.

Which motion prevailed.

Mr. Talcott moved

That the Senate do now concur in the House amendments to Senate Bill No. 197.

The question being upon the concurrence in the House amendments,

The roll was called and there were 46 ayes, no nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.--

Allen
Baker
Bessesen
Carter
Cashel
Davis
Duis
Duncan
Elken
Eilingson
Ganssle
Garden
Gibbens
Gilbert
Gronvold
Gunderson

Messrs.--

Hookway
Jacobsen
Kennedy
Kretschma.
LaMoure
Linde
Martin
McDowell
McLean
Movius
Overson
Pierce
Plain
Putnam
Ruzicka

Messrs.--

Simpson
Steel of Stutsman
Steele of Renville
Stevens
Syvertson
Talcott
Thoreson
Trimble
Turner
Walton
Welo
Welch
Whitcher
Williams
Young

Absent and not voting:

Messrs.—
Johnson

Messrs.—
McDonald

Messrs.—
Wallin

So the House amendments were concurred in.

Mr. Overson moved

That the Senate do now concur in the House resolution relating to the cancellation of the penitentiary bonds.

Which motion prevailed.

Mr. Pierce moved

That the rules be suspended and that House Bill No. 134 be now placed upon its third reading and final passage.

Which motion prevailed.

House Bill No. 134.

A bill for an act to amend Sections 4324 and 4343 of the Revised Codes of 1905, relative to the powers and duties of the board of railroad commissioners.

Was read the third time.

Mr. Welch moved

That the bill be amended by adding:

"Provided, further, that nothing in this act shall be construed to prevent express, telegraph, telephone and cable companies from entering into contracts with common carriers for the exchange of service, nor to effect existing contracts relating thereto, nor to prohibit the privilege of passes or franks and the exchange thereof with each other for the officers, agents, employees and their families of such telegraph, telephone and cable companies, and the officers, agents, employees and their families of other common carriers subject to the provisions of this act."

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were 42 ayes, 1 nay, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Baker
Bessesen
Carter
Cashel
Davis
Duis
Duncan
Elken
Ellingson
Ganssle
Garden

Messrs.—

Gunderson
Hookway
Jacobsen
Kennedy
Kretschmar
Linde
Martin
McDowell
McLean
Movius
Overson

Messrs.—

Ruzicka
Simpson
Steel o. Stutsman
Syvertson
Talcott
Thoreson
Trimble
Turner
Walton
Welo
Welch

Messrs.—	Messrs.—	Messrs.—
Gibbens	Pierce	Whitche-
Gilbert	Plain	Williams
Gronvold	Putnam	Young

Mr. Stevens voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—	
Allen	LaMoure	Steele	Renville
Johnson	McDonald	Wallin	

So the bill passed and the title was agreed to.

Mr. Gilbert moved

That the vote by which House Bill No. 134 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

FIRST READING OF SENATE BILLS.

Mr. Duis introduced

Senate Bill No. 364.

A bill for an act to prohibit lobbying and to regulate the employment of legislative counsel and legislative agents by persons or corporations.

Which was read the first time.

Mr. Overson introduced

Senate Bill No. 365.

For an act to provide a method of investigating cases of poor relief in certain cities.

Which was read the first time.

Mr. Overson introduced

Senate Bill No. 366.

A bill for an act to amend and re-enact Section six (6) of Chapter 210 of the Laws of North Dakota for the year of 1909.

Which was read the first time.

Mr. Gunderson introduced

Senate Bill No. 367.

A bill for an act defining the crime of fornication and prescribing the punishment therefor.

Which was read the first time.

Mr. Gunderson introduced

Senate Bill No. 368.

A bill for an act defining the crime of inveighling females into houses of ill fame or of assignation, or elsewhere, for the purpose of prostitution or immoral relations, and prescribing the punishment therefor.

Which was read the first time.

Mr. Linde introduced

Senate Bill No. 369.

(Title)

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 364.

A bill for an act to prohibit lobbying and to regulate the employment of legislative counsel and legislative agents by persons or corporations.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 365.

For an act to provide a method of investigating cases of poor relief in certain cities.

Was read the second time and

Referred to the committee on state affairs.

Senate Bill No. 366.

A bill for an act to amend and re-enact Section six (6) of Chapter 210 of the Laws of North Dakota for the year of 1909.

Was read the second time and

Referred to the committee on agriculture.

Senate Bill No. 367.

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. 368.

A bill for an act defining the crime of inveighling females into houses of ill fame or of assignation, or elsewhere, for the purpose of prostitution or immoral relations, and prescribing the punishment therefor.

Was read the second time and

Referred to the committee on judiciary.

Senate Bill No. 369.

(Title)

Was read the second time and

Referred to the committee on judiciary.

Mr. Simpson moved

That unanimous consent be given to have Senate Bill No. 369 referred immediately to the committee, without being printed.

Which motion prevailed, and

The original bill was referred to the committee on judiciary.

MESSAGE FROM THE GOVERNOR.

The following communications were received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,

February 20, 1911.

To the Senate:

I have the honor to inform you that I have this day approved and filed with the Secretary of State:

Senate Bill No. 78.

A bill for an act to amend Section 1484 of the Revised Codes of 1905, relating to property exempt from taxation.

Very respectfully,

JOHN BURKE,
Governor

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA.

February 21, 1911.

To the Senate:

I have the honor to inform you that I have this day approved and filed with the Secretary of State:

Senate Bill No. 40.

A bill for an act to confirm title to real estate sold by decedents in their lifetime under contract, conveyed pursuant to Article 8, of Chapter 6, of the Probate Code of North Dakota in estates now closed, and not approved by the county judge.

Very respectfully,

JOHN BURKE,
Governor.

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,

February 21, 1911.

To the Senate:

I have the honor to inform you that I have this day approved and filed with the Secretary of State:

Senate Bill No. 19.

A bill for an act to amend Section 7782 of the Revised Codes of 1905, relating to the priority of claims in insolvency proceedings.

Also

Senate Bill No. 20.

A bill for an act prescribing the conditions by which the public examiner, his deputies and employes of the state public examiner's department, the stockholders, officers and employes of any banking association in this state may secure loans from banking associations with which they are in any way connected, and fixing the liability for non-compliance with the provisions of this act.

Also

Senate Bill No. 79.

A bill for an act to amend and re-enact Section 2323 of the Revised Codes for the year 1905, of the State of North Dakota.

Also

Senate Bill No. 99.

A bill for an act to amend and re-enact Section 1513 of Revised Codes of North Dakota, as amended by Chapter 41, of the laws of 1909, relating to the furnishing by the county auditor of assessment books and blanks, lists of real property, regulating the time of meeting of assessors, and providing for their compensation for attending such meeting.

Also

Senate Bill No. 107.

A bill for an act to amend Section No. 2743 of the Revised Codes of North Dakota for 1905, relating to election districts and precincts.

Also

Senate Bill No. 108.

A bill for an act to amend Section 2744 of the Revised Codes of North Dakota for 1905, relating to qualified voters and registration in cities.

Also

Senate Bill No. 123.

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof, admissible in evidence.

Also

Senate Bill No. 147.

A bill for an act to amend Section 4048 of the Revised Codes of 1905, providing for the dissolution of marriage; the effect thereof and the duty of the court to regulate the re-marriage of either or both parties.

Also,

Senate Bill No. 149.

A bill for an act to require sheriffs in all counties of the State of North Dakota to issue receipts and to file with the county auditor of their respective counties all duplicate receipts issued for the payment of delinquent taxes collected by them or their deputies during their term of office.

Also,

Senate Bill No. 155.

A bill for an act to amend Section 8103 of the Revised Codes of 1905, of the State of North Dakota, relating to endorsement of allowance or rejection of claims by executive or administrators and providing for notice thereof.

Also,

Senate Bill No. 156.

A bill for an act to amend Section 8105 of the Revised Codes of 1905, relating to rejecting claims and providing how suit is instituted.

Also,

Senate Bill No. 165.

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 fixing the penalty for the violation thereof, except as provided therein and to require the granting of free transportation to the board of railroad commissioners, their experts and their agents.

Also,

Senate Bill No. 166.

A bill for an act to amend and re-enact Section 6064 of the Revised Codes of North Dakota for the year A. D., 1905, relating to life insurance.

Also,

Senate Bill No. 180.

A bill for an act to amend and re-enact Section 1607 of the Revised Codes of North Dakota for the year 1905.

Also,

Senate Bill No. 216.

A bill for an act to amend and re-enact Section 8023 of the Revised Codes of North Dakota for 1905, relating to time to apply for letters of administration and providing when the statute of limitations shall run against claims against decedents.

Also

Senate Bill No. 219.

A bill for an act, making an appropriation to meet the deficiency incurred by William Blake of Stutsman county, North Dakota, in carrying on the work of state humane agent.

Very respectfully,

JOHN BURKE,

Governor.

Senate Bill No. 164.

A bill for an act requiring life insurance companies transacting business in this state to invest in this state a percentage of the premiums collected on policies written on the lives of citizens of this state, and providing a penalty for the violation thereof.

Was read the third time.

Mr. Trimble moved, as an amendment,

That the word "fifty" be substituted for "sixty-five" in line 8, page 1.

Roll call demanded.

The question being on the adoption of the amendments,

The roll was called and there were 22 ayes, 17 nays, 10 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	LaMoure	Talcott
Carter	McDowell	Thoreson
Cashel	McLean	Trimble
Ellingson	Overson	Walton
Garden	Pierce	Williams
Gibbens	Plain	Young
Jacobsen	Putnam	
Kretschmar	Simpson	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steel of Stutsman
Baker	Hookway	Stevens
Davis	Kennedy	Syverson
Duis	Martin	Turner
Duncan	Ruzicka	Welch
Ganssle		Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Elken	Linde	Steele or Renville
Gilbert	McDonald	Wallin
Gronvold	Movius	Welo
Johnson		

So the motion prevailed, and the amendment was adopted.

Mr. Elken moved, as an amendment,

That the word "state" be substituted for "county" in the bill.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were 13 ayes, 32 nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Carter	Kretschmar	Putnam
Ellingson	LaMoure	Trimble
Garden	McDowell	Welo
Gibbens	Pierce	Young
Hookway		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steele of Renville
Baker	Kennedy	Stevens
Bessesen	Linde	Syverson
Cashel	Martin	Talcott
Davis	McLean	Turner
Duis	Movius	Wallin
Duncan	Overson	Walton
Elken	Plain	Welch
Ganssle	Ruzicka	Whitcher
Gronvold	Simpson	Williams
Gunderson	Steel of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	McDonald	Thoreson
Johnson		

So the bill was lost.

Mr. Cashel moved

That the vote by which Senate Bill No. 164 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. LaMoure asked permission to return to the sixth order of business.

Which permission was granted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

Senate Bill No. 27.

A bill for an act making an appropriation for the normal school at Minot to meet the expenditure for the erection of buildings and permanent improvements necessary in connection therewith, and for furnishings, equipment and maintenance.

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

Referring to the printed bill, that all after line 6 of the same, including section 2 thereof, be stricken out and the following inserted in place thereof:

“For a main building to contain office, assembly room, class rooms, laboratory and library	\$ 125,000
For wiring and plumbing, for heat, water and light	5,000
For a central heating plant	12,000
For maintenance for two years	5,000
For sewer and water main	3,000
For a girls’ dormitory	50,000
Total	\$ 200,000

Provided, that of the above appropriation the amount hereby fixed for a girls’ dormitory shall not become available before January 1st, 1913; and provided further, that before any of the sum or sums hereby appropriated shall become available there shall be executed to the state of North Dakota by good and sufficient deed of warranty, which said deed shall be approved in all things by the governor of the state of North Dakota, as a donation, a tract of land to contain not less than sixty acres, situated in section 13, township 155, north of range 83 west, in Ward county, and to consist of thirty acres on the west side of the northeast quarter of said section, commonly called the John Maloney quarter, and thirty acres on the east side of the northwest quarter of said section thirteen, and commonly called the C. O. Tangedal and Somers Land Co.’s holdings respectively.”

And when so amended recommend the same do pass.

J. LA MOURE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 298.

A bill for an act prescribing the amount of bonds which shall be furnished by the deputy state treasurer and the

deputy state auditor for the faithful performance of their duties; appropriating funds with which to pay the premium of such bonds, and limiting the salary of the deputy state treasurer and deputy state auditor.

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

"For an act amending Section 390 of the Revised Codes of North Dakota for 1905 and fixing the salary of the Deputy State Treasurer and Deputy State Auditor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Salary of Deputy State Treasurer and Deputy State Auditor.) The salary of the deputy state treasurer and the deputy state auditor shall be twenty-four hundred dollars per annum each.

Section 2. Emergency.) This law shall become effective on its passage and approval."

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

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

Senate Bill No. 89.

A bill for an act to amend Section 4 of Chapter 172 of the Laws of 1901, entitled, an act to create a State Farmers' institute board of directors and prescribing its powers and duties, and making an appropriation for conducting farmers' institutes, as the same was amended by Chapter 11 of the laws of 1903, and Chapter 23 of the Laws of 1905.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—
Allen
Baker
Bessessen
Carter
Cashel
Davis
Duls

Messrs.—
Gunderson
Hookway
Jacobson
Kennedy
Kretschmar
LaMoure
Linde

Messrs.—
Ruzicka
Steel of Stutsman
Steele of Renville
Stevens
Syvertson
Talcott
Thoreson

Messrs.—	Messrs.—	Messrs.—
Duncan	Martin	Turner
Elken	McDowell	Wallin
Ellingson	McLean	Walton
Ganssle	Movius	Welo
Garden	Overson	Welch
Gibbens	Pierce	Whitcher
Gilbert	Plain	Williams
Gronvold	Putnam	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Simpson	Trimble
McDonald		

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 23, 1911.

Mr. President:

I have the honor to transmit herewith

House Bill No. 223.

A bill for an act to amend Section 2613 of the Revised Codes of 1905, relating to the compensation and office hours of county commissioners.

Also

House Bill No. 177.

A bill for an act amending Section 2, Chapter 135, Session Laws of 1909, authorizing the board of railway commissioners to appoint agents at terminal points of Duluth and Minneapolis, for the benefit of shippers of grain of this state, and providing for the compensation and appropriating funds for the purpose of carrying out the provisions of this act.

Also

House Bill No. 35.

A bill for an act to amend Section 1571 of the 1905 Revised Codes of North Dakota.

Also

House Bill No. 245.

A bill for an act specifying that certain county offices shall be kept open for business during business hours of business days.

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

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Senate Bill No. 106.

A bill for an act to amend Sections 1985 and 1986 of the Revised Codes, relating to cruelty to animals, and to provide for the organization and operation of societies for the purpose of inculcating humane principles and the prevention of cruelty especially to animals and children.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 37 ayes, 2 nays, 10 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Putnam
Baker	Hookway	Ruzicka
Bessesen	Kennedy	Steel of Stutsman
Carter	Kretschmar	Syvertson
Cashel	LaMoure	Talcott
Davis	Linde	Turner
Duis	Martin	Wallin
Duncan	McDowell	Walton
Elken	McLean	Welch
Ganssle	Movius	Welo
Garden	Pierce	Whitcher
Gibbens	Plain	Young
Gilbert		

Messrs. Gronvold and Overson voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ellingson	Simpson	Thoreson
Jacobsen	Steele of Renville	Trimble
Johnson	Stevens	Williams
McDonald		

So the bill passed and the title was agreed to.

Mr. Pierce moved

That the vote by which Senate Bill No. 106 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 24.

A bill for an act to appropriate money for maintenance, equipment and 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 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobser	Steele of Renville
Baker	Kennedy	Stevens
Béssessen	Kretschmar	Syverson
Carter	LaMoure	Talcott
Cashel	Linde	Thoreson
Davis	Martin	Trimble
Duis	McDowell	Turner
Duncan	McLean	Wallin
Elken	Movius	Walton
Canssle	Overson	Welo
Garden	Plain	Welch
Gibbens	Putnam	Whitcher
Gilbert	Ruzicka	Williams
Gunderson	Steel of Stutsman	Young
Hookway		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ellingson	Johnson	Pierce
Gronvold	McDonald	Simpson

So the bill passed and the title was agreed to.

Senate Bill No. 145.

A bill for an act making an appropriation for the experimental station of the School of Mines and the Mining substation at Hebron, Morton county.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 39 ayes, no nays, 10 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Jacobsen	Steele of Renville
Carter	Kennedy	Stevens
Cashel	Kretschmar	Syvertson
Duis	LaMcoure	Talcott
Duncan	Linde	Thoreson
Elken	McDowell	Trimble
Ganssle	McLean	Turner
Garden	Movius	Wallin
Gibbens	Overson	Walton
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Martin	Simpson
Davis	McDonald	Welo
Ellingson	Pierce	Welch
Johnson		

So the bill passed and the title was agreed to.

Senate Bill No. 37.

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

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 41 ayes, no nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steele of Renville
Baker	Kennedy	Stevens

Messrs.—	Messrs.—	Messrs.—
Carter	Kretschmar	Syverson
Cashel	LaMoure	Talcott
Duncan	Linde	Thoreson
Elken	McDowell	Turner
Ellingson	McLean	Trimble
Ganssle	Movius	Wallin
Garden	Overson	Walton
Gibbens	Plain	Welch
Gilbert	Putnam	Whitcher
Gronvold	Ruzicka	Williams
Gunderson	Simpson	Young
Hookway	Steel of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Johnson	Pierce
Davis	Martin	Welo
Duis	McDonald	

So the bill passed and the title was agreed to.

Senate Bill No. 158.

A bill for an act making appropriations for the current and contingent expenses of the State Reform school of North Dakota, and for making permanent improvements thereto.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steele of Renville
Baker	Kennedy	Stevens
Bessesen	Kretschmar	Syverson
Carter	LaMoure	Talcott
Cashel	Linde	Thoreson
Duncan	McDowell	Trimble
Elken	McLean	Turner
Ellingson	Movius	Wallin
Ganssle	Overson	Walton
Garden	Plain	Welo
Gibbens	Putnam	Welch
Gilbert	Ruzicka	Whitcher
Gunderson	Simpson	Williams
Gronvold	Steel of Stutsman	Young
Hookway		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Johnson	McDonal ^d
Duis	Martin	Pierce

So the bill passed and the title was agreed to.

Senate Bill No. 189.

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 41 ayes, no nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Jacobsen	Stevens
Bessesen	Kennedy	Syvertson
Carter	Kretschmar	Talcott
Cashel	LaMoure	Thoreson
Duncan	Linde	Trimble
Elken	Martin	Turner
Ellingson	McDowell	Walton
Ganssle	McLean	Welo
Garden	Movius	Welch
Gibbens	Oversor	Whitcher
Gilbert	Plain	Williams
Gronvold	Putnam	Young
Gunderson	Ruzicka	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	McDonall	Steele of Rerville
Duis	Pierce	Wallin
Johnson	Simpson	

So the bill passed and the title was agreed to.

Senate Bill No. 82.

A bill for an act to provide an appropriation for the erection of new buildings and other necessary improvements at the state hospital for the insane of North Dakota, at Jamestown.

Was read the third time.

Mr. Steel moved, as an amendment,

That there be added to section 1 of the bill the following: "tuberculosis hospital for males, \$65,000."

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were 40 ayes, 1 nay, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Putnam
Baker	Gunderson	Ruzicka
Berresen	Hookway	Simpson
Cartter	Jacobsen	Stevens
Cashel	Kennedy	Syvertson
Davis	Kretschmar	Talcott
Duis	LaMoure	Thorsen
Duncan	Linde	Trimble
Elken	Martin	Turner
Ellingson	McDowell	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbens	Plain	Williams
Gilbert		

Mr. Welch voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Pierce	Whitcher
McDonald	Steel of Stutsman	Young
McLean	Steele of Renville	

So the bill passed and the title was agreed to.

Senate Bill No. 12.

A bill for an act making appropriation to pay balance due on girls' dormitory and domestic science laboratory and for the equipment and furnishing of same; for the installation of a boiler and smokestack for the heating plant and for the purchase of additional land for the use of the government experiment station at Fargo.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 41 ayes, no nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Putnam
Baker	Gunderson	Ruzicka
Bessesen	Hookway	Simpson
Carter	Jacobsen	Stevens
Cashel	Kennedy	Syverson
Davis	Kretschmar	Talcott
Duis	LaMoure	Thoreson
Duncan	Linde	Trimble
Elken	Martin	Turner
Ellingson	McDowell	Wallin
Ganssle	McLean	Walton
Garden	Movius	Williams
Gibbens	Overson	Young
Gilbert	Plain	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Steel of Stutsman	Welch
McDonald	Steele of Renville	Whitcher
Pierce	Welo	

So the bill passed and the title was agreed to.

Senate Bill No. 13.

A bill for an act to provide additional maintenance for the government experiment station and North Dakota agricultural college at Fargo.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 40 ayes, no nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Putnam
Baker	Gunderson	Ruzicka
Bessesen	Hookway	Stevens
Carter	Jacobsen	Syverson
Cashel	Kennedy	Talcott
Davis	LaMoure	Thoreson
Duis	Linde	Trimble
Duncan	Martin	Turner
Elken	McDowell	Wallin
Ellingson	McLean	Walton
Ganssle	Movius	Welch
Garden	Overson	Williams
Gibbens	Plain	Young
Gilbert		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Pierce	Steele of Renville
Kretschmar	Simpson	Welo
McDonald	Steel of Stutsman	Whitcher

So the bill passed and the title was agreed to.

Mr. Steel moved

That the vote by which Senate Bill No. 82 was passed be reconsidered.

Which motion was lost.

Senate Bill No. 41.

A bill for an act appropriating money for the purpose of building and equipping a chemistry building and laboratories for the North Dakota Agricultural college at Fargo, North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 40 ayes, no nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Ruzicka
Baker	Gunderson	Stevens
Bessesen	Hookway	Syverson
Carter	Kennedy	Talcot
Cashel	Kretschmar	Thoreson
Davis	LaMoure	Trimble
Duis	Linde	Turner
Duncan	Martin	Wallin
Elken	McDowell	Walton
Ehngson	McLean	Weich
Ganssle	Movius	Whitcher
Garden	Overson	Williams
Gibbens	Plain	Young
Gilbert		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Jacobsen	Pierce	Steel of Stutsman
Johnson	Putnam	Steele of Renville
McDonald	Simpson	Welo

So the bill passed and the title was agreed to.

Senate Bill No. 227.

A bill for an act making it unlawful for corporations having banking powers to invest more than thirty per cent of its capital stock and surplus 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.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 31 ayes, 9 nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Plain
Baker	Hookwa?	Ruzicka
Bessesen	Kennedy	Simpson
Carter	Kretschmar	Stevens
Cashel	Linde	Syvertson
Duncan	Martin	Talcott
Elken	McDowell	Wallin
Ellingson	McLean	Walton
Ganssle	Overson	Welo
Garden	Pierce	Young
Gronvold		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Davis	Putnam	Welch
Duis	Trimble	Whitcher
Gibbens	Turner	Williams

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	LaMoure	Steel of Stutsman
Jacobsen	McDonald	Steele of Renville
Johnson	Movius	Thoreson

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 23, 1911.

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 and the House of Representatives Concurring:

THAT, WHEREAS, The reciprocity agreement now pending before the National Congress is of most vital importance to the welfare of the people of the state of North Dakota; and

WHEREAS, The Honorable James J. Hill, president of the board of directors of the Great Northern Railway Company, made a certain speech in the city of Chicago on the 15th day of February, 1910, in which the speaker is quoted in the press as saying "The farmers of the Northwest are two to one in favor of said reciprocity agreement"; and

WHEREAS, The said speech has been widely circulated throughout the United States; and

WHEREAS, Said speech does not express the sentiment of the farmers of the Northwest; and

WHEREAS, If Mr. Hill made said statement, as alleged, it is not in accordance with the facts and sentiment of the North Dakota farmers and other interests in said state; and

WHEREAS, The Twelfth Legislative Assembly of the state of North Dakota is fully convinced that if said reciprocity agreement is entered into and becomes a law or a treaty between United States and Canada, that it will be a great detriment to the agricultural interests, as well as other interests of the state of North Dakota, and will have a disastrous effect upon the farm products and farm values of the state of North Dakota;

New, Therefore, Be it Resolved by the Senate of the State of North Dakota, and 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 by the Twelfth Legislative Assembly of the state of North Dakota to use all honorable means within their power to prevent the passage of said reciprocity treaty and its enactment into law.

Resolved, Further:

That copies of this resolution, duly signed by representative officers of both Houses of the Twelfth Legislative Assembly of the state of North Dakota and be sent to the President of the United States and to each of said senators and representatives in the National Congress, that they may have the sentiment of the North Dakota people properly expressed by the Legislative Body of this state before them for their consideration.

It is Further Resolved:

That the Secretary of State is hereby authorized to transmit the foregoing resolution by telegraph to William H. Taft, president of the United States, and to the senators and representatives in Congress from the state of North Dakota.

In which the House has concurred.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Senate Bill No. 210.

A bill for an act to amend Sections 4635, 4638, 4641, 4642, 4664 and 4668, relating to state banking corporations; creating a separate banking department; and providing for placing banking and other financial corporations within the jurisdiction and control of the same.

Was read the third time.

Mr. Bessesen moved

That Senate Bill No. 210 (as amended by the committee on banking) be amended as follows:

That on page 6, in line 109 of the printed bill, the word "ten" be stricken out and the word "eight" be inserted in lieu thereof.

That on page 9 in line 5 of section 3 of the printed bill, "two thousand" be stricken out and "one thousand five hundred" be inserted in place thereof, and in line 6 of the same page and section, that "twenty" be stricken out and the word "ten" substituted therefor, and in line 7 of the same page and section, the word "two thousand" be stricken out and "one thousand five hundred" be substituted therefor.

In line 8 of the same page and section, the word "thirty" be stricken out and "and twenty" substituted therefor, and in line 11 of the same page and section, the word "thirty-five" be stricken out and "twenty-five" substituted therefor.

On page 10, in line 13, that the word "forty" be stricken out and "thirty" substituted therefor.

In line 15 of page 10 of the printed bill, the word "fifty" be stricken out and "forty" substituted therefor.

On page 13, in line 3 of section 5, that the word "twenty" be stricken out and "sixteen" substituted therefor.

Which motion was lost.

Mr. Elken moved, as an amendment,

That the word "ten" be substituted for "twenty" on page 9, line 6.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were 38 ayes, 8 nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobson	Simpson
Baker	Kennedy	Steel of Stutsman
Carter	Kretschmar	Steele of Renville
Cashel	LaMoire	Stevens
Davis	Linde	Syvertson
Duis	Martin	Talcott
Duncan	McDowell	Thoreson
Ellingson	McLean	Turner
Ganssle	Movius	Walton
Garden	Overson	Welo
Gilbert	Pierce	Whitcher
Gronvold	Plain	Young
Gunderson	Ruzicka	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Hookway	Welch
Elken	Putnam	Williams
Gibbens	Trimble	

Absent and not voting:

Messrs.—
Johnson

Messrs.—
McDonald

Messrs.—
Wallin

So the bill passed and the title was agreed to.

Mr. Welo moved

That the vote by which Senate Bill No. 210 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Elken explained his vote, stating:

I vote "no" because the amendment was lost.

Mr. Bessesen explained his vote, stating:

I vote "no" because this bill does not affect the present banks, but tends to give them a monopoly and prevents further growth of banks in the western and newer parts of the state where banks are needed.

Senate Bill No. 273.

A bill for an act amending Section 49 of the Revised Codes of North Dakota of 1905, relating to how printing shall be done.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 22 ayes, 21 nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—
Allen
Baker
Cashel
Duis
Ellingson
Ganssle
Gilbert
Gronvold

Messrs.—
Gunderson
Kennedy
Linde
McDowell
McLean
Pierce
Ruzicka

Messrs.—
Simpson
Stevens
Talcott
Turner
Walton
Welch
Young

Those who voted in the negative were:

Messrs.—
Bessesen
Carter
Davis
Duncan
Garden

Messrs.—
Jacobsen
LaMoire
Movius
Overson
Plain

Messrs.—
Steele of Renville
Syvertson
Thoreson
Trimble
Welo

Messrs.—
Gibbens
Hookway

Messrs.—
Putnam
Steel of Stutsman

Messrs.—
Whitcher
Williams

Absent and not voting:

Messrs.—
Elken
Johnson

Messrs.—
Kretschmar
Martin

Messrs.—
McDonald
Wallin

So the bill was lost.

Mr. Bessesen explained his vote, stating:

I am highly in favor of union labor but I vote "no" because this bill gives a monopoly of the state printing to only a few print shops in this state and is class or special legislation.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 31.

A bill for an act to amend Section 2247 of the Revised Code of 1905, defining public warehouses.

Was read the first and second times, and

Referred to the committee on agriculture.

House Bill No. 75.

A bill for an act to amend and re-enact Sections 1031, 1033, 1034, 1035 and 1036 of the Revised Codes of 1905, relating to education, as amended by Chapter 99 of the Session Laws of 1907.

Was read the first and second times, and

Referred to the committee on education.

House Bill No. 183.

A bill for an act to amend Section 5187 of the Revised Codes of 1905, relating to order of succession.

Was read the first and second times and

Referred to the committee on judiciary.

House Bill No. 204.

A bill for an act entitled, an act requiring railway companies to furnish sites for flour and feed mills on their

right of way and fixing the manner in which sites may be obtained.

Was read the first and second times and

Referred to the committee on railroads.

House Bill No. 273.

A bill for an act to regulate the size and construction of caboose cars.

Was read the first and second times, and

Referred to the committee on railroads.

House Bill No. 275.

A bill for an act entitled, "An act to regulate and provide for admission of live stock into the state of North Dakota from all other states and territories and foreign countries; and providing penalties for violation thereof."

Was read the first and second times, and

Referred to the committee on live stock.

House Bill No. 291.

A bill for an act to amend Chapter 93 of the Session Laws of 1909, relating to compensation of election officers and rental of polling places.

Was read the first and second times, and

Referred to the committee on elections and privileges.

House Bill No. 299.

A bill for an act authorizing county mutual insurance companies to borrow money.

Was read the first and second times and

Referred to the committee on insurance.

House Bill No. 335.

A bill for an act to amend Section 4494 of the Revised Codes of North Dakota of 1905, relating to county mutual companies.

Was read the first and second times and

Referred to the committee on insurance.

House Bill No. 401.

A bill for an act to amend and re-enact Section 2979 of the Revised Codes of North Dakota of 1905, relating to increasing the debt limit.

Was read the first and second times and

Referred to the committee on state affairs.

House Bill No. 237.

A concurrent resolution for amendment of the Constitution, providing for the initiative and referendum, recall of public officers and future amendments to the constitution.

Was read the first and second times and

Referred to the committee on elections and privileges.

House Bill No. 245.

A bill for an act specifying that certain county offices shall be kept open for business during business hours of business days.

Was read the first and second times, and

Referred to the committee on ways and means.

House Bill No. 345.

A bill for an act to harmonize Sections 8089 and 7117 of the 1905 Code, by amending Section 8089 of the act providing for the settlement of the estates of decedents.

Was read the first and second times and

Referred to the committee on judiciary.

House Bill No. 307.

A bill for an act to amend Section 4277 of the Revised Codes of North Dakota for the year 1905.

Was read the first and second times, and

Referred to the committee on railroads.

House Bill No. 93.

A concurrent resolution to amend Section 154 of the Constitution of the state of North Dakota, relating to appropriation of fines and forfeitures for the violation of state laws.

Was read the first and second times and

Referred to the committee on judiciary.

House Bill No. 130.

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, and Chapter 187 of the Laws of 1909, defining intoxicating liquors.

Was read the first and second times, and

Referred to the committee on temperance.

House Bill No. 216.

A bill for an act creating the Thirteenth judicial district of the State of North Dakota, defining the boundaries thereof, providing for the appointment and election of a judge, and fixing the terms of court therein.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 215.

A bill for an act defining the boundaries of the Fifth judicial district, fixing the terms of court therein, and validating certain judgments.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 188.

A bill for an act to amend Section 521 of the Revised Codes of 1905, relating to the furnishing of a list of jurors to the clerk of the district court.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 310.

A bill for an act entitled, an act to amend and re-enact Section 2478 of the Revised Codes of North Dakota of the year 1905, relating to taxes.

Was read the first and second times, and

Referred to the committee on ways and means.

House Bill No. 318.

A bill for an act amending Section 28 of Chapter 80 of the laws of 1909, relating to the taxation of costs in county courts having increased jurisdiction.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 340.

A bill for an act to amend Section 605 of the Revised Codes of North Dakota for 1905, relating to who is entitled to vote.

Was read the first and second times, and

Referred to the committee on elections and privileges.

House Bill No. 344.

A bill for an act to prohibit the appointment to any state, county or municipal situation, of clerks, bookkeepers, typewriters, shorthand writers or other office amanuensis who are not citizens of the United States (or who have not declared intention to become such) or who are not bona fide residents of North Dakota.

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 355.

A bill for an act to provide for the reimbursement of owners of cattle destroyed by order of the state live stock sanitary board on account of the disease known as tuberculosis, and providing for the levy of a tax to create a fund therefor.

Was read the first and second times, and

Referred to the committee on live stock.

House Bill No. 245.

A bill for an act specifying that certain county offices shall be kept open for business during business hours of business days.

Was read the first and second times, and

Referred to the committee on ways and means.

House Bill No. 223.

A bill for an act to amend Section 2613 of the Revised Codes of 1905, relating to the compensation and office hours of county commissioners.

Was read the first and second times, and

Referred to the committee on ways and means.

House Bill No. 177.

A bill for an act amending Section 2, Chapter 135, Session Laws of 1909, authorizing the board of railway commissioners to appoint agents at terminal points of Duluth and Minneapolis, for the benefit of shippers of grain of this state, and providing for the compensation and appropriating funds for the purpose of carrying out the provisions

Was read the first and second times, and

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

House Bill No. 35.

A bill for an act to amend Section 1571 of the 1905 Revised Codes of North Dakota.

Was read the first and second times, and

Referred to the committee on ways and means.

Mr. Simpson asked permission to return to the eighth order of business.

Which permission was granted.

Mr. Simpson moved

That the vote by which the committee report on House Bill No. 212 was adopted be reconsidered and recalled, and the bill be re-referred to the committee on judiciary.

Which motion prevailed.

Mr. Simpson moved

That House Bill No. 328 be taken from third reading and re-referred to the committee on judiciary.

Which motion was lost.

The President appointed Messrs. McDowell and Duis a committee to conduct former United States Senator Purcell to the President's stand.

Hon. W. E. Purcell addressed the Senate.

House Bill No. 221.

A bill for an act to amend and re-enact Section 4303 of the Revised Codes of 1905, and repeal Section 4304 of said code.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 36 ayes, 3 nays, 10 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Simpson
Baker	Jacobsen	Stevens
Bessesen	Kennedy	Syverson
Carter	Kretschmar	Talcott
Davis	Linde	Thoreson
Duis	Martin	Trimble
Duncan	McDowell	Turner
Elken	McLean	Wallin
Garden	Overson	Walton
Gibbens	Plain	Welo
Gilbert	Putnam	Whitcher
Gronvold	Ruzicka	Williams

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Ellingson	Welch	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	LaMoure	Pierce
Ganssle	McDonald	Steel or Stutsman
Hookway	Movius	Steele of Renville
Johnson		

So the bill passed and the title was agreed to.

House Bill No. 328.

A bill for an act prohibiting the keeping open, or the running or permitting of running of any theatre, show, moving picture show, or theatrical performance, upon the first day of the week, commonly called the Sabbath, and providing a penalty for violations of the same.

Was read the third time.

Mr. Duis moved, as an amendment,

That in line 4, section 2, "\$100" be inserted where it is now "\$25" and "\$200" where it is now "\$50."

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were 38 ayes, no nays, 11 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gilbert	Stevens
Baker	Gronvold	Syvertson
Beasesen	Gunderson	Talcott
Carter	Jacobsen	Thoreson
Cashel	Kennedy	Turner
Davis	Linde	Wallin
Duis	Martin	Walton
Duncan	McDowell	Welo
Elken	McLean	Welch
Ellingson	Overson	Whitcher
Ganssle	Plain	Williams
Garden	Putnam	Young
Gibbens	Ruzicka	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	McDonald	Steel of Stutsman
Johnson	Movius	Steele of Renville
Kretschmar	Pierce	Trimble
LaMoure	Simpson	

So the bill passed and the title was agreed to.

Mr. Martin moved

That the vote by which House Bill No. 328 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 102.

A bill for an act to amend Section 9791 of the Revised Codes of 1905, relating to prosecution on information and in what cases.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 35 ayes, no nays, 14 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gilbert	Putnam
Baker	Gronvold	Ruzicka
Bessesen	Gunderson	Stevens
Carter	Jacobsen	Syverson
Cashel	Kennedy	Talcott
Davis	Kretschmar	Thoreson
Duis	Linde	Turner
Duncan	Martin	Wallin
Elken	McDowell	Walton
Ellingson	McLean	Welch
Ganssle	Overson	Young
Gibbens	Plain	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Garden	Movius	Trimble
Hookway	Pierce	Welo
Johnson	Simpson	Whitcher
LaMoure	Steel of Stutsman	Williams
McDonald	Steele of Renville	

So the bill passed and the title was agreed to.

House Bill No. 28.

A bill for an act providing a penalty for obstructing water courses or diverting the water therefrom.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 33 ayes, 1 nay, 15 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Ruzicka
Baker	Gunderson	Steel of Stutsman
Besseser	Jacobsen	Stevens
Carter	Kennedy	Syverson
Cashel	Kretschmar	Talcott
Duis	Linde	Thoreson
Duncan	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Overson	Whitcher
Gibbens	Plain	Williams
Gilbert	Putnam	Young

Mr. Davis voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Elken	Martin	Steele of Renville
Garden	McDonald	Trimble

Messrs.—	Messrs.—	Messrs.—
Hookway	Movius	Walton
Johnson	Pierce	Welo
LaMoure	Simpson	Welch

So the bill passed and the title was agreed to.

House Bill No. 194.

A bill for an act regulating the issue of health certificates for live stock in transit or before shipment out of the state or upon entering the state and making certain acts in violation thereof misdemeanors.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 37 ayes, no nays, 12 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gilbert	Ruzicka
Baker	Gronvold	Steel of Stutsman
Bessesen	Gunderson	Stevens
Carter	Jacobsen	Syvertson
Cashel	Kennedy	Talcott
Davis	Kretschmar	Thoreson
Duis	Linde	Turner
Duncan	McDowell	Wallin
Elken	McLean	Welo
Ellingson	Overson	Whitcher
Ganssle	Plain	Williams
Garden	Putnam	Young
Gibbens		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	McDonald	Steele of Renville
Johnson	Movius	Trimble
LaMoure	Pierce	Walton
Martin	Simpson	Welch

So the bill passed and the title was agreed to.

House Bill No. 151.

A bill for an act to amend Section 2437 of the Revised Codes of North Dakota for 1905,, relating to proposals and acceptance of bonds of county depositaries.

Was read the third time.

Mr. Gunderson moved

That House Bill No. 151 be laid over one day for the purpose of correction.

Which motion prevailed.

House Bill No. 23.

A concurrent resolution amending the constitution of the state of North Dakota, relating to uniformity of taxation and permitting the classification of property for the purpose of taxation and relating further to the assessment and taxation of certain public utility companies.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 32 ayes, no nays, 17 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gilbert	Steel of Stutsman
Baker	Gunderson	Stevens
Bessesen	Jacobsen	Syverson
Carter	Kennedy	Talcott
Cashel	Kretschmar	Turner
Davis	McDowell	Wallin
Duncan	McLean	Welo
Elken	Overson	Whitcher
Ganssle	Plain	Williams
Garden	Putnam	Young
Gibbens	Ruzicka	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duis	Linde	Steele of Renville
Ellingson	Martin	Thoreson
Gronvold	McDonald	Trimble
Hookway	Movius	Walton
Johnson	Pierce	Welch
LaMoire	Simpson	

So the bill passed and the title was agreed to.

House Bill No. 270.

A bill for an act to amend Article 4 of Chapter 30 of the Political Code of North Dakota, being Section 2678 of the Revised Codes of North Dakota of 1905, relating to powers of city councils.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 32 ayes, no nays, 17 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Stevens
Baker	Gunderson	Syverson
Bessesen	Kennedy	Talcott
Carter	Kretschmar	Thoreson
Cashel	Linde	Turner
Duncan	McDowell	Wallin
Elken	McLean	Welo
Ganssle	Overson	Whitcher
Garden	Plain	Williams
Gibbens	Putnam	Young
Gilbert	Ruzicka	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	LaMoure	Steel of Stutsman
Duis	Martin	Steele of Renville
Ellingson	McDonald	Trimble
Hookway	Movius	Walton
Jacobsen	Pierce	Welch
Johnson	Simpson	

So the bill passed and the title was agreed to.

House Bill No. 217.

A bill for an act authorizing the board of railroad commissioners to refund license fee of public grain warehouses.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 31 ayes, no nays, 18 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gilbert	Ruzicka
Baker	Gronvold	Stevens
Bessesen	Gunderson	Syverson
Carter	Kennedy	Talcott
Cashel	Kretschmar	Thoreson
Duis	McDowell	Wallin
Duncan	McLean	Welo
Elken	Overson	Whitcher
Ganssle	Plain	Williams
Garden	Putnam	Young
Gibbens		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Linde	Steel of Stutsman
Ellingson	Martin	Steele o. Renville
Hookway	McDonald	Trimble
Jacobsen	Movius	Turner
Johnson	Pierce	Walton
LaMoure	Simpson	Welch

So the bill passed and the title was agreed to.

House Bill No. 334.

A bill for an act to amend Section 5 of Chapter 172 of the Session Laws of 1909, relating to the regulation of practice of osteopathy.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 30 ayes, no nays, 19 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Stevens
Baker	Gunderson	Syverson
Bessesen	Kennedy	Talcott
Carter	Kretschmar	Thoreson
Cashel	McDowell	Turner
Duis	McLean	Wallin
Elken	Overson	Welo
Ganssle	Plain	Whitcher
Garden	Putnam	Williams
Gibbens	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	LaMoure	Simpson
Duncan	Linde	Steel of Stutsman
Ellingson	Martin	Steele o. Renville
Gilbert	McDonald	Trimble
Hookway	Movius	Walton
Jacobsen	Pierce	Welch
Johnson		

So the bill passed and the title was agreed to.

The courtesies of the floor were extended to the following:

W. B. Dickson, Langdon.
John Mahon, Langdon.

E. G. Arnot, Grafton.

Mr. Talcott moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

JAMES W. FOLEY,
Secretary.

FIFTY-THIRD DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 24, 1911.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All present.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 24, 1911.

Mr. President:

I have the honor to return herewith

House Bill No. 212.

A concurrent resolution proposing an amendment to the Constitution of the State of North Dakota, providing for the sale of the school and public lands and reserving to the state the coal in them.

As requested by the Senate.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

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

Memorializing Congress to Provide for the Physical Valuation of Railroads.

WHEREAS, The physical valuation of railroads has been repeatedly urged by the Interstate Commerce Commission as essential for the efficient regulation of rates; and

WHEREAS, The Republican party in its platform has affirmed its belief in the necessity for such a valuation;

Be it Therefore Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

That the Congress of the United States be requested to enact a law providing for the physical valuation of all railroad property to form a basis for fixing the rates and charges for service by railroads, and

Be it Further Resolved:

That the Secretary of State is hereby directed to forward a copy of this resolution to the President of the Senate, the Speaker of the House of Representatives, and to each member of Congress from the state of North Dakota.

In which the House has concurred.

Very Respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith

Senate Bill No. 87.

A bill for an act to amend Section 2767 of the Revised

Codes of North Dakota for 1905, relating to the letting of contracts for sidewalks in cities.

Also,

Senate Bill No. 98.

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.

Also,

Senate Bill No. 135.

A concurrent resolution amending the Constitution of the State of North Dakota, empowering the legislative assembly to provide by law for erection, leasing, purchasing and operating terminal elevators in the states of Minnesota and Wisconsin, or either.

Also,

Senate Bill No. 160.

A bill for an act to amend Section 3213, Revised Codes of North Dakota, relating to township boards.

Also,

Senate Bill No. 169.

A bill for an act indemnifying owners for horses killed or destroyed according to law for being affected with the disease known as glanders.

Which the House has passed unchanged.

Very Respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith

Senate Bill No. 15.

A bill for an act making Good Friday a legal holiday.

Which the House has failed to pass.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to transmit herewith

House Bill No. 230.

A bill for an act to amend Chapter 120 of the Session Laws of 1909.

Also,

House Bill No. 351.

A bill for an act to amend and re-enact section 164 of the Revised Codes of North Dakota for 1905.

Also

House Bill No. 324.

A bill for an act to amend Section 6931 of the Revised Codes of 1905, relative to the time of granting injunctions.

Also,

House Bill No. 352.

A bill for an act providing for a bailiff of the supreme court.

Also

House Bill No. 288.

A bill for an act to amend Section 9319 of the Revised Codes of North Dakota for 1905, relating to the abuse of domestic animals and providing punishment therefor.

Also,

House Bill No. 343.

A bill for an act to repeal Article 21 of Chapter 32, entitled, townsites located on public lands, of the Revised Codes of 1905.

Also,

House Bill No. 347.

A bill for an act to amend and re-enact Section 498 of the Revised Codes of North Dakota for the year 1905, relating to admission to the bar.

Also

House Bill No. 271.

A bill for an act to create a state board of control, and provide for the management and control of the soldiers' home, the charitable,, reformatory and penal institutions of the state, and to provide for supervisory powers over the state educational institutions,, and to make an appropriation therefor, and for the defining of certain offenses and providing penalties therefor.

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

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith

Senate Bill No. 172.

A bill for an act to amend Section 2170 of the Revised Codes of North Dakota for 1905, providing automobiles and motor cycles must have bell, horn or whistle.

Also,

Senate Bill No. 167.

A bill for an act to provide for the non-forfeiture of premiums on policies of life insurance.

Also,

Senate Bill No. 72.

A bill for an act to amend Section 1582 of the Revised Codes of North Dakota for 1905, as amended by Chapter 199 of the Session Laws of North Dakota for 1909, relating to the redemption of real estate.

Which the House has indefinitely postponed.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith

Senate Bill No. 122.

A bill for an act requiring natural gas to be confined, and prescribing penalty for the violation thereof.

Which the House has amended as follows:

In line 10, strike out the word "four" and insert in its place the word "ten," and at the end of section 1, after the word "oil," add the words:

"Provided also that this act shall not apply to any artesian or other well used for water supply purposes, which discharges natural gas with the water, where the discharge of gas does not exceed an average of five thousand cubic feet of gas in each twenty-four hours."

And passed as amended.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith

Senate Bill No. 50.

A bill for an act to amend and re-enact Section 1576 of the Revised Codes of North Dakota of 1905, relating to the sale of real property for delinquent taxes and reducing the rate of interest on the purchase price of the lands so sold for delinquent taxes.

Which the House has amended as follows:

In line 1 of the printed bill, after the words and figure "Section 1," insert the word "Amendment.)"

At the beginning of line 1 in section 2 of the printed bill, strike out the figure "2" and insert the figures "1576," and at the beginning of line 28 of section 2 in the bill as printed, insert the following, "Section 2. Repeal.)"

And passed as amended.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith

Senate Bill No. 56.

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 amended as follows:

In section 1 of the engrossed bill, line 8, strike out the word "forty" and substitute the word "twenty-five."

In section 2, line 8, strike out the word "forty" and insert the word "twenty-five."

Section 2, in the last line of page 3 of the engrossed bill, strike out the words "fifteen or more than forty," and substitute the word "twenty-five."

Section 3, in line 5 on page 5, strike out the word "Council" and insert the words, "Board of City Commissioners."

In line 8, section 3, page 5, strike out the words "thirty-five" and insert the words "twenty-five."

Add: "Section 6. Emergency.) Whereas, there is no law governing said recall for commission form of government, this act shall be in force from and after date of its passage and approval.

And passed as amended.

Very respectfully,

E. H. GRIFFIN,
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. 308.

A bill for an act to amend Section 474 of the Revised Codes of North Dakota of 1905, relating to the boundaries and terms of court in the Sixth judicial district.

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 369.

(Title)

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 was adopted.

The committee on live stock made the following report:

Mr. President:

Your committee on live stock to whom was referred
Substitute for Senate Bill No. 211.

A bill for an act to amend Sections 1, 3, 5, 8 and 13 of Chapter 161 of the Session Laws of 1909, entitled, an act to regulate the public service of stallions in North Dakota and providing a penalty for violation thereof.

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

(In amending reference is made to the printed bill.)

In line seven on page six, strike out the word "seventy" and insert in lieu thereof "twenty."

After the word "affected" in line 26 on page 3, insert the following: "Provided, however, that if the owner of any stallion can prove to the satisfaction of the veterinary inspector that the blemish or unsoundness was caused by accident and not a transmissible disease, then it shall not be considered disqualified."

On page 5 after the last name "Percheron" in the column name of breed, insert the following, in the form used in the bill.

Percheron	American Breeders and Importers, Percheron	John A. Forney, Plainfield, Ohio.
	Registry.	

This registry to be good only up to January 1, 1912.

In line 4, on page 10, strike out "and on the female served."

In line 7, on page 11, strike out "female served upon."

In line 7, page 11, strike out the word "twelve" and insert in lieu thereof "eighteen."

Commencing in line 13 after the word "offspring," strike out the following: "and with the exception of liens already of record at the time of service, upon the female served."

In line 16, on page 11, strike out "After the expiration of nine months from the filing of the lien, or at any time after an attempt has been made to dispose of the female, or remove her from the county," and insert in lieu thereof the words, "at any time after the offspring has been born."

And when so amended recommend the same do pass.

J. H. WHITCHER,
Chairman.

Mr. Whitcher moved

That the report be adopted

Which motion prevailed, and

The report was adopted.

Also,

Mr. President:

Your committee on live stock to whom was referred

House Bill No. 275.

A bill for an act entitled, "An act to regulate and provide for admission of live stock into the state of North Dakota from all other states and territories and foreign countries; and providing penalties for violation thereof."

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

In section 6, change the word "tuberculosis" to "tuberculin." Also in the same section between the words "mallien" and "tuberculin" insert the word "and."

And when so amended recommend the same do pass.

J. H. WHITCHER,
Chairman.

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

Also,

Mr. President:

Your committee on live stock to whom was referred

House Bill No. 355.

A bill for an act to provide for the reimbursement of owners of cattle destroyed by order of the state live stock sanitary board on account of the disease known as tuberculosis, and providing for the levy of a tax to create a fund therefor.

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

In subdivision "G" of section 7 of the bill, change the word "industry" to "husbandry."

And when so amended recommend the same do pass.

J. H. WHITCHER,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 309.

A bill for an act to provide for the purchase of the paintings of "Mink Woman," "Bear's Necklace" and "Bad Brave."

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

J. LAMOURE,
Chairman.

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

Also,

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 328.

A bill for an act to create a commission to investigate and report to the legislature of this state, on the first day of the legislative session of 1913, a bill to fairly compensate employes for injuries received in the course of employment and defining the duties of said commission, and making appropriation therefor.

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

J. LAMOURE,
Chairman.

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

Also

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 32.

A bill for an act to provide for the completion of a school building and making necessary improvements at the school for the deaf and dumb, at Devils Lake, North Dakota, and making an appropriation therefor.

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

That the word "twenty" in line three of the printed bill be stricken out and the word "fifteen" inserted in lieu of the same.

And when so amended recommend the same do pass.

J. LAMOURE,
Chairman.

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

Also

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 202.

A bill for an act making it the duty of the commissioner
of agriculture and labor to furnish certain information,
and making an appropriation for the payment of the ex-
penses connected therewith.

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

That the word "ten" in line 2 of section 2 of the printed bill, be stricken
out and the word "two" be inserted in lieu of the same.

That at the beginning of line 6 of page 2 of the printed bill be in-
serted the following: "Sec. 3."

And when so amended recommend the same do pass.

J. LAMOURE,
Chairman.

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

Also

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 134.

A bill for an act making an appropriation for the Willis-
ton Experimental 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 all of section 1 of the printed bill be stricken out and the following inserted in lieu thereof:

"Section 1. The sum of five thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the Williston Experimental Station, located at Williston, Williams county, for the purpose of erecting a seed house, office and root cellar."

And when so amended recommend the same do pass.

J. LAMOURE,
Chairman.

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

Also

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 141.

A bill for an act appropriating money for the erection of a seed house and soil testing room, hog and chicken house and the purchase of brood mares, gasoline engine and other needed repairs at the Langdon sub-experiment station.

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

J. LAMOURE,
Chairman.

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

Also

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 137.

A bill for an act making an appropriation to compensate F. C. Heffron for services as assistant attorney general, especially authorized to enforce the prohibitory law of this state.

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

That the words and figures "twenty-five hundred (2,500)" in line 3 of section 1 of the printed bill be stricken out and the words "one thousand five hundred" be inserted in lieu of the same.

And when so amended recommend the same do pass.

J. LAMOURE,
Chairman.

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

Also

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 259.

A bill for an act making an appropriation to compensate P. G. Johnson for services as assistant attorney general, especially authorized to enforce the prohibitory law of this state.

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

That the words and figures "two thousand dollars (\$2,000)" in line 3 of section 1 of the printed bill, be stricken out, and the words "one thousand two hundred and fifty dollars" be inserted in lieu thereof.

And when so amended recommend the same do pass.

J. LAMOURE,
Chairman.

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

Also

Mr. President:

Your committee on appropriations to whom was referred

Senate Bill No. 109.

A bill for an act making appropriation for the Mayville State Normal school, located at Mayville, North Dakota, for hospital, green house, fuel bin, library, museum, boiler, grounds, lecture course, manual training and domestic science and improvements on ventilating system, and for reimbursement of money transferred from local and interest and income funds.

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

That the word "seven" in line 3 of the printed bill be changed to the word "five."

That the figure "7" in line 4 of the printed bill be changed to the figure "5."

That line 12 of the printed bill be stricken out.

That the figure "7" at the end of section one in the total amount, be changed to the figure "5."

That the word "museum" in the title of said bill be stricken out.

And when so amended recommend the same do pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also,

Mr. President:

Your committee on appropriations to whom was referred

Senate Bill No. 274.

A bill for an act making an appropriation for the Dickinson experiment station located in the city of Dickinson.

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

That the word "annually" in line 1 of section 1 of the printed bill be stricken out.

And when so amended recommend the same do pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved

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

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred
Senate Bill No. 315.

A bill for an act to amend Section 5642 of the Revised
Codes of the state of North Dakota for the year 1905, pro-
viding for the termination of liability of common carriers.

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 was adopted.

Also,

Mr. President:

Your committee on railroads to whom was referred
House Bill No. 273.

A bill for an act to regulate the size and construction of
caboose cars.

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 was adopted.

Also

Mr. President:

Your committee on railroads to whom was referred

House Bill No. 204.

A bill for an act entitled, an act requiring railway companies to furnish sites for flour and feed mills on their right of way and fixing the manner in which such sites may be obtained.

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

E. F. GILBERT,
Chairman.

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

The further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on railroads to whom was referred
House Bill No. 307.

A bill for an act to amend Section 4277 of the Revised Codes of North Dakota, for the year 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 was adopted.

Also

Mr. President:

Your committee on railroads to whom was referred
Senate Bill No. 177.

A bill for an act to create a board of immigration and prescribing its powers and duties.

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

By striking out all after the words "A Bill" and inserting the following in lieu thereof:

For an Act Repealing Chapter 134 of the Session Laws of 1909.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Repeal.) That Chapter 134 of the Session Laws of 1909 is hereby repealed.

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 banks and banking made the following report:

Mr. President:

Your committee on banks and banking to whom was referred

Senate Bill No. 317.

A bill for an act for the regulation, supervision and control of the business of banking, and to provide penalties for its violation, repealing all acts and parts of acts inconsistent herewith.

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

ED. PIERCE,
Chairman.

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

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

Senate Bill No. 313.

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.

ALFRED STEEL,
Chairman.

Mr. Steel moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also,

Mr. President:

Your committee on ways and means to whom was referred

House Bill No. 165.

A bill for an act to create a bureau of inspection and supervision of public offices, and to establish a uniform system of public accounting, auditing and reporting, under the administration of the state examiner.

Have had the same under consideration and recommend that the same be re-referred to the committee on appropriations without recommendation.

ALFRED STEEL,
Chairman.

Mr. Steel moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also

Mr. President:

Your committee on ways and means to whom was referred

Senate Bill No. 305.

A bill for an act to amend and re-enact Section 9363 of the Revised Codes of 1905 as amended by Chapter 183 of the Session Laws of 1909, relating to fees of clerk of a court.

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

ALFRED STEEL,
Chairman.

Mr. Steel moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred House Bill No. 313.

A bill for an act to provide for the establishment, organization, regulation, and management of a state board of health, county boards of health, township boards of health, city boards of health and village boards of health, and making an appropriation for the expenses of the state board of health.

Have had the same under consideration and recommend that the same do pass and be re-referred to the committee on appropriation.

F. T. GRONVOLD,
Chairman.

Mr. Gronvold moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also,

Mr. President:

Your committee on public health to whom was referred House Bill No. 317.

A bill for an act to prevent the spread of contagious diseases and sanitary regulation of coaches, cars and steam boats in this state.

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

F. T. GRONVOLD,
Chairman.

Mr. Gronvold 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. 294.

A bill for an act to amend Chapter 183 of the 1909
Session Laws.

Have had the same under consideration and recommend
that the same be referred to the committee on temperance.

J. E. DAVIS,
Chairman.

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

Also

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 301.

A bill for an act to amend and re-enact Section 237 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 do pass.

J. E. DAVIS,
Chairman.

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

The report was adopted.

Also,

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 170.

A bill for an act to amend Section 10243 of the Revised
Codes of North Dakota for 1905.

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

J. E. DAVIS,
Chairman.

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

Also

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 124.

A bill for an act relating to the construction of public
buildings, prescribing the duties of boards of trustees there-
of in the matter of securing plans and specifications, ad-
vertising for bids, letting contracts, allowance and payment
of estimates, payment of premiums on contractor's bonds,
and insurance on unfinished buildings and material on the
ground, and protecting architects, contractors, manufactur-
ers and producers resident within the state of North Dakota.

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

J. E. DAVIS,
Chairman.

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

Also,

Mr. President:

Your committee on state affairs to whom was re-committed

House Bill No. 197.

A bill for an act to provide information to the resident tax payers of the state in respect to the various publications which are published for free distribution by the agricultural college and prescribing the duties of the agricultural college and of the county auditors in relation thereto.

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

J. E. DAVIS,
Chairman.

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

Also

Mr. President:

Your committee on state affairs to whom was referred

Senate Bill No. 287.

A bill for an act prescribing the duties of the county auditor upon receipt of tax levies certified to him.

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

In line 5 of the printed bill before the word "officer," insert the word "proper."

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

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

The committee on agriculture made the following report:

Mr. President:

Your comittee on agriculture to whom was referred
Concurrent resolution.

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

LIVY JOHNSON,
Chairman.

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

Also,

Mr. President:

Your comittee on agriculture to whom was referred
House Bill No. 207.

A bill for an act to regulate the sale of nursery stock to
provide for a nursery inspector.

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

LIVY JOHNSON,
Chairman.

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

The committee on public health made the following re-
port:

Mr. President:

Your committee on public health to whom was referred
Senate Bill No. 293.

A bill for an act to regulate the practice of naturopathy
in the state of North Dakota.

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

In section 1, line 2, of the printed bill, change the word "Naturopathy"
to read "Naturopathic."

Section 1, line 3, of the printed bill, after the word "members," strike
out the word "who" and insert the following: "one of whom shall be
the dean of the medical department of the State University, and two."

Section 4, line 9, of printed bill, after the word "character," insert the following: "provided, that no application shall be considered unless accompanied by a diploma from some reputable high school having a four years' course of study, or unless said applicant has been engaged in the continuous practice of Naturopathy for the past five years."

Section 5, line 2, of printed bill, after the word "treatment," insert the word "or;" also, in line 3, after the word "adjustment," strike out the following: "or any means whatever."

Section 5, line 6, after the word "surgery," insert the following: "provided that such means are made use of by persons practicing the following systems or methods of treatment, to-wit: Chiropractic, Vital Science, Swedish Movement, Magnetic Healing, Natural Science, Mechano Therapy."

Section 5, line 8, after the word "shall," strike out the following: "engage in, or."

Section 5, line 11, after the word "disease," insert the following: "by any of the aforesaid methods of treatment."

Section 5, line 15, after the word "state," insert the following: "or duly licensed physicians when engaged in the practice of their profession."

Section 5, line 20, after the word "mercy," insert a semi-colon, and add the following: "or in any way regulate or prohibit the use of electricity."

Section 7, line 8, change the word "license" to read "licensee."

Section 8, line 1, change the word "revokation" to read "revocation."

Section 8, line 6, change the word "alcohol" to read "alcoholic."

And when so amended recommend the same do pass.

F. T. GRONVOLD,
Chairman.

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

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

House Bill No. 110.

A bill for an act to provide for the distribution of Blue Books among the district schools of the state.

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

Strike out everything after the words "A Bill" and insert the following: For an Act to Amend Sections 38, 46, 51, 66 of the R. C. of 1905, to Provide for the Printing and Prescribing the Manner of Distribution of the Legislative Manual Known as the North Dakota Blue Book.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Sections 38, 46, 51 and 66 of the Revised Codes of 1905 are amended to read as follows:

Section 38. Classes of Printing.) The printing of the state is hereby divided into five classes to be let in separate contracts as follows:

1. (a) The printing of bills, resolutions and other documents for the use of and incident to the legislative assembly; (b) The printing and binding of the journals of the senate and house of representatives shall constitute the first class.

2. The printing and binding of the legislative manual known as the North Dakota Blue Book shall constitute the second class.

3. The printing and binding of executive and public documents and reports shall constitute the third class.

4. The printing and binding of the volume of laws, with the joint resolutions, which shall be included in said volume, shall constitute the fourth class.

5. The printing of all blanks, circulars and other miscellaneous job work necessary for the use of the executive departments, other than such as are printed in pamphlet form and not entering into the volumes of executive documents, and all printing not included in the foregoing classes, shall constitute the fifth class.

Section 46. Blue Book and Executive Documents, How Printed.) The blue book shall be printed on first-class sized and calendered paper of not less than forty pounds to the ream, size 25x38, from brevier type set solid; provided, that extracts and tabular matter shall be set in nonpareil type, the printed pages to be twenty ems pica in width and 35 ems pica in length. The pamphlets and volumes of executive or public documents and reports shall be printed on first-class sized and calendered paper of not less than forty pounds to the ream, size 25x38, from long primer type, the printed pages to be twenty-five ems pica in width and forty-three ems pica in length. The reports of the officers of the various departments, required to be made out for the use of the legislative assembly, and for the information of the public, shall be printed and bound as elsewhere in this article provided, and the various reports, communications and other documents shall be reimposed and form the volumes of executive and public documents. There shall be no charge for the composition of matter used in the volumes of executive documents or as separate pamphlets, or as parts of the reports that are to be used, or have been previously used and paid for in the pamphlet form; provided, that the order for the same is given before the forms of type are distributed; but the maximum rate of one dollar for recomposition of each form of eight pages may be allowed. The volumes of the executive documents shall be paged consecutively, and the reports therein made up in as close and compact order as is consistent with good workmanship, without intervention of unnecessary blanks or separate title or half title pages, and at the conclusion of each volume there shall be an index referring to the particular page at which each separate document commences. The commissioners shall determine what reports and documents shall be printed in pamphlet form, and the number of copies of each report or document when not specified by law. There shall be printed and bound three hundred copies of each volume of the executive documents.

Section 51. Number of Volumes to be Printed and Style of Binding.) Five hundred volumes of the laws required by this article to be printed shall be bound in full law sheep, and fifteen hundred copies shall be half bound. The volumes of executive documents provided for in section 46 of this article shall be bound in half binding. Two hundred copies of the biennial reports of the state auditor, state treasurer, commissioner of insurance and superintendent of public instruction shall be bound in cloth, the remainder authorized by law, to be bound in pamphlet form, unless otherwise ordered by the commissioners of printing. Ten thousand copies of the blue book as required by this article shall be bound in blue cloth.

Section 66. Secretary of the State to Furnish Laws, Journals, Public

Documents and Blue Books to State Officers, Libraries, Etc.) The secretary of the state shall deliver to the governor, state auditor, state treasurer, attorney general, adjutant general, railroad commissioners, commissioner of insurance, commissioner of agriculture and labor, clerk of the supreme court, supreme court reporter, superintendent of public instruction, the superintendent of every state benevolent society, each public institution, United States circuit judge, United States district judge, clerk of each of the United States courts, United States attorney for North Dakota, and the United States marshal, each, one copy of the laws and the journals and documents. He shall supply each state and each of the departments and territories of the United States and the general government of the United States with a copy. He shall furnish the state library with ten copies of the general and special laws, the journals and the volumes of executive documents. He shall furnish and distribute the North Dakota blue book as follows: :

Five copies to each member and officer of the legislative assembly.

Sixty copies to the state historical society for exchange with other state historical societies.

Seventy-five copies to the state law library for exchange with other state law libraries.

Sixty copies to the state university for exchange purposes.

Ten copies to the state agricultural college.

Five copies to each public institution maintained by the state.

Two copies to each public library in the state.

Two copies to each elective and appointive officer of the state.

Two copies to each county auditor of the state.

Two copies to each state high school to be placed in the school library.

One copy to each common school in the state. Provided, that the secretary of state shall send the required number of blue books to the county superintendent of schools, who shall distribute the same.

Three hundred copies of the blue book to remain in the office of the secretary of state for distribution among the members of the next succeeding legislature.

The remaining copies shall be held for distribution as deemed best.

Section 2. Repeal.) All acts and parts of acts in conflict with this act are hereby repealed.

Section 3. Emergency.) Whereas an emergency exists in this, that there is nothing in the present laws providing for the printing and distribution of the legislative manual, therefore this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend that the same do pass

F. S. TALCOTT,
Chairman.

Mr. Talcott moved

That the report be adopted

Which motion prevailed, and

The report was adopted.

The committee on elections and privileges made the following report:

Mr. President:

Your committee on elections and privileges to whom was referred

Senate Bill No. 318.

A bill for an act to amend and re-enact Section 738 of the Revised Codes of 1905, relating to votes cast by persons not registered.

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

H. J. BESSESEN,
Chairman.

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

Also

Mr. President:

Your committee on elections and privileges to whom was referred

House Bill No. 260.

A bill for an act to amend Section 12, Chapter 109, of the laws of 1907, entitled, an act providing for the selection of candidates for election by popular vote, and relating to their nomination and perpetuation of political parties, and relating particularly to percentage of votes required to nominate candidates.

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

In line 2 of section 12 of the engrossed bill, after "cast," strike out everything including the word "percent," in line 7, and in lieu thereof insert the following:

"For any party candidate or candidates for any office for which nominations are herein provided for shall equal less than twenty-five per cent of the average number of votes cast for governor, secretary of state and attorney general of the political party he or they represented at the last general election, no nomination shall be made in that party for such office, but if twenty-five per cent."

And when so amended recommend the same do pass.

H. J. BESSESEN,
Chairman.

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

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred
Senate Bill No. 304.

A bill for an act requiring a more thorough and comprehensive system of instruction in all common and high schools of this state, and providing a penalty for the violation thereof.

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

In section 5, page 2, line 3, strike out the word "their" and insert the word "his" in lieu thereof.

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 was adopted.

Also,

Mr. President:

Your committee on education to whom was referred
Senate Bill No. 285.

A bill for an act establishing a temporary educational commission and appropriating one thousand dollars for the expenses thereof.

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

Strike out everything after the enacting clause and insert the following:
Section 1. For the purpose of studying educational system both in the United States and elsewhere, with a view to the presentation of a report which will form a basis for the unifying and systematizing of the educational system of this state, including the several secondary schools and higher institutions of learning and the department of public instruction, a commission is hereby created consisting of the following members, namely: President of the University, president of the Agricultural College, president of Valley City Normal, superintendent of public instruction, lieutenant governor, speaker of the House of Representatives, and one other member to be appointed by the governor, within sixty days from the passage of this act.

Section 2. The commission provided for in section 1 of this act shall report to the governor and legislature in December, 1912, their findings, accompanied by a bill or bills which shall contain the recommendations which it is proposed to enact into law, and may make from time to time public reports at their discretion. The members of such commission shall receive no compensation other than actual and necessary expenses. For the purpose of paying such expenses and the expenses of printing, clerical work and travel, there is hereby appropriated the sum of one thousand dollars, or so much thereof as may be necessary, out of any funds in the state treasury not otherwise appropriated.

And when so amended recommend 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 was adopted.

Also

Mr. President:

Your committee on education to whom was referred
Senate Bill No. 323.

A bill for an act to amend Sections 1295, 1297 and 1298 of the Revised Codes of North Dakota of 1905, and Section 1296 of the Revised Codes of 1905 as amended by the legislative assembly of 1909, being Chapter 13 of the Revised Codes of 1905, entitled state library.

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

The committee on agriculture made the following report:

Mr. President:

Your committee on agriculture to whom was referred

House Bill No. 172.

A bill for an act to amend Section 2084 of the Revised Codes of North Dakota of 1905, relating to proof of planting trees.

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

LIVY JOHNSON,
Chairman.

Mr. Johnson moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

The committee on temperance made the following report:

Mr. President:

A majority of your committee on temperance to whom was referred

Senate Bill No. 306.

A bill for an act amending Section 9358 of the Revised Codes of 1905, as amended and re-enacted by Section 5 of Chapter 183 of the Laws of 1909, regulating the sale of intoxicating liquors by druggists who are registered pharmacists, and to provide a method of such sales in cases of emergency.

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

Amend title, following "9358" on first line of printed bill, and insert "and 9354."

On line 10, following "therefor" insert "not exceeding one point in quantity."

On line 13, following the word "need" insert "which prescription may be filled by any registered pharmacist."

Add section 2, amending section 9354 of the Revised Codes of 1905, as amended and re-enacted by section 1 of chapter 183 of the session laws of 1909.

"Section 2. That section 9354 be amended to read as follows:

"Section 9354. (Druggist Permits, How Obtained.) It shall be unlawful for any person or persons to sell or barter, for medical, scientific, sacramental or mechanical purposes, any malt, vinous, spiritous, fermented or other intoxicating liquors, except as hereinafter provided, without first having procured a druggist's permit therefor from the district judge of the judicial district wherein such druggist may be doing business at the time; and such district judge is hereby authorized in his discretion to grant a druggist permit for a period of one year, to any person of good

moral character who is a registered pharmacist under the laws of this state, and lawfully and in good faith engaged, personally and individually, in the business of a druggist in his district, and who, in his judgment, can be entrusted with the responsibility of selling such liquors for the purposes aforesaid in the manner hereinafter provided. In order to obtain a druggist permit under this act, the applicant shall file in the office of the clerk of the district court of the county wherein he is doing business, not less than thirty days prior to the hearing thereof, a petition signed by the applicant. All petitions shall set forth:

1. The town, village, city or township, and particular place therein wherein such business is located, and that the applicant is a person of good moral character, and does not use intoxicating liquors as a beverage, and can be entrusted with the responsibility of selling the same.

2. That said applicant is a pharmacist as aforesaid, and is lawfully and in good faith engaged personally in the business of a druggist, as proprietor thereof, at the place designated in the petition and well versed in the profession.

3. That said applicant has, in his said business, exclusive of intoxicating liquors and fixtures, a stock of drugs and druggists' sundries, if in any city, of the value of at least two thousand dollars, and if elsewhere of the value of at least fifteen hundred dollars; provided, that permits may be granted to any pharmacist possessing all the qualifications herein set forth who owns in his own right in any partnership, association or corporation, if in a city, an amount of interest or capital stock of at least two thousand dollars, and if elsewhere of the value of at least fifteen hundred dollars, and who is the manager and in actual personal charge of the business of such partnership or corporation at the place of its retail business, and who, in addition to his responsibility as a partner or stockholder, shall become personally and individually responsible for all sales in the same manner and to the same extent that he would if he owned said business in person; and provided, that such applicant must have been engaged in business as a druggist at the place designated in said petition for a period of at least six months next preceding the making of the application for such permit; and provided, that only one permit shall be granted or issued to the same person.

And when so amended recommend the same do pass.

E. L. GARDEN,
Chairman.

Also,

Mr. President:

A minority of your committee on temperance to whom was referred

Senate Bill No. 306.

A bill for an act amending Section 9358 of the Revised Codes of 1905, as amended and re-enacted by Section 5 of Chapter 183 of the Laws of 1909, regulating the sale of intoxicating liquors by druggists who are registered pharmacists, and to provide a method of such sales in cases of emergency.

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

F. S. TALCOTT,

Mr. LaMoure objected to the consideration of the reports on Senate Bill No. 306.

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. 27.

A bill for an act making an appropriation for the normal school at Minot to meet the expenditure for the erection of buildings and permanent improvements necessary in connection therewith, and for furnishings, equipment and maintenance.

Also

Senate Bill No. 150.

A bill for an act to amend Section 1546 of the Revised Codes of North Dakota, 1905, relating to tax receipts, their contents, numbering and duplicates.

Also

Senate Bill No. 186.

A bill for an act to amend and re-enact Section 9371 of Revised Codes of the State of North Dakota for the year 1905, relating to the enforcement of the prohibition law by state's attorneys, providing for a special fund in each county for the fines and penalties and the payment of prosecution expenses.

Also

Senate Bill No. 218.

A bill for an act to amend and re-enact Section 7047 of the Revised Codes of North Dakota for the year 1905, relating to references and trials by referees.

Also

Senate Bill No. 296.

A bill for an act authorizing cities incorporated under the laws of this state to regulate and fix the rate 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. 310.

A bill for an act to amend and re-enact Section 733 of the Revised Codes of 1905 relating to the registration of voters.

Also

Senate Bill No. 326.

A bill for an act to amend Section 1350, Revised Codes of 1905, relating to the laying out, altering or discontinuing roads.

Also

Senate Bill No. 332.

A bill for an act to amend section 7530, Revised Codes of 1905, relating to adjustment of cross judgment in actions to determine conflicting claims to real property.

Also

Senate Bill No. 338.

A bill for an act providing for the publication of the names of candidates before the primary.

Also

Senate Bill No. 339.

A bill for an act to prescribe legal rates for the publication of political announcements.

Also

Senate Bill No. 340.

A bill for an act prohibiting the sale or purchase of political support or political editorials and prescribing a penalty therefor.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

Also,

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 90.

A bill for an act to provide for the ascertaining and giving notice of the title of lands to the heirs of deceased persons and establishing the right of heirship to real property and to provide a method of procedure therefor.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

The report of the committee on

Senate Bill No. 296.

A bill for an act authorizing cities incorporated under the laws of this state to regulate and fix the rate 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 laid before the Senate.

Mr. Bessesen moved

That the rules be suspended and that Senate Bill No. 296 be considered engrossed and placed on its third reading and final passage.

Which motion was lost.

MOTIONS AND RESOLUTIONS.

Mr. Trimble moved

That the Senate do now concur in the House amendments to Senate Bill No. 122.

The question being upon the concurrence in the House amendments.

The roll was called and there were 38 ayes, no nays, 11 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobson	Stevens
Baker	Johnson	Syvertson
Bessessen	Kennedy	Talcott
Carter	Kretschmar	Thoreson
Cashel	LaMoure	Trimble
Duncan	Martin	Turner
Ellingson	McDonald	Wallin
Ganssle	McDowell	Walton
Garden	Movius	Welo
Gibbens	Overson	Welch
Gronvold	Plain	Whitcher
Gunderson	Ruzicka	Young
Hookway	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Linde	Steel of Stutsman
Duis	McLean	Steele of Renville
Elken	Pierce	Williams
Gilbert	Putnam	

So the House amendments were concurred in.

Mr. Wallin moved

That the Senate do now concur in the House amendments to Senate Bill No. 50.

The question being upon the concurrence in the House amendments.

The roll was called and there were 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Ruzicka
Baker	Jacobsen	Simpson
Bessessen	Johnson	Stevens
Carter	Kennedy	Syvertson
Cashel	Kretschmar	Talcott
Duis	LaMoure	Thoreson
Duncan	Linde	Trimble
Elken	Martin	Turner
Ellingson	McDonald	Wallin
Ganssle	McDowell	Walton
Garden	McLean	Welo
Gibbens	Movius	Welch
Gilbert	Overson	Whitcher

Messrs.—
Gronvold
Gunderson

Messrs.—
Plain

Messrs.—
Young

Absent and not voting:

Messrs.—
Davis
Pierce

Messrs.—
Putnam
Steel of Stutsman

Messrs.—
Steele of Renville
Williams

So the House amendments were concurred in.

Mr. Bessesen moved

That the Senate do now concur in the House amendments to Senate Bill No. 56.

The question being upon the concurrence in the House amendments.

The roll was called and there were 42 ayes, no nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Allen
Baker
Bessesen
Carter
Cashel
Duls
Duncan
Elken
Ellingson
Ganssle
Garden
Gibbens
Gronvold
Gunderson

Messrs.—

Hookway
Jacobsen
Johnson
Kennedy
Kretschmar
LaMoure
Linde
Martin
McDonaid
McDowell
McLean
Movius
Overson
Plain

Messrs.—

Ruzicka
Stevens
Syvertson
Talcott
Thoreson
Trimble
Turner
Wallin
Walton
Welo
Welch
Whitcher
Williams
Young

Absent and not voting:

Messrs.—

Davis
Gilbert
Pierce

Messrs.—

Putnam
Simpson

Messrs.—

Steel of Stutsman
Steele of Renville

So the House amendments were concurred in.

Mr. Jacobsen moved

That the vote by which Senate Bill No. 273 was lost, be reconsidered.

Mr. Gibbens moved

That the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 245.

A bill for an act to amend and re-enact Sections 1, 2, 3, 4, 7, 8 of Chapter 260 of the Session Laws of the state of North Dakota for the year 1907, to repeal Sections 5 and 6 thereof and to repeal Chapter 258 of the Session Laws of the state of North Dakota for the year 1907, relating to the prohibition of unfair discrimination between different sections, communities or localities, unfair competition and providing penalties for the violation thereof.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 32 ayes, 10 nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Jacobsen	Steel of Stutsman
Bessesen	Johnson	Stevens
Carter	Kretschmar	Syvertson
Cashel	Linde	Talcott
Duncan	McDonald	Thoreson
Elken	McDowell	Trimble
Ganssle	McLean	Wallin
Garden	Overson	Walton
Gibbens	Pierce	Williams
Gronvold	Plain	Young
Hookway	Ruzicka	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	LaMoure	Turner
Duis	Martin	Welch
Gunderson	Movius	Whitcher
Kennedy		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Putnam	Steele of Renville
Ellingson	Simpson	Welo
Gilbert		

So the bill passed and the title was agreed to.

Senate Bill No. 312.

A bill for an act to amend and re-enact Section 264 of the Revised Codes of 1905, in relation to the compensation of superintendents of county boards of health.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 41 ayes, no nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Stevens
Baker	Jacobsen	Syvertson
Bessesen	Johnson	Talcott
Carter	Kennedy	Thoreson
Cashel	Kretschmar	Trimble
Duis	Linde	Turner
Duncan	McDonald	Wallin
Elken	McDowell	Walton
Ellingson	McLean	Welo
Ganssle	Movius	Welch
Garden	Overson	Whitcher
Gibbens	Plain	Williams
Gronvold	Ruzicka	Young
Gunderson	Steel of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Martin	Simpson
Gilbert	Pierce	Steele of Renville
LaMoure	Putnam	

So the bill passed and the title was agreed to.

Senate Bill No. 333.

A bill for an act to amend Section 4173 of the Revised Codes of 1905, relating to articles of incorporation.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 42 ayes, no nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Jacobsen	Stevens
Bessesen	Johnson	Syvertson
Carter	Kretschmar	Talcott
Cashel	LaMoure	Thoreson
Duis	Linde	Trimble
Duncan	McDonald	Turner
Elken	McDowell	Wallin
Ellingson	McLean	Walton

Messrs.—	Messrs.—	Messrs.—
Ganssle	Movius	Welo
Garden	Overson	Welch
Gibbens	Pierce	Whitcher
Gronvold	Plain	Williams
Gunderson	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Martin	Simpson
Gilbert	Putnam	Steele of Renville
Kennedy		

So the bill passed and the title was agreed to.

Mr. Bessesen moved

That the Senate take a recess for fifteen minutes.

Which motion prevailed.

The Senate reassembled.

Senate Bill No. 334.

A bill for an act to amend Chapter 63, Laws of 1909, being Section 4210, Revised Codes of 1905, as amended by said chapter, relating to 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 42 ayes, 1 nay, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syvertson
Duis	Linde	Talcott
Duncan	Martin	Thoreson
Elken	McDonald	Trimble
Ellingson	McDowell	Turner
Ganssle	McLean	Wallin
Garden	Movius	Walton
Gilbert	Overson	Welo
Gronvold	Pierce	Welch
Gunderson	Plain	Whitcher
Hookway	Ruzicka	Williams
Jacobsen	Steel of Stritsman	Young

Mr. Bessesen voted in the negative.

Absent and not voting:

Baker	Gibbens	Putnam
Davis	Johnson	Simpson

So the bill passed and the title was agreed to.

Mr. Welch moved

That the vote by which Senate Bill No. 334 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 271.

A bill for an act for the organization of villages in territory embracing more than one county.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 47 ayes, no nays, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ailen	Hookway	Simpson
Baker	Jacobsen	Steele of Stutsman
Bessesen	Johnson	Stevens
Carter	Kennedy	Syvertson
Cashel	Kretschmar	Talcott
Davis	LaMoure	Thoreson
Duis	Linde	Trimble
Duncan	Martin	Turner
Elken	McDonald	Wallin
Ellingson	McDowell	Walton
Ganssle	McLean	Welo
Garden	Movius	Welch
Gibbens	Overson	Whitcher
Gilbert	Pierce	Williams
Gronvold	Putnam	Young
Gunderson	Ruzicka	

Messrs. Plain and Steele of Renville, were absent and not voting.

So the bill was passed and the title was agreed to.

Mr. Kretchmar moved

That the vote by which Senate Bill No. 271 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed

Senate Bill No. 90.

A bill for an act to provide for the ascertaining and giving notice of the title of 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 third time.

The question being on the final passage of the bill.

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobson	Steel of Stutsman
Baker	Johnson	Stevens
Bessessen	Kennedy	Syvertson
Carter	Kretschmar	Talcott
Cashel	LaMoure	Thoreson
Duis	Linde	Trimble
Duncan	Martin	Turner
Elken	McDonald	Wallin
Ellingson	McDowell	Walton
Ganssle	McLean	Welo
Garden	Movius	Welch
Gibbens	Overson	Whitcher
Gilbert	Pierce	Williams
Gronvold	Ruzicka	Young
Gunderson	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Plain	Steele of Reaville
Hookway	Putnam	

So the bill passed and the title was agreed to.

Mr. Welch moved

That the vote by which Senate Bill No. 90 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Senate Bill No. 187.

A bill for an act to encourage elementary education in 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 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Ruzicka
Baker	Jacobsen	Simpson
Bessesen	Johnson	Steel of Stutsman.

Messrs.—	Messrs.—	Messrs.—
Carter	Kennedy	Stevens
Cashel	Kretschmar	Syverson
Davis	LaMoure	Talcott
Dufs	Linde	Thoreson
Duncan	Martin	Turner
Elken	McDonald	Wallin
Ellingson	McDowell	Walton
Ganssle	McLean	Welo
Garden	Movius	Welch
Gibbens	Overson	Whitcher
Gilbert	Pierce	Williams
Gronvold	Putnam	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	Steele of Renville	Trimble
Plain		

So the bill passed and the title was agreed to.

Mr. McDowell moved

That the vote by which Senate Bill No. 187 passed, be reconsidered and the motion to reconsider be laid on the table.

The motion prevailed.

Senate Bill No. 238.

A bill for an act authorizing the board of university and school lands to make examination of all state and school lands to determine the extent, depth and thickness of any lignite coal veins underlying the surface, and to show the soil characteristics and topographical features of such land, 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 47 ayes, no nays, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Ganssle	Simpson
Baker	Hookway	Steel of Stutsman
Bessesen	Jacobsen	Stevens
Carter	Johnson	Syverson
Cashel	Kennedy	Talcott
Davis	Kretschmar	Thoreson
Duis	LaMoure	Trimble
Duncan	Linde	Turner
Elken	Martin	Wallin
Ellingson	McDonald	

Messrs.—	Messrs.—	Messrs.—
Ruzicka	McDowell	Walton
Garden	McLean	Welo
Gibbens	Movius	Welch
Gilbert	Overson	Whitcher
Gronvold	Pierce	Williams
Gunderson	Putnam	Young

Messrs. Plain and Steele of Renville being absent and not voting.

So the bill passed and the title was agreed to.

Mr. Welch moved

That the vote by which Senate Bill No. 238 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Duncan moved

That the consideration of Senate Bill No. 150 be laid over one day.

Which motion prevailed.

Senate Bill No. 186.

A bill for an act to amend and re-enact Section 9371 of Revised Codes of the State of North Dakota for the year 1905, relating to the enforcement of the prohibition law by state's attorneys, providing for a special fund in each county for the fines and penalties and the payment of prosecution expenses.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 46 ayes, no nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Simpson
Baker	Johnson	Steel of Stutsman
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syvertson
Cashel	LaMoure	Talcott
Davis	Linde	Thoreson
Duis	Martin	Trimble
Duncan	McDonald	Turner
Elken	McDowell	Wallin
Ellingson	McLean	Walton
Ganssle	Movius	Welo
Garden	Overson	Welch
Gibbens	Pierce	Whitcher

Messrs.—	Messrs.—	Messrs.—
Gilbert	Putnam	Williams
Gronvold	Ruzicka	Young
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	Plain	Steele of Renville

So the bill passed and the title was agreed to.

Mr. Welch moved

That the vote by which Senate Bill No. 186 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Senate Bill No. 332.

A bill for an act to amend section 7530, Revised Codes of 1905, relating to adjustment of cross judgment in 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 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Simpson
Baker	Jacobsen	Steel of Stutsman
Bessessen	Johnson	Syvertson
Carter	Kennedy	Talcott
Cashel	Kretschmar	Thoreson
Davis	LaMoure	Trimble
Duis	Linde	Turner
Duncan	Martin	Wallin
Elken	McDonald	Walton
Ellingson	McDowell	Welo
Ganssle	McLean	Welch
Garden	Movius	Whitcher
Gibbens	Overson	Williams
Gilbert	Putnam	Young
Gronvold	Ruzicka	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	Plain	Stevens
Pierce	Steele of Renville	

So the bill passed and the title was agreed to.

Senate Bill No. 326.

A bill for an act to amend Section 1350, Revised Codes of 1905, relating to the laying out, altering or discontinuing roads.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 46 ayes, no nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Simpson
Baker	Johnson	Steel of Stutsman
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syvertson
Cashel	LaMoure	Talcott
Davis	Linde	Thoreson
Duis	Martin	Trimble
Duncan	McDonald	Turner
Elken	McDowell	Wallin
Ellingson	McLean	Walton
Ganssle	Movius	Welo
Garden	Overson	Welch
Gibbens	Pierce	Williams
Gilbert	Putnam	Whitcher
Gronvold	Ruzicka	Young
Gundersen		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	Plain	Steele of Renville

So the bill passed and the title was agreed to.

Senate Bill No. 340.

A bill for an act prohibiting the sale or purchase of political support or political editorials and prescribing a penalty therefor.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 37 ayes, 7 nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Syvertson
Baker	Gundersen	Talcott

Messrs.—	Messrs.—	Messrs.—
Bessesen	Kennedy	Thoreson
Carter	Kretschmar	Trimble
Cashel	Linde	Turner
Davis	Martin	Wallin
Duis	McDonald	Walton
Duncan	McLean	Welo
Elken	Overson	Welch
Ellingson	Putnam	Whitcher
Garden	Ruzicka	Williams
Gibbens	Simpson	Young
Gilbert		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Ganssle	LaMoure	Pierce
Jacobsen	Movius	Stevens
Johnson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	Plain	Steele of Renville
McDowell	Steel of Stutsman	

So the bill passed and the title was agreed to.

Senate Bill No. 339.

A bill for an act to prescribe legal rates for the publication of political announcements.

Was read the third time.

Mr. Stevens moved, as an amendment:

That the words "and must be paid for in advance" be added after the word "advertisement" in line 6.

Which motion was lost.

Mr. Pierce moved, as an amendment,

That the words "and person violating any provision of this act shall be deemed guilty of a misdemeanor" be added after the words "political advertisement."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill.

The roll was called and there were 41 ayes, 2 nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Putnam
Baker	Gunderson	Ruzicka
Bessesen	Hookway	Steel of Stutsman
Carter	Jacobsen	Syvertson
Cashel	Johnson	Talcott
Devis	Kennedy	Thoreson
Duis	Kretschmar	Trimble
Duncan	LaMoure	Turner
Elken	Linde	Wallin
Ellingson	Martin	Welo
Ganssle	McDonald	Welch
Garden	McLean	Whitcher
Gibbens	Overson	Young
Gilbert	Pierce	

Messrs. Movius and Stevens voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
McDowell	Simpson	Walton
Plain	Steele of Renville	Williams

So the bill passed and the title was agreed to.

Mr. Bessesen 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,

Senate Bill No. 338.

A bill for an act providing for the publication of the names of candidates before the primary.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 42 ayes, no nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Pierce
Baker	Hookway	Putnam
Bessesen	Jacobsen	Ruzicka
Carter	Johnson	Steel of Stutsman
Cashel	Kennedy	Stevens
Davis	Kretschmar	Syvertson
Duis	LaMoure	Talcott
Duncan	Linde	Thoreson
Elken	Martin	Turner
Ganssle	McDonald	Wallin

Messrs.—	Messrs.—	Messrs.—
Garden	McDowell	Welo
Gibbens	McLean	Welch
Gilbert	Movius	Whitcher
Gronvold	Overson	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ellingson	Steele of Renville	Walton
Plain	Trimble	Williams
Simpson		

So the bill passed and the title was agreed to.

Mr. Bessesen moved

That the vote by which Senate Bill No. 338 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Mr. Martin moved

That the vote by which Senate Bill No. 340 passed, be reconsidered, and the reconsideration be made a special order for 3 o'clock tomorrow.

Mr. Bessesen moved, as a substitute:

That the words "at 3 o'clock tomorrow," be stricken out, and in place thereof, "lay the same upon the table," be substituted.

Which motion was lost.

The question being on the original motion.

The motion prevailed.

Senate Bill No. 218.

A bill for an act to amend and re-enact Section 7047 of the Revised Codes of North Dakota for the year 1905, relating to references and trials by referees.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Putnam
Baker	Hookway	Ruzicka
Bessesen	Jacobsen	Simpson
Carter	Johnson	Stevens
Cashel	Kennedy	Syverson

Messrs.—	Messrs.—	Messrs.—
Davis	Kretschmar	Talcott
Duis	LaMoure	Thoreson
Duncan	Linde	Turner
Elken	Martin	Wallin
Ellingson	McDonald	Walton
Ganssle	McDowell	Welch
Garden	McLean	Welo
Gibbens	Movius	Whitcher
Gilbert	Overson	Young
Gronvold	Pierce	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Plain	Steele of Renville	Williams
Steel of Stutsman	Trimble	

So the bill passed and the title was agreed to.

Senate Bill No. 310.

A bill for an act to amend and re-enact Section 733 of the Revised Codes of 1905 relating to the registration of voters.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 38 ayes, 2 nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Ruzicka
Baker	Gunderson	Simpson
Bessesen	Hookway	Stevens
Carter	Johnson	Syvertson
Cashel	Kenneuy	Thoreson
Davis	Kretschmar	Turner
Duis	Martin	Wallin
Duncan	McDonald	Walton
Elken	McDowell	Welo
Ganssle	McLean	Welch
Garden	Movius	Whitcher
Gibbens	Oversor	Young
Gilbert	Putnam	

Messrs. LaMoure and Linde voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ellingson	Plain	Talcott
Jacobsen	Steel of Stutsman	Trimble
Pierce	Steele of Renville	Williams

So the bill passed and the title was agreed to.

Mr. Duncan moved

That Senate Bill No. 150 be re-referred to the committee.
Which motion prevailed.

Senate Bill No. 27.

A bill for an act making an appropriation for the normal school at Minot to meet the expenditure for the erection of buildings and permanent improvements necessary in connection therewith, and for furnishings, equipment and maintenance.

Was read the third time.

Mr. LaMoure offered the following amendment to Senate Bill No. 27:

Strike out all after the word "available" in the engrossed bill, and insert in lieu thereof the following: "The citizens of Minot shall donate a suitable location free from all incumbrances of not less than sixty acres in extent, which land shall be deeded to the state, the selection of said site and land to be determined by the Normal Board of Control."

Which motion prevailed, and
The amendment was adopted.

The question being on the final passage of the bill.

The roll was called and there were 39 ayes, no nays, 10 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Ruzicka
Baker	Johnson	Simpson
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syvertson
Cashel	LaMoure	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Turner
Elken	McDonald	Wallin
Ganssle	McDowell	Walton
Garden	McLean	Welo
Gibbens	Movius	Welch
Gilbert	Overson	Whitcher
Gunderson	Putnam	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Pierce	Steele of Renville
Ellingson	Plain	Trimble
Gronvold	Steel of Stutsman	Williams
Jacobsen		

So the bill passed and the title was agreed to.

The courtesies of the floor were extended to the following:

W. J. Robinson of Wahpeton and D. A. Dennie and Sam Clarke of Minot.

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

J. W. FOLEY,
Secretary.

FIFTY-FOURTH DAY.

—

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

February 25, 1911.

The senate convened at 2 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 25, 1911.

Mr. President:

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

CONCURRENT RESOLUTION.

Whereas, the present highway laws of this state are in a chaotic condition and should be compiled, and, whereas, the subject of good road

legislation is of paramount interest to the citizens of North Dakota;

Therefore, Be It Resolved by the House of Representatives of the Twelfth Legislative Assembly, the Senate Concurring:

There is hereby created a commission consisting of three members, to be known as the Commission on Highway Laws, of which the following state officers shall be ex-officio members: The Governor, Attorney General and State Engineer.

It shall be the duty of said commission to compile the present laws relating to highways and publish the same in pamphlet form, and to have not to exceed fifteen hundred copies printed and distributed among the highway officials of the state; the cost of printing the same to be paid out of the general printing fund, said expense not to exceed \$200; and,

Be It Further Resolved, That it shall be the duty of said commission to recommend to the Thirteenth Legislative Assembly such legislation as it shall deem necessary and proper.

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

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith the following concurrent resolution, which the House has amended to read as follows:

WHEREAS, A commission appointed by President Taft has negotiated with a like commission from Canada a treaty of reciprocity between the United States of North America and the Dominion of Canada; and

WHEREAS, It is the belief of this Legislative Assembly that the enactment of such reciprocity treaty into law would remove the tariff on all grain raised in Canada and permit the same to be imported into this country free of duty, which would work an irreparable injury to the state of North Dakota, and especially to the agricultural communities in said state, and would retard immigration and development in this state and have a tendency to reduce the values of land and real estate;

Therefore, Be it Resolved by the Senate of the Twelfth 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 use all honorable means within their power to prevent the passage of said reciprocity treaty and its enactment into law.

That copies of this resolution, duly signed by the respective officers of both Houses, be sent to the President of the United States and to each of said senators and representatives in Congress.

And concurred in as amended.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

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

WHEREAS, There is now pending before the United States Congress and before the Canadian Parliament a measure relating to the free exchange of farm products between this nation and Canada, showing conclusively that the two countries have interests in common; and

WHEREAS, We believe that the people of the two nations can best be served under one and the same government; and

WHEREAS, A large portion Western Canada is now populated with former citizens of the United States; and

WHEREAS, We believe a proposition of annexation will be looked upon with favor by the people of the western provinces;

Therefore, Be it Resolved by the House of Representatives, the Senate Concurring:

That we instruct our representatives in Congress to use their utmost influence to bring about a peaceable annexation treaty by which Canada can become a part of the United States and enjoy all the rights and benefits of a protective tariff on all farm products.

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

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

Also,

Mr. President:

I have the honor to transmit herewith

House Bill No. 136.

A bill for an act declaring to be common nuisances bawdy houses, houses of ill fame, of assignation, of prostitution, or any other house, room or place for persons to visit for unlawful sexual intercourse or for any other lewd, obscene, indecent or disorderly purpose; and prescribing remedies and penalties for the prevention of the same.

Also,

House Bill No. 279.

A bill for an act to make it a felony, and providing a penalty for a guardian, county commissioner, or official or employe in a penal, correctional or eleemosynary institution, to induce a female ward, or pauper under his care,

or an inmate of such institution, to have illicit sexual intercourse with him by threatening to withhold the necessities of life, or threatening physical violence.

Also,

House Bill No. 315.

A bill for an act relating to the duties of local boards of health, and sanitary regulations of school houses churches and public halls.

Also

House Bill No. 316.

A bill for an act entitled, an act to prevent procreation of confirmed criminals, idiots, imbeciles and repists; providing that superintendents and boards of managers of institutions where such persons are confined, shall have the authority and are empowered to appoint a committee of experts, consisting of two physicians, to examine into the mental condition of such inmates.

Also,

House Bill No. 274.

A bill for an act to run a survey or surveys from the Mouse river to Devils lake for the purpose of determining the feasibility of draining the surplus flood waters of the Mouse river into Devils lake; and making an appropriation therefor.

Also

House Bill No. 349.

A bill for an act to provide for the collection of delinquent personal property taxes, and for reducing the same to judgment.

Also,

House Bill No. 350.

A bill for an act to amend Section 1554 of the Revised Codes of North Dakota of 1905, as amended by Chapter 197 of the Laws of 1909, relating to delinquent personal property taxes and the collection of taxes.

Also,

House Bill No. 354.

A bill for an act to amend section 2607 of the Revised Codes of North Dakota, 1905, relating to coroner fees.

Also,

House Bill No. 362.

A concurrent resolution, for an amendment to the Constitution of the state of North Dakota, relating to the compensation for services of legislative members.

Also

House Bill No. 373.

A bill for an act prohibiting prize fighting, boxing and sparring exhibitions, repealing Section 9089 of the Revised Codes of 1905, and providing penalty for the violation of this act.

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

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Talcott moved

That the House resolution regarding annexation with Canada be referred to the committee on state affairs.

Which motion prevailed.

Mr. Talcott moved

That the two other resolutions from the House be also referred to the committee on state affairs.

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 of the 52nd day, have carefully examined the same and recommend that the same be corrected as follows:

Page 4, line 2 from the bottom, insert the words "Mr. President."

Line 4, page 15, change "House Bill No. 326" to "Senate Bill No. 326."

Also strike out title following and insert in lieu thereof the title of Senate Bill No. 326.

Page 55, in the list of those voting in the affirmative on Senate Bill No. 164, strike out the name "Turner." Insert same name in the list of those voting in the negative on same bill.

Page 58, line 6, after the word "amended" insert the words "to read."

Page 59, line 15 from the bottom, change word "return" to "transmit."

"Mr. Price" in line 8, page 61, be changed to "Mr. Pierce."

Page 71, line 18 from the bottom, change "21" to "22" and "7" to "6." In the list of those voting in the affirmative following insert the name "Duis." Also strike "Duis" out of the list of those absent and not voting on the same bill, at top of page 72.

Page 74, between lines 17 and 18, insert the following sentence: "And referred to the committee on ways and means."

Insert at the bottom of page 79 the second list of votes printed on page 80.

Insert first list of votes on page 80 at the bottom of page 80.

Page 84, in the list of those who voted in the affirmative on House Bill No. 334, strike out the name "Duncan" and insert the name "Duis."

Strike out, on page 84, the sentence "Those who voted in the negative were:" and insert in lieu thereof "Those absent and not voting were:" In the list of votes under this strike out the name "Duis" and insert the name "Duncan."

And when so amended recommend that the same be approved.

J. E. STEVENS,
Chairman.

Mr. Stevens moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also,

Mr. President:

Your committee on revision and correction of the Journal of the 53rd day, have carefully examined the same and recommend that the same be corrected as follows:

Page 2, line 9 from the bottom, change word "Senate" to "House."

Page 8, insert title under the words "Senate Bill No. 369."

Page 9, strike out lines 19 and 20 and insert in lieu thereof the following: "In line 7, page 11, strike out the word 'twelve' and insert in lieu thereof 'eighteen.'"

Page 17, line 4, between the words "which" and "sites" insert the word "such."

At bottom of page 17, strike out the title printed under the words "Senate Bill No. 177" and insert in lieu thereof the title to Senate Bill No. 177.

Page 19, line 10 from bottom, change the word "referred" to "re-referred."

Page 30, line 11, after the word "same" insert the following: "be re-referred to the committee on appropriations."

Page 31, line 18 from the bottom, change figures "8358" to "9358."

Page 37, line 14, "43" be changed to "42" and "6" to "7."
 Page 51, lines 13 and 14 be stricken out.

And when so amended recommend that the same be approved.

J. E. STEVENS,
 Chairman.

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

REPORTS OF STANDING COMMITTEES.

The committee on Elections and Privileges made the following report,

Mr. President:

Your committee on Elections and Privileges to whom was referred

House Bill No. 291.

A bill for an act to amend Section 687 of the Revised Codes of 1905, as amended by Chapter 93 of the Session Laws of 1909, relating to compensation of election officers.

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

In line 3 of chapter 93, engrossed bill, change the word "four" to "three" and "\$4.00" to "\$3.00."

In line 9 of chapter 93, engrossed bill, after the word "or" insert the word "major."

In line 11, chapter 93, engrossed bill, change word "six" to "five" and change "\$6.00" to "\$5.00."

And when so amended recommend the same do pass.

H. J. BESSESEN,
 Chairman.

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

The committee on temperance made the following report:

Mr. President:

Your committee on temperance to whom was referred
Senate Bill No. 241.

A bill for an act entitled, an act to prevent drinking or offering to others to drink as a beverage, any intoxicating liquors upon passenger trains in the state of North Dakota.

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

E. L. GARDEN,
Chairman.

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

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred
House Bill No. 245.

A bill for an act specifying that certain county offices shall be kept open for business during business hours of business days.

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

ALFRED STEEL,
Chairman.

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

Also

Mr. President:

Your committee on ways and means to whom was referred
Senate Bill No. 324.

A bill for an act providing for a bailiff of the supreme court.

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

ALFRED STEEL,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 323.

A bill for an act to amend Sections 1295, 1297 and 1298 of the Revised Codes of North Dakota of 1905, and Section 1296 of the Revised Codes of 1905 as amended by the legislative assembly of 1909, being Chapter 13 of the Revised Codes of 1905, entitled state library.

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

J. LAMOURE,
Chairman.

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

Also

Mr. President:

Your committee on appropriations to whom was re-referred

Senate Bill No. 161.

A bill for an act to provide an appropriation for the current and contingent expenses and for the permanent improvements of the State School of Science at Wahpeton.

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

That lines 6 to 17 inclusive of the printed bill be stricken out and the following inserted in lieu thereof: "the sum of thirty-one thousand two

hundred and fifty dollars, or as much thereof as may be necessary, as follows:

For cement walks	\$ 1,800
For grading and improving grounds	1,000
For deficit in cost of girls' dormitory, chemical building and heating plant, which was temporarily transferred from maintenance fund	4,950
For repairs on main building	3,500
For combined assembly hall and gymnasium.....	20,000
Total	<u>\$31,250</u>

And when so amended recommend the same do pass.

J. LAMOURE,
Chairman

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

Also,

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 29.

A bill for an act to amend sections 240 and 241 of the Revised Codes of 1905, and section 242 of the same code as amended by Chapter 132, laws of 1907, relating to the State Historical society of North Dakota, and making it an appropriation.

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

J. LAMOURE,
Chairman.

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

Also,

Mr. President:

Your committee on appropriations to whom was referred

Senate Bill No. 347.

A bill for an act making an appropriation for the enforcement of the feeding stuffs, fertilizer, beverage and sanitary inspection laws, and for the making of such investigations as are deemed necessary for the purpose of gaining information, under the laws mentioned, and for the dissemination of information.

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

In line 3 of the printed bill, strike out the words and figures "thirteen thousand dollars (\$13,000)" and insert in lieu thereof the words "twelve thousand dollars."

And when so amended recommend the same do pass.

J. LAMOURE,
Chairman.

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

The committee on highways, bridges and ferries made the following report:

Mr. President:

Your committee on highways, bridges and ferries to whom was referred

House Bill No. 269.

A bill for an act entitled, an act to amend and re-enact Sections 1352 and 1353 of Chapter 19 of the Revised Codes of North Dakota for the year 1905, relating to altering, discontinuing and laying out public roads and defining what shall be deemed sufficient notices to all parties concerned.

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

In line 18, page 2 of the printed bill, after the word "where" insert the words "at least." In line 25, page 2 of the printed bill, after the word "section" insert the following: "except that notices must be served personally or left at the abode of such occupants as may have failed to sign the original petition and whose land borders on such proposed road or highway."

In line 5 of page 3 of the printed bill, after the word "that" insert the words "at least."

In line 7, page 3 of the printed bill, after the word "petition" insert the following: "and notice served personally or left at the abode of those who may have failed to sign original petition."

And when so amended recommend the same do pass.

T. WELO,
Chairman.

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

The committee on ware houses and grain grading made the following report:

Mr. President:

Your committee on ware houses and grain grading to whom was referred

Senate Bill No. 316.

A bill for an act to amend Section 2272, Revised Codes of 1905, relating to storage companies.

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

Section 1 of line 6 of printed bill, after the word "transportation" insert the word "company."

And when so amended recommend the same do pass.

OLE SYVERTSON,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 335.

A bill for an act to amend and re-enact Section 9557 of the Revised Codes of the state of North Dakota for 1905.

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 report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 356.

A bill for an act to amend Article 3 of Chapter 75 of the Civil Code of North Dakota, being Section 6186 of the Revised Codes of North Dakota of 1905.

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 336.

A bill for an act to amend and re-enact Section 6187 of the Revised Codes of North Dakota, for 1905.

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 342.

A bill for an act to amend Section 8089 of the Revised Codes of the state of North Dakota for 1905, relating to exempt personal property and the disposition thereof.

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

In line 6 of printed bill, after the word "children" strike out balance of that line. In line 7, strike out all of that line and the first three words of line 8. In line 9, before the word "property" insert the word "personal." In line 10, strike out the words "five hundred" and insert in lieu thereof the words "one thousand."

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 337.

A bill for an act prohibiting trespass on the lands or tenements of another, providing the punishment 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 report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 327.

A bill for an act amending section 7176 of the Revised Codes of 1905 as amended and re-enacted by chapter 177 of the Laws of 1907, pertaining to authority of attorney in foreclosure.

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 report was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

Senate Bill No. 359.

A bill for an act to amend Sections 2595 and 2596 of the Revised Codes of North Dakota.

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

J. E. DAVIS,
Chairman.

Mr. Davis moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

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. 352.

A bill for an act entitled, an act to amend Section 2389
of the Revised Codes of 1905, relating to county commis-
sioners.

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

In line 7 of the printed bill, strike out the words "vote cast at the
last preceding general election" and insert "latest state or federal census."

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

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

Also

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 348.

A bill for an act providing for the payment of fees col-
lected by the North Dakota government agricultural ex-
periment station into the state treasury.

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

J. E. DAVIS,
Chairman.

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

Also

Mr. President:

Your committee on state affairs to whom was referred

Senate Bill No. 358.

A bill for an act to amend Section 6188 of the Revised Codes of North Dakota, for the year 1905, relating to duties of registers of deeds.

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

J. E. DAVIS,
Chairman.

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

Also

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 345.

A bill for an act amending Section 9646 of the Revised Codes of North Dakota for 1905, and providing for removal of public officers by summary judicial proceedings.

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

J. E. DAVIS,
Chairman.

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

Also

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 177.

A bill for an act to create a board of immigration and prescribing its powers and duties.

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

After the word "duties" in the title insert "and repealing sections 131 and 132 of the Revised Codes of the state of North Dakota for the year 1905."

In line 2, section 2 of the printed bill, strike out the words "lieutenant governor" and insert in lieu thereof the words "state treasurer."

In line 16, section 3 of the printed bill, after the word "state" insert "and for that purpose the said board shall have full power and authority to use all statistical data and such other information in the office of the Commissioner of Agriculture and Labor, which it may deem necessary in carrying out the provisions of this act."

In line 1, section 10 of the printed bill, strike out all after the words "Sec. 10" and insert in lieu thereof the following: "That sections 131 and 132 of the Revised Codes of North Dakota for the year 1905 are hereby repealed."

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

J. E. DAVIS,
Chairman.

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

Mr. Martin moved

That the bill be re-referred to the committee on immigration.

Which motion was lost.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 196.

A bill for an act to amend Section 2972 of the Political Code of the Revised Codes of North Dakota of 1905.

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

J. E. DAVIS,
Chairman.

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

Also,

Mr. President:

Your committee on state affairs to whom was referred

House Bill No. 209.

A bill for an act to amend Chapter 70, Laws of 1909, relating to the investment of county sinking funds.

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

J. E. DAVIS,
Chairman.

Mr. Davis moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also

Mr. President:

Your committee on state affairs to whom was referred

House Bill No. 332.

A bill for an act prohibiting the placing of screens or other obstructions across the windows and doors of pool halls and providing a penalty therefor.

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

J. E. DAVIS,
Chairman.

Mr. Davis moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also

Mr. President:

Your committee on state affairs to whom was re-referred

A concurrent resolution providing for a committee to investigate the records and business methods of the board of university and school lands.

Have had the same under consideration and recommend that the Senate do concur in the House amendments thereto. thereto.

J. E. DAVIS,
Chairman.

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

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 109.

A bill for an act making appropriation for the Mayville State Normal school, located at Mayville, North Dakota, for hospital, green house, fuel bin, library, museum, boiler, grounds, lecture course, manual training and domestic science and improvements on ventilating system, and for reimbursement of money transferred from local and interest and income funds.

Also

Senate Bill No. 134.

A bill for an act making an appropriation for the Williston Experimental station, located at the city of Williston, Williams county.

Also

Senate Bill No. 137.

A bill for an act making an appropriation to compensate F. C. Heffron for services as assistant attorney general, especially authorized to enforce the prohibitory law of this state.

Also

Senate Bill No. 139.

A bill for an act to provide for the maintenance of the State Normal Industrial school located at Ellendale, and for necessary improvements, and providing appropriations therefor.

Also

Senate Bill No. 141.

A bill for an act appropriating money for the erection of a seed house and soil testing room, hog and chicken house and the purchase of brood mares, gasoline engine and other needed repairs at the Langdon sub-experiment station.

Also

Senate Bill No. 202.

A bill for an act making it the duty of the commissioner of agriculture and labor to furnish certain information, and making an appropriation for the payment of the expenses connected therewith.

Also

Senate Bill No. 259.

A bill for an act making an appropriation to compensate P. G. Johnson for services as assistant attorney general, especially authorized to enforce the prohibitory law of this state.

Also

Senate Bill No. 268.

A bill for an act to amend Section 28 of Chapter 92, of the Session Laws of North Dakota for 1909.

Also

Senate Bill No. 274.

A bill for an act making an appropriation for the Dickinson experiment station located in the city of Dickinson.

Also

Senate Bill No. 287.

A bill for an act prescribing the duties of the county auditor upon receipt of tax levies certified to him.

Also

Senate Bill No. 298.

A bill for an act prescribing the amount of bonds which shall be furnished by the deputy state treasurer and the deputy state auditor for the faithful performance of their duties; appropriating funds with which to pay the perm-

ium of such bonds, and limiting the salary of the deputy state treasurer and deputy state auditor.

Also

Senate Bill No. 301.

A bill for an act to amend and re-enact Section 237 of the Revised Codes of the state of North Dakota for the year 1905.

Also

Senate Bill No. 304.

A bill for an act requiring a more thorough and comprehensive system of instruction in all common and high schools of this state, and providing a penalty for the violation thereof.

Also,

Senate Bill No. 305.

A bill for an act to amend and re-enact Section 9363 of the Revised Codes of 1905 as amended by Chapter 183 of the Session Laws of 1909, relating to fees of clerk of a court.

Also,

Senate Bill No. 308.

A bill for an act to amend Section 474 of the Revised Codes of North Dakota of 1905, relating to the boundaries and terms of court in the Sixth judicial district.

Also

Senate Bill No. 309.

A bill for an act to provide for the purchase of the paintings of "Mink Woman," "Bear's Necklace" and "Bad Brave."

Also,

Senate Bill No. 313.

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. 315.

A bill for an act to amend Section 5642 of the Revised Codes of the state of North Dakota for the year 1905, providing for the termination of liability of common carriers.

Also

Senate Bill No. 318.

A bill for an act to amend and re-enact Section 738 of the Revised Codes of 1905, relating to votes cast by persons not registered.

Also,

Senate Bill No. 323.

A bill for an act to amend Sections 1295, 1297 and 1298 of the Revised Codes of North Dakota of 1905, and Section 1296 of the Revised Codes of 1905 as amended by the legislative assembly of 1909, being Chapter 13 of the Revised Codes of 1905, entitled state library.

Also,

Senate Bill No. 369.

(Title.)

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

The majority and minority reports on

Senate Bill No. 306.

A bill for an act amending Section 9358 of the Revised Codes of 1905, as amended and re-enacted by Section 5 of Chapter 183 of the Laws of 1909, regulating the sale of intoxicating liquors by druggists who are registered pharmacists, and to provide a method of such sales in cases of emergency.

Were laid before the Senate.

Mr. Garden moved

That the majority report be adopted.

Mr. Carter moved
That the original question be put.
Which motion prevailed.

Roll call demanded.

The question being on the adoption of the majority report.

The roll was called and there were 27 ayes, 19 nays. 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Putnam
Baker	Jacobsen	Ruzicka
Carter	Johnson	Steel of Stutsman
Cashel	Martin	Stevens
Davis	McDonald	Syvertson
Duis	McDowell	Thoreson
Ellingson	McLean	Turner
Ganssle	Overson	Walton
Garden	Plain	Welch

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Kretschmar	Trimble
Elken	LaMour	Wallin
Gibbens	Linde	Welo
Gilbert	Pierce	Whitcher
Gronvold	Steele of Renville	Williams
Gunderson	Talcott	Young
Kennedy		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duncan	Movius	Simpson

So the majority report was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Martin moved

That the vote by which the report on Senate Bill No. 177 was adopted, be reconsidered, and the report be re-referred to the committee on immigration.

Which motion was lost.

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 and re-enact Section 1576 of the Revised Codes of North Dakota of 1905, relating to the sale of real property for delinquent taxes and reducing the rate of interest on the purchase price of the lands so sold for delinquent taxes.

Also,

Senate Bill No. 87.

A bill for an act to amend Section 2767 of the Revised Codes of North Dakota for 1905, relating to the letting of contracts for sidewalks in cities.

Also,

Senate Bill No. 135.

A concurrent resolution amending the Constitution of the State of North Dakota, empowering the legislative assembly to provide by law for erection, leasing, purchasing and operating terminal elevators in the states of Minnesota and Wisconsin, or either.

Also,

Senate Bill No. 169.

A bill for an act indemnifying owners for horses killed or destroyed according to law for being affected with the disease known as glanders.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The Secretary announced that the President was about to sign

Senate Bill No. 50.

A bill for an act to amend and re-enact Section 1576 of the Revised Codes of North Dakota of 1905, relating to the

sale of real property for delinquent taxes and reducing the rate of interest on the purchase price of the lands so sold for delinquent taxes.

Also,

Senate Bill No. 87.

A bill for an act to amend Section 2767 of the Revised Codes of North Dakota for 1905, relating to the letting of contracts for sidewalks in cities.

Also,

Senate Bill No. 135.

A concurrent resolution amending the Constitution of the State of North Dakota, empowering the legislative assembly to provide by law for erection, leasing, purchasing and operating terminal elevators in the states of Minnesota and Wisconsin, or either.

Also,

Senate Bill No. 169.

A bill for an act indemnifying owners for horses killed or destroyed according to law for being affected with the disease known as glanders.

And the President signed the same in the presence of the Senate.

Messrs. McDowell, Steel and Kennedy introduced the following resolution:

WHEREAS, It has been made to appear to the members of the Senate of the Twelfth Legislative Assembly of the state of North Dakota that the railway mail service, and particularly that portion upon which the people of the state of North Dakota depend, has been for some months more or less demoralized, and its condition steadily becoming worse; and

WHEREAS, Representations entitled to faith and credit have been made to this body and the members thereof showing:

1. Inadequate force of clerks to handle the mail, and no provision for the natural increase by reason of development.
2. Overwork of the men employed, resulting in over exertion, exhaustion and general diminution of power to properly attend to duty.
3. Long hours on the road and insufficient time for study.
4. Dissatisfaction, because of overwork, underpay and inadequate allowance for expenses when absent from home on business; and

WHEREAS, This body, while unable to examine into the facts or grant relief should that be required, yet feels that not only the interest of the mail clerks but the interests of the public demands immediate action.

NOW, THEREFORE, We most earnestly urge upon the senators and representatives in Congress from the state of North Dakota, that they and each of them give the matter personal and careful attention and earnest work, to the end that any and all differences existing between the department and the railway mail clerks may be adjusted and the public receive proper service.

Mr. McDowell moved
That the resolution be adopted.

Mr. Welo moved
That the resolution be referred to the committee on state affairs.

Which motion prevailed.

The Secretary announced that the President was about to sign

House Bill No. 120.

A bill for an act requiring railroad companies to stop all regular passenger trains at county seats.

Also

House Bill No. 64.

A bill for an act to amend Section 1380 of the Session Laws of 1907, relating to location and building of bridges.

Also

House Bill No. 153.

A bill for an act to amend and re-enact Section 1597 of Chapter 219, Laws of 1907, relative to duty of county auditor, and requirements of tax deeds.

Also

House Bill No. 36.

A bill for an act to amend Section 4305 of the 1905 Revised Codes of North Dakota, relating to the maintenance of station houses.

Also

House Bill No. 100.

A bill for an act to regulate the practice of medicine and surgery in the State of North Dakota.

Also

House Bill No. 79.

A bill for an act to amend and re-enact Chapter 217 of the Laws of 1909, being an act to provide for a greater publicity of the finances of the state.

Also,

House Bill No. 134.

A bill for an act to amend Sections 4324 and 4343 of the Revised Codes of 1905, relative to the powers and duties of the board of railroad commissioners.

Also

House Bill No. 133.

A bill for an act to amend Section 2763 of the Revised Codes of the State of North Dakota for the year 1905, providing for the vacation of streets and alleys, establishing the procedure and providing for an appeal.

And the President signed the same in the presence of the Senate.

FIRST READING OF SENATE BILLS.

The committee on judiciary introduced
Senate Bill No. 370.

(Title)

Which was read the first time.

Mr. Martin introduced

Senate Bill No. 371.

A bill for an act making disposition of certain moneys now in the hands of the treasurer of the state of North Dakota, or that may hereafter come into his hands by reason of the act of congress approved May 23, 1908, making an appropriation for the national forest reserve, located in the county of Billings, state of North Dakota.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 370.

(Title)

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

Senate Bill No. 371.

A bill for an act making disposition of certain moneys now in the hands of the treasurer of the state of North Dakota, or that may hereafter come into his hands by reason of the act of congress approved May 23, 1908, making an appropriation for the national forest reserve, located in the county of Billings, state of North Dakota.

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

Mr. Davis moved

That the Senate do now go into executive session.
Which motion prevailed, and

The Senate went into executive session.

OPEN SESSION.

In open session confirmation was made of the following executive appointments:

Herman Landblom, Richard McCarten and H. H. Perry, for appointment as members of the board of trustees of the industrial school at Ellendale.

W. F. Stege, as a member of the board of trustees of the North Dakota hospital for the insane, for the unexpired term of Hon. John B. Fried, resigned.

Mr. Hookway moved

That Senate Bill No. 370 be referred to the committee without printing.

Which motion prevailed.

Senate Bill No. 296.

A bill for an act authorizing cities incorporated under the laws of this state to regulate and fix the rate 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. Pierce moved

That Senate Bill No. 296 be amended as follows:

By adding at the end of section 1 the following, viz.: "provided further, that the provisions of this act shall not apply to any person furnishing any public service or utility, the rates or charges for which may now or hereafter be placed under the control of the Board of Railroad Commissioners."

Also by striking out the words "except common carriers," which were inserted in line 8 of the printed bill by the committee on municipalities.

Which motion prevailed, and
The amendments were adopted.

The question being on the final passage of the bill.

The roll was called and there were 42 ayes, 1 nay, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Steele of Stutsman
Baker	Kennedy	Steele of Renville
Bessesen	Kretschmar	Stevens
Carter	LaMoure	Syverson
Cashel	Martin	Talcott
Davis	McDonald	Thoreson
Duis	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Overson	Walton
Gibbens	Pierce	Welo
Gilbert	Plain	Welch
Gronvold	Putnam	Whitcher
Gunderson	Ruzicka	Williams
Jacobsen	Simpson	Young

Mr. Trimble voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duncan	Garden	Linde
Elken	Hookwa-	Movius

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.

Mr. Kretchmar moved

That Senate Bill No. 44 be now placed upon its third reading and final passage.

Which motion prevailed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

GOVERNOR'S OFFICE,

BISMARCK, NORTH DAKOTA,

February 24, 1911.

To the Senate:

I have the honor to inform you that I have this day approved and filed with the Secretary of State:

Senate Bill No. 154.

A bill for an act authorizing and directing the secretary of the State of North Dakota to loan the plates of the North Dakota supreme court reports covering volumes one to nineteen inclusive, and for prescribing the manner and conditions on which the said loan is to be made.

Also,

Senate Bill No. 176.

A bill for an act providing for the appointment of county superintendents of highways and deputy superintendents in organized counties, who shall have charge and supervision of the construction, improvement and maintenance of roads within said counties, providing for road institutes, prescribing the duties of the state engineer in connection therewith.

Very respectfully,

JOHN BURKE,
Governor

Mr. Welch moved
That Senate Bill No. 44 be indefinitely postponed.
Which motion was lost.

Senate Bill No. 44.

A bill for an act to amend Section 6237 of the Revised Codes, as amended by Chapter 158 of the Session Laws of 1909, relating to mechanic's liens.

Was read the third time.

Mr. Allen moved
That the bill be amended by striking out all after line 55.
Which motion was lost.

Mr. Jacobsen moved
That the bill be amended by inserting in line 56, after the word "attach," the words, "that no lien shall attach for lumber."

Which motion was lost.

Mr. Bessesen moved
That the previous question be put.
Which motion prevailed.

The question being on the final passage of the bill.

The roll was called and there were 28 ayes, 15 nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Kretschmar	Ruzicka
Carter	LaMoure	Simpson
Cashel	Martin	Steel of Stutsman
Elken	McDonald	Steele of Renville
Ganssle	McDowell	Syverson
Gilbert	McLean	Talcott
Gunderson	Overson	Trimble
Jacobsen	Pierce	Walton
Johnson	Plain	Young
Kennedy		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Turner
Baker	Linde	Wallin
Duncan	Putnam	Welch
Garden	Stevens	Whitche
Gibbens	Thoreson	Williams

Absent and not voting:

Messrs.—

Davis

Duis

Messrs.—

Ellingson

Hookway

Messrs.—

Movius

Welo

So the bill passed and the title was agreed to.

Mr. Bessesen moved

That the vote by which Senate Bill No. 44 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Elken explained his vote by stating:

I vote "aye" because Senate Bill No. 67 was killed in the House, and as long as we could not get the lien law repealed, I want to get as much of it repealed as I can.

Senate Bill No. 298.

A bill for an act prescribing the amount of bonds which shall be furnished by the deputy state treasurer and the deputy state auditor for the faithful performance of their duties; appropriating funds with which to pay the premium of such bonds, and limiting the salary of the deputy state treasurer and deputy state auditor.

Was read the third time.

Mr. Gilbert moved

That the bill be amended as follows:

Amend title by adding after the word "auditor" the following: "deputy land commissioner, deputy commissioner of agriculture and labor, deputy insurance commissioner, deputy secretary of state, deputy superintendent of public instruction."

Amend section 1 by adding after the word "auditor" as it first appears the following: "deputy land commissioner, deputy commissioner of agriculture and labor, deputy insurance commissioner, deputy secretary of state and deputy superintendent of public instruction."

After the word "auditor" as it next appears add the following: "deputy land commissioner, deputy commissioner of agriculture and labor, deputy insurance commissioner, deputy secretary of state, and deputy superintendent of public instruction."

And that the words "twenty four" be stricken out and "two thousand" inserted in lieu thereof.

Mr. Jacobsen moved

As an amendment to the amendment:

That the deputy auditor shall receive an annual salary of \$2,400 and the other deputies \$2,000.

Which motion was lost.

The question being on the original motion.

The motion was lost.

The question being on the final passage of the bill.

The roll was called and there were 40 ays, 4 nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Simpson
Baker	Kennedy	Steel of Stutsman
Carter	Kretschmar	Steele of Renville
Cashel	LaMoure	Stevens
Davis	Linde	Syverson
Duis	Martin	Talcott
Ellen	McDonall	Trimble
Ellingson	McDowell	Turner
Ganssle	McLean	Wallin
Garden	Overson	Walton
Gibbens	Plain	Welch
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Jacobsen		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Gilbert	Whitchev
Duncan		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	Pierce	Welo
Movius	Thoreson	

So the bill passed and the title was agreed to.

Senate Bill No. 139.

A bill for an act to provide for the maintenance of the State Normal Industrial school located at Ellendale, and for 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 40 ayes, no nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Putnam
Baker	Gunderson	Ruzicka

Messrs.—	Messrs.—	Messrs.—
Bessesen	Jacobsen	Simpson
Carter	Johnson	Stevens
Cashel	Kennedy	Syverson
Davis	Kretschmar	Talcott
Duis	LaMoure	Turner
Duncan	Linde	Wallin
Elken	McDonald	Walton
Ellingson	McDowell	Welch
Ganssle	McLean	Whitcher
Garden	Overson	Williams
Gibbens	Plain	Young
Gilbert		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	Pierce	Thoreson
Martin	Steel of Stutsman	Trimble
Movius	Steele of Renville	Welo

So the bill passed and the title was agreed to.

Senate Bill No. 268.

A bill for an act to amend Section 28 of Chapter 92, of the Session Laws of North Dakota for 1909.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 36 ayes, no nays, 13 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gilbert	Simpson
Baker	Gronvold	Steel of Stutsman
Bessesen	Gunderson	Steele of Renville
Carter	Johnson	Stevens
Cashel	Kennedy	Syverson
Davis	Linde	Talcott
Duis	McDowell	Turner
Duncan	McLean	Wallin
Elken	Overson	Walton
Ellingson	Plain	Welch
Ganssle	Putnam	Whitcher
Garden	Ruzicka	Williams

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gibbens	Martin	Thoreson
Hookway	McDonald	Trimble
Jacobsen	Movius	Welo
Kretschmar	Pierce	Young
LaMoure		

So the bill passed and the title was agreed to.
Mr. Steele in the chair.

SPECIAL ORDER.

Senate Bill No. 340.

A bill for an act prohibiting the sale or purchase of political support or political editorials and prescribing a penalty therefor.

Was laid before the Senate.

Mr. Martin moved

That the motion to reconsider Senate Bill No. 340 be laid upon the table.

Which motion was lost.

Mr. Talcott moved

That the bill be indefinitely postponed.

Mr. Ganssle moved

That previous question be put.

Which motion prevailed.

The question being on the original motion.

Roll call demanded.

The question being on the motion to indefinitely postpone.

The roll was called and there were 14 ayes, 29 nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Davis	Gunderson	McLean
Duis	Jacobsen	Steele of Renville
Elken	Johnson	Stevens
Ganssle	Linde	Talcott
Gilbert	McDowell	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Kennedy	Trimble
Baker	Martin	Turner
Bessesen	Overson	Wallin
Carter	Plain	Walton
Cashel	Putnam	Welo
Duncan	Ruzicka	Welch

Messrs.—	Messrs.—	Messrs.—
Ellingson	Simpson	Whitcher
Garden	Steel of Stutsman	Williams
Gibbens	Syverson	Young
Gronvold	Thoreson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	LaMoure	Movius
Kretschmar	McDonald	Pierce

So the motion was lost.

The President in the chair.

The question being on the final passage of the bill.

Mr. Bessesen moved, as an amendment:

That the word "which" in line 2 be changed to "who," "its" to "the," and after the word "space" the words "of such paper" be added.

Which motion prevailed and
The amendment was adopted.

The question being on the final passage of the bill.

The roll was called and there were 26 ayes, 16 nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Thoreson
Baker	Kennedy	Trimble
Bessesen	Martin	Wallin
Carter	Overson	Walton
Cashel	Plain	Welo
Duncan	Putnam	Whitcher
Ellingson	Ruzicka	Williams
Garden	Simpson	Young
Gibbens	Syverson	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Davis	Johnson	Steel of Stutsman
Elken	Linde	Steele of Renville
Ganssle	McDonald	Stevens
Gilbert	McDowell	Talcott
Gunderson	McLean	Welch
Jacobsen		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duis	LaMoure	Pierce
Hookway	Movius	Turner
Kretschmar		

So the bill passed and the title was agreed to.

Mr. Bessesen moved

That the vote by which Senate Bill No. 340 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion was lost.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 32.

A bill for an act to provide for the completion of a school building and making necessary improvements at the school for the deaf and dumb, at Devils Lake, North Dakota, and making an appropriation therefor.

Also

Senate Bill No. 211.

Substitute for Senate Bill No. 211.

A bill for an act to amend Sections 1, 3, 5, 8 and 13 of Chapter 161 of the Session Laws of 1909, entitled, an act to regulate the public service of stallions in North Dakota and providing a penalty for violation thereof.

Also,

Senate Bill No. 328.

A bill for an act to create a commission to investigate and report to the legislature of this state, on the first day of the legislative session of 1913, a bill to fairly compensate employes for injuries received in the course of employment and defining the duties of said commission, and making appropriation therefor.

And find same correctly engrossed.

C. W. PLAIN,
Chairman.

Also,

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 98.

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.

Also,

Senate Bill No. 197. *

A bill for an act to amend Article 2, Chapter 10 of the Session Laws of 1909, relating to normal schools.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

Senate Bill No. 315.

A bill for an act to amend Section 5642 of the Revised Codes of the state of North Dakota for the year 1905, providing for the termination of liability of common carriers.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Simpson
Baker	Jacobsen	Steele of Renville
Bessesen	Johnson	Syverson
Carter	Kennedy	Talcott
Cashel	Kretschmar	Thoreson
Davis	Linde	Trimble
Duis	Martin	Turner
Duncan	McDonald	Wallin
Elken	McDowell	Walton
Ellingson	McLean	Welo
Ganssle	Overson	Welch
Garden	Plain	Whitcher
Gibbens	Putnam	Williams
Gilbert	Ruzicka	Young
Gronvold		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	Movius	Steel of Stutsman
LaMoure	Pierce	Stevens

So the bill passed and the title was agreed to.

Senate Bill No. 305.

A bill for an act to amend and re-enact Section 9363 of the Revised Codes of 1905 as amended by Chapter 183 of the Session Laws of 1909, relating to fees of clerk of a court.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 40 ayes, no nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steel of Stutsman
Baker	Jacobsen	Steele of Renville
Bersesen	Johnson	Syverson
Carter	Kennedy	Talcott
Cashel	Kretschmar	Thoreson
Davis	Linde	Turner
Duis	Martin	Wallin
Duncan	McDonald	Walton
Ellingson	McDowell	Welo
Ganssle	McLean	Welch
Garden	Overson	Whitcher
Gibbens	Plain	Williams
Gilbert	Ruzicka	Young
Gronvold		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Elken	Movius	Simpson
Hookway	Pierce	Stevens
LaMoure	Putnam	Trimble

So the bill passed and the title was agreed to.

Senate Bill No. 313.

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 30 ayes, 6 nays, 13 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	McLean
Baker	Gunderson	Ruzicka
Carter	Jacobsen	Stevens
Cashel	Johnson	Syvertson
Davis	Kennedy	Talcott
Duis	Kretschmar	Turner
Duncan	Linde	Welch
Ellingson	Martin	Whitcher
Garden	McDonald	Young
Gilbert	McDowell	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Plain	Trimble
Overson	Steele of Renville	Wallin

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Elken	Movius	Steel of Stutsman
Ganssle	Pierce	Thoreson
Gibbens	Putnam	Walton
Hookway	Simpson	Williams
LaMoure		

So the bill passed and the title was agreed to.

Senate Bill No. 309.

A bill for an act to provide for the purchase of the paintings of "Mink Woman," "Bear's Necklace" and "Bad Brave."

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 40 ayes, no nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steel of Stutsman
Baker	Johnson	Steele of Renville
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syvertson
Cashel	Linde	Talcott
Davis	Martin	Thoreson
Duis	McDonald	Turner
Duncan	McDowell	Wallin

Messrs.—	Messrs.—	Messrs.—
Ganssle	McLean	Welo
Garden	Overson	Welch
Gibbens	Plain	Whitcher
Gilbert	Putnam	Williams
Gronvold	Ruzicka	Young
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Elken	LaMoure	Simpson
Ellingson	Movius	Trimble
Hookway	Pierce	Walton

So the bill passed and the title was agreed to.

Senate Bill No. 202.

A bill for an act making it the duty of the commissioner of agriculture and labor to furnish certain information, and making an appropriation for the payment of the expenses connected therewith.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 40 ayes, no nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steele or Renville
Baker	Johnson	Stevens
Bessesen	Kennedy	Syverson
Carter	Kretschmar	Talcott
Cashel	Martin	Thoreson
Davis	McDonald	Trimble
Duis	McDowell	Turner
Duncan	McLean	Wallin
Ellingson	Overson	Welo
Garden	Plain	Welch
Gibbens	Putnam	Whitcher
Gilbert	Ruzicka	Williams
Gronvold	Steel of Stutsman	Young
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Elken	LaMoure	Pierce
Ganssle	Linde	Simpson
Hookway	Movius	Walton

So the bill passed and the title was agreed to.

Senate Bill No. 32.

A bill for an act to provide for the completion of a school building and making necessary improvements at the school for the deaf and dumb, 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 41 ayes, no nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steele of Renville
Baker	Jacobsen	Stevens
Bessesen	Johnson	Syverson
Carter	Kennedy	Talcott
Cashel	Kretschmar	Thoreson
Davis	Martin	Trimble
Duis	McDonald	Turner
Duncan	McDowell	Wallin
Ellingson	McLean	Welo
Ganssle	Overson	Welch
Garden	Plain	Whitche
Gibbens	Putnam	Williams
Gilbert	Ruzicka	Young
Gronvold	Steel o	Stutsman

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Elken	Linde	Simpson
Hookway	Movius	Walton
LaMoure	Pierce	

So the bill passed and the title was agreed to.

Senate Bill No. 328.

A bill for an act to create a commission to investigate and report to the legislature of this state, on the first day of the legislative session of 1913, a bill to fairly compensate employes for injuries received in the course of employment and defining the duties of said commission, and making appropriation therefor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 39 ayes, no nays, 10 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Simpson
Baker	Jacobsen	Steel of Stutsman
Bessesen	Johnson	Steele of Renville
Carter	Kennedy	Stevens
Cashel	Kretschma.	Talcott
Davis	Martin	Thoreson
Duis	McDonald	Trimble
Duncan	McDowell	Turner
Ellingson	McLean	Wallin
Garden	Overson	Welo
Gibbens	Plain	Whitcher
Gilbert	Putnam	Williams
Gronvold	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Elken	Linde	Syvertson
Ganssle	Movius	Walton
Hookway	Pierce	Welch
LaMoure		

So the bill passed and the title was agreed to.

Senate Bill No. 134.

A bill for an act making an appropriation for the Williston Experimental 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 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steele of Renville
Baker	Jacobsen	Stevens
Bessesen	Johnson	Syvertson
Carter	Kennedy	Talcott
Cashel	Kretschmar	Thoreson
Davis	Martin	Trimble
Duis	McDonald	Turner
Duncan	McDowell	Wallin
Elken	McLean	Walton
Ellingson	Overson	Welo
Ganssle	Plain	Welch
Garden	Putnam	Whitcher
Gibbens	Ruzicka	Williams
Gilbert	Simpson	Young
Gronvold	Steel of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway,	Linde	Pierce
LaMoure	Movius	

So the bill passed and the title was agreed to.

Senate Bill No. 141.

A bill for an act appropriating money for the erection of a seed house and soil testing room, hog and chicken house and the purchase of brood mares, gasoline engine and other needed repairs at the Langdon sub-experiment station.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steel of Stutsman
Baker	Jacobsen	Steele of Renville
Bessesen	Johnson	Stevens
Carter	Kennedy	Syverson
Cashel	Kretschmar	Talcott
Davis	Martin	Thoreson
Duis	McDonald	Trimble
Duncan	McDowell	Turner
Elken	McLean	Wallin
Ellingson	Overson	Walton
Ganssle	Pierce	Welo
Garden	Plain	Welch
Gibbens	Putnam	Whitcher
Gilbert	Ruzicka	Williams
Gronvold	Simpson	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	Linde	Movius
LaMoure		

So the bill passed and the title was agreed to.

Senate Bill No. 109.

A bill for an act making appropriation for the Mayville State Normal school, located at Mayville, North Dakota, for hospital, green house, fuel bin, library, museum, boiler, grounds, lecture course, manual training and domestic sci-

ence and improvements on ventilating system, and for reimbursement of money transferred from local and interest and income funds.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were :

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steel of Stutsman
Baker	Jacobsen	Steele of Renville
Bessesen	Johnson	Stevens
Carter	Kennedy	Syverson
Cashel	Kretschmar	Talcott
Davis	Martin	Thoreson
Duis	McDonald	Trimble
Duncan	McDowell	Turner
Elken	McLean	Wallin
Ellingson	Overson	Walton
Ganssle	Pierce	Welo
Garden	Plain	Welch
Gibbens	Putnam	Whitcher
Gilbert	Ruzicka	Williams
Gronvold	Simpson	Young

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Hookway	Linde	Movius
LaMoure		

So the bill passed and the title was agreed to.

Senate Bill No. 274.

A bill for an act making an appropriation for the Dickinson experiment station located in the city of Dickinson.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were :

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steele of Renville
Baker	Jacobsen	Stevens
Bessesen	Johnson	Syverson
Carter	Kennedy	Talcott

Messrs.—	Messrs.—	Messrs.—
Cashel	Kretschmar	Thoreson
Davis	Martin	Trimble
Duis	McDonald	Turner
Duncan	McDowell	Wallin
Elken	McLean	Walton
Ellingson	Overson	Welo
Ganssle	Eisin	Welch
Garden	Putnam	Whitcher
Gibbens	Ruzicka	Williams
Gilbert	Simpson	Young
Gronvold	Steel of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	Linde	Pierce
LaMoure	Movius	

So the bill passed and the title was agreed to.

Senate Bill No. 137.

A bill for an act making an appropriation to compensate F. C. Heffron for services as assistant attorney general, especially authorized to enforce the prohibitory 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 41 ayes, no nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Steele of Renville
Baker	Gunderson	Stevens
Bessesen	Jacobsen	Syverson
Carter	Johnson	Talcott
Cashel	Kennedy	Thoreson
Davis	Martin	Trimble
Duis	McDonald	Turner
Duncan	McDowell	Wallin
Elken	McLean	Welo
Ellingson	Overson	Welch
Ganssle	Plain	Whitcher
Garden	Putnam	Williams
Gibbens	Ruzicka	Young
Gilbert	Steel of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	Linde	Simpson
Kretschmar	Movius	Walton
LaMoure	Pierce	

So the bill passed and the title was agreed to.

Senate Bill No. 259.

A bill for an act making an appropriation to compensate P. G. Johnson for services as assistant attorney general, especially authorized to enforce the prohibitory 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 41 ayes, no nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Steele of Renville
Baker	Gunderson	Stevens
Bessesen	Jacobsen	Syvertson
Carter	Johnson	Talcott
Cashel	Kennedy	Thoreson
Davis	Martin	Trimble
Duis	McDonald	Turner
Duncan	McDowell	Wallin
Elken	McLean	Walton
Ellingson	Overson	Welch
Ganssle	Plain	Whitcher
Garden	Putnam	Williams
Gibbens	Ruzicka	Young
Gilbert	Steel of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	Linde	Simpson
Kretschmar	Movius	Welo
LaMoure	Pierce	

So the bill passed and the title was agreed to.

Senate Bill No. 369.

(Title.)

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steele of Renville
Baker	Jacobsen	Stevens
Bessesen	Johnson	Syvertson
Carter	Kennedy	Talcott
Cashel	Linde	Thoreson
Davis	Martin	Trimble
Duis	McDonald	Turner
Duncan	McDowell	Wallin
Elken	McLean	Walton
Ellingson	Overson	Welo
Ganssle	Plain	Welch
Garden	Putnam	Whitcher
Gibbens	Ruzicka	Williams
Gilbert	Simpson	Young
Gronvold	Steel of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	LaMoure	Pierce
Kretschmar	Movius	

So the bill passed and the title was agreed to.

Senate Bill No. 308.

A bill for an act to amend Section 474 of the Revised Codes of North Dakota of 1905, relating to the boundaries and terms of court in the Sixth judicial district.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 42 ayes, no nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Steel of Stutsman
Baker	Gunderson	Steele of Renville
Bessesen	Jacobsen	Stevens
Carter	Johnson	Syvertson
Cashel	Kennedy	Talcott
Davis	Linde	Thoreson
Duis	Martin	Trimble
Duncan	McDonald	Turner
Elken	McDowell	Wallin
Ellingson	McLean	Walton
Ganssle	Overson	Welch
Garden	Plain	Whitcher
Gibbens	Putnam	Williams
Gilbert	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	Movius	Simpson
Kretschmar	Pierce	Welo
LaMoure		

So the bill passed and the title was agreed to.

Senate Bill No. 287.

A bill for an act prescribing the duties of the county auditor upon receipt of tax levies certified to him.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 42 ayes, no nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Ruzicka
Baker	Gunderson	Steel of Stutsman
Bessesen	Jacobsen	Stevens
Carter	Johnson	Syvertson
Cashel	Kennedy	Talcott
Davis	Kretschmar	Thoreson
Duis	Linde	Trimble
Duncan	Martin	Turner
Elken	McDonald	Wallin
Ellingson	McDowell	Walton
Ganssle	McLean	Welch
Garden	Overson	Whitcher
Gibbens	Plain	Williams
Gilbert	Putnam	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	Pierce	Steele of Renville
LaMoure	Simpson	Welo
Movius		

So the bill passed and the title was agreed to.

The secretary announced that the President was about to sign:

Senate Bill No. 98.

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.

Also,

Senate Bill No. 197.

A bill for an act to amend Article 2, Chapter 10 of the Session Laws of 1909, relating to normal schools.

And the President signed the same in the presence of the Senate.

Senate Bill No. 318.

A bill for an act to amend and re-enact Section 738 of the Revised Codes of 1905, relating to votes cast by persons not registered.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 41 ayes, no nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Steel of Stutsman
Baker	Gunderson	Stevens
Bessesen	Jacobsen	Syverson
Carter	Johnson	Talcott
Cashel	Kennedy	Thoreson
Davis	Kretschmar	Trimble
Duis	Linde	Turner
Duncan	McDonald	Wallin
Elken	McDowell	Welo
Ellingson	McLean	Welch
Ganssle	Overson	Whitcher
Garden	Plain	Williams
Gibbens	Putnam	Young
Gilbert	Ruzicka	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	Movius	Steel of Renville
LaMoure	Pierce	Walton
Martin	Simpson	

So the bill passed and the title was agreed to.

Mr. Bessesen moved

That the vote by which Senate Bill No. 318 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 211.

A bill for an act to amend Sections 1, 3, 5, 8 and 13 of Chapter 161 of the Session Laws of 1909, entitled, an act to regulate the public service of stallions in North Dakota and providing a penalty for violation thereof.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 42 ayes, no nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Simpson
Baker	Gunderson	Steel of Stutsman
Bessesen	Jacobsen	Stevens
Carter	Johnson	Syverson
Cashel	Kennedy	Talcott
Davis	Kretschmar	Thoreson
Duis	Linde	Trimble
Duncan	McDonald	Turner
Elken	McDowell	Wallin
Ellingson	McLean	Walton
Gansle	Overson	Welch
Garden	Plain	Whitcher
Gibbens	Putnam	Williams
Gilbert	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	Movius	Steele of Renville
LaMoire	Pierce	Welo
Martin		

So the bill was passed and the title was agreed to.

Senate Bill No. 301.

A bill for an act to amend and re-enact Section 237 of the Revised Codes of the state of North Dakota for the year 1905.

Was read the third time.

Mr. Talcott moved, as an amendment:

That in line 7 the words "on the" be stricken out, and in line 8 the words "first day of every month" be also stricken out.

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill.

The roll was called and there were 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steel of Stutsman
Baker	Jacobsen	Stevens
Bessesen	Johnson	Syverson
Carter	Kennedy	Talcott
Cashel	Kretschmar	Thoreson
Davis	Linde	Trimble
Juis	McDonald	Turner
Duncan	McDowell	Wallin
Elken	McLean	Walton
Ellingson	Overson	Welo
Ganssle	Plain	Welch
Garden	Putnam	Whitcher
Gibbens	Ruzicka	Williams
Gilbert	Simpson	Young
Gronvold		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	Martin	Pierce
LaMoure	Movius	Steele of Renville

So the bill was passed and the title was agreed to.

Senate Bill No. 304.

A bill for an act requiring a more thorough and comprehensive system of instruction in all common and high schools of this state, and providing 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 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Simpson
Baker	Jacobsen	Steel of Stutsman
Bessesen	Johnson	Stevens
Carter	Kennedy	Syverson
Cashel	Kretschmar	Talcott
Davis	Linde	Thoreson
Duis	McDonald	Trimble
Duncan	McDowell	Turner

Messrs.—
Elken
Ellingson
Ganssle
Garden
Gibbens
Gilbert
Gronvold

Messrs.—
McLean
Overson
Pierce
Plain
Putnam
Ruzicka

Messrs.—
Wallin
Welo
Welch
Whitcher
Williams
Young

Absent and not voting:

Messrs.—
Hookway
LaMoure

Messrs.—
Martin
Movius

Messrs.—
Steele of Renville
Walton

So the bill passed and the title was agreed to.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 362.

A concurrent resolution, for an amendment to the Constitution of the state of North Dakota, relating to the compensation for services of legislative members.

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 373.

A bill for an act prohibiting prize fighting, boxing and sparring exhibitions, repealing Section 9089 of the Revised Codes of 1905, and providing penalty for the violation of this act.

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 354.

A bill for an act to amend section 2607 of the Revised Codes of North Dakota, 1905, relating to coroner fees.

Was read the first and second times, and

Referred to the committee on ways and means.

House Bill No. 350.

A bill for an act to amend Section 1554 of the Revised Codes of North Dakota of 1905, as amended by Chapter 197 of the Laws of 1909, relating to delinquent personal property taxes and the collection of taxes.

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

House Bill No. 349.

A bill for an act to provide for the collection of delinquent personal property taxes, and for reducing the same to judgment.

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

House Bill No. 316.

A bill for an act entitled, an act to prevent procreation of confirmed criminals, idiots, imbeciles and repists; providing that superintendents and boards of managers of institutions where such persons are confined, shall have the authority and are empowered to appoint a committee of experts, consisting of two physicians, to examine into the mental condition of such inmates.

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

House Bill No. 343.

A bill for an act to repeal Article 21 of Chapter 32, entitled, townsites located on public lands, of the Revised Codes of 1905.

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

House Bill No. 352.

A bill for an act providing for a bailiff of the supreme court.

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

House Bill No. 324.

A bill for an act to amend Section 6931 of the Revised Codes of 1905, relative to the time of granting injunctions.

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

House Bill No. 351.

A bill for an act to amend and re-enact section 164 of the Revised Codes of North Dakota for 1905.

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 230.

A bill for an act to amend Chapter 120 of the Session Laws of 1909.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 271.

A bill for an act to create a state board of control, and 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. 315.

A bill for an act relating to the duties of local boards of health, and sanitary regulations of school houses churches and public halls.

Was read the first and second times and

Referred to the committee on public health.

House Bill No. 279.

A bill for an act to make it a felony, and providing a penalty for a guardian, county commissioner, or official or employe in a penal, correctional or eleemosynary institution, to induce a female ward, or pauper under his care, or an inmate of such institution, to have illicit sexual intercourse with him by threatening to withhold the necessities of life, or threatening physical violence.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 136.

A bill for an act declaring to be common nuisances bawdy houses, houses of ill fame, of assignation, of prostitution, or any other house, room or place for persons to visit for unlawful sexual intercourse or for any other lewd, obscene, indecent or disorderly purpose; and prescribing remedies and penalties for the prevention of the same.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 274.

A bill for an act to run a survey or surveys from the Mouse river to Devils lake for the purpose of determining the feasibility of draining the surplus flood waters of the Mouse river into Devils lake; and making an appropriation therefor.

Was read the first and second times and

Referred to the committee on state affairs.

House Bill No. 288.

A bill for an act to amend Section 9319 of the Revised Codes of North Dakota for 1905, relating to the abuse of domestic animals and providing punishment therefor.

Was read the first and second times and

Referred to the committee on state affairs.

House Bill No. 347.

A bill for an act to amend and re-enact Section 498 of the Revised Codes of North Dakota for the year 1905, relating to admission to the bar.

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,

February 25, 1911.

Mr. President:

I have the honor to request the return of House Bill No. 75.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Gilbert moved

That the Senate do now resolve itself into a committee of the whole for the consideration of

Senate Bill No. 249.

A bill for an act to amend Article 4 of Chapter 30 of the Political Code of North Dakota, being Section 2678 of the Revised Codes of North Dakota of 1905, relating to powers of city councils.

Which motion prevailed.

The President called Mr. Carter to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose it made the following report:

Mr. President:

Your committee of the whole to which was referred

Senate Bill No. 249.

A bill for an act to amend Article 4 of Chapter 30 of the Political Code of North Dakota, being Section 2678 of the Revised Codes of North Dakota of 1905, relating to powers of city councils.

Has had the same under consideration and report progress.

W. L. CARTER,
Chairman.

Mr. Talcott 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,

February 27, 1911.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All present except Mr. Movius, 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 of the 54th day, have carefully examined the same and recommend that the same be corrected as follows:

Above line 6, page 1, insert the words "Mr. President."

Page 7, in title to House Bill No. 291, in the first line between the words "amend" and "Chapter" insert the following: "Section 687 of the Revised Codes of 1905, as amended by." Also in next line and the line

following strike out the words "and rental of polling places."

Page 18, line 12, change the word "referred" to "re-referred."

Page 22, below the words "Senate Bill No. 304" insert as a part of the title the words "A bill for an act requiring a more thorough and compre-"

Page 25, "Senate Bill No. 165" be changed to "Senate Bill No. 169." Also strike out title following and insert in lieu thereof the title to Senate Bill No. 169.

Page 26, line 23, the name "Steele" be changed to "Steel."

Page 31, line 3, the word "vote" be changed to "motion."

Page 32, line 12, the name "Jacomsen" be changed to "Jacobsen."

Page 34, line 4, "41" be changed to "40" and "3" changed to "4."

Page 48, line 9 from the bottom, "House Bill No. 369" be changed to "Senate Bill No. 369." Also changed title following to that of Senate Bill No. 369.

And when so amended recommend that the same be approved.

J. E. STEVENS,
Chairman.

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

REPORTS OF STANDING COMMITTEES.

The committee on elections and privileges made the following report:

Mr. President:

Your committee on elections and privileges to whom was referred

Senate Bill No. 230.

A bill for an act to amend Section 40 of Chapter 109 of the laws of 1907, relating to the county and state central committee, how selected and when the same shall meet, under the primary election law.

Have had the same under consideration and recommend that the same be indefinitely postponed, as there has passed the Senate, Senate Bill No. 223, which covers the same subject.

J. H. BESSESEN,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

House Bill No. 288.

A bill for an act to amend Section 9319 of the Revised Codes of North Dakota for 1905, relating to the abuse of domestic animals and providing punishment therefor.

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

In line 13 of the printed bill strike out the words "or in the night time."

In line 14 after the word "ten" insert "days."

In line 15 after the word "five" insert "dollars."

In line 15 change "fines" to "fine."

In line 34 change "November 1st" to "October 15th."

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also

Mr. President:

Your committee on state affairs to whom was referred

House Bill No. 401.

A bill for an act to amend and re-enact Section 2979 of the Revised Codes of North Dakota of 1905, relating to increasing the debt limit.

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

In line 15 of the printed bill strike out the words "two-thirds" and insert "three-fourths" in lieu thereof.

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved

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

Also

Mr. President:

Your committee on state affairs to whom was referred
Senate resolution relating to welfare of railway mail
clerks and the mail service.

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

J. E. DAVIS,
Chairman.

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

Also

Mr. President:

Your committee on state affairs to whom was referred
Concurrent resolution relating to compilation of high-
way laws and good road legislation.

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

J. E. DAVIS,
Chairman.

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

The committee on elections and privileges made the fol-
lowing report:

Mr. President:

Your committee on elections and privileges to whom was
referred

House Bill No. 340.

A bill for an act to amend Section 605 of the Revised Codes of North Dakota for 1905, relating to who is entitled to vote.

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

H. J. BESSESEN,
Chairman.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 208.

A bill for an act to provide for and the making of improvements at the North Dakota School of Forestry to assist in the maintenance thereof, and making appropriation therefor.

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

Strike out the figures "\$18,400" in line 6 of the printed bill and insert the figures "\$12,000" in lieu thereof.

And when so amended recommend the same do pass.

J. LAMOURE,
Chairman.

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

The committee on agriculture made the following report:

Mr. President:

Your committee on agriculture to whom was referred

Senate Bill No. 344.

A bill for an act relating to mills and millers, providing for tolls for grinding, and prescribing penalties for the violation thereof.

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

LIVY JOHNSON,
Chairman.

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

Also

Mr. President:

Your committee on agriculture to whom was referred
House Bill No. 21.

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 thereof.

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

LIVY JOHNSON,
Chairman.

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

Also

Mr. President:

Your committee on agriculture to whom was referred
House Bill No. 31.

A bill for an act to amend Section 2247 of the Revised Code of 1905, defining public warehouses.

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

LIVY JOHNSON,
Chairman.

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

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred
Senate Bill No. 251.

A bill for an act to provide compensation for the destruction of tubercular cows, and levying a tax therefor.

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

F. T. GRONVOLD,
Chairman.

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

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on public health to whom was referred
House Bill No. 316.

A bill for an act entitled, an act to prevent procreation of confirmed criminals, idiots, imbeciles and repists; providing that superintendents and boards of managers of institutions where such persons are confined, shall have the authority and are empowered to appoint a committee of experts, consisting of two physicians, to examine into the mental condition of such inmates.

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

F. T. GRONVOLD,
Chairman.

Mr. Gronvold moved

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 346.

A bill for an act to create a commission for the purpose of inquiring into the present system of assessing and collecting taxes; and to make a report thereof, and to make recommendations according to its findings and conclusions, to the Thirteenth legislative assembly.

Have had the same under consideration and recommend that the same be referred to to your committee on appropriations to be considered, in conjunction with the House bill creating a tax commission.

H. H. STEELE,
Chairman.

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

Also

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 366.

A bill for an act to amend and re-enact Section six (6) of Chapter 210 of the Laws of North Dakota for the year of 1909.

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred

Senate bill No. 355.

A bill for an act to amend Chapter 214 of the Session Laws of 1907, relative to assessment of coal mines.

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 was adopted.

The committee on elections and privileges made the following report:

Mr. President:

Your committee on elections and privileges to whom was referred

House Bill No. 237.

A concurrent resolution for amendment of the Constitution, providing for the initiative and referendum, recall of public officers and future amendments to the constitution.

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

In line 10, page one of the printed bill, after the brackets enclosing the numeral "15," insert the words "of the constitution."

In line 16, page 2, after the word "enact" insert the words "and approve."

In line 103, page 5, after the word "resolution" insert a comma.

In line 104, after the word "approved," insert a comma.

In line 118, page 6, after the word "rejected," insert the word "only."

In line 14, page 11, after the word "printed," insert the word "in."

In line 26, page 13, after the word "second," insert the word "time."

In the title of said bill, after the word "referendum," insert the following: "and the provisions thereof, the."

In line 4, section 201a, page 10, strike out the words "twenty-five" and insert the word "thirty" in lieu thereof.

And when so amended recommend the same do pass.

H. J. BESSESEN,
Chairman.

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 367.

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 be amended as follows:

After the word and figure "Section 1" insert the following: "Voluntary sexual intercourse between any single man and a single woman is fornication on the part of the man, and between any man and a single woman is fornication on the part of the woman.

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 261.

A bill for an act regulating the practice in county court having increased jurisdiction.

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

Strike out all of the bill after the words "A bill," and insert the following:

For an Act to Amend and Re-enact Sections 16 and 22 of Chapter 80 of the Session Laws of the State of North Dakota for the year 1909, Regulating the Practice in County Courts having Increased Jurisdiction.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 16 of Chapter 80 of the Session Laws of the State of North Dakota for the year of 1909, is hereby amended

and re-enacted to read as follows:

16. Filing and Service of Pleadings.) A copy of the complaint need not be served with the summons. In such case the summons must state that the complaint is or will be filed with the clerk of the county court in the county in which action is commenced, and if the defendant within ten days thereafter, causes notice of appearance to be given and in person, or by attorney demands in writing, a copy of the complaint, specifying a place within the state where it may be served, a copy thereof must within ten days thereafter be served accordingly, and after such service the defendant has ten days to answer, but only one copy need be served on the same attorney. Where the summons states that the complaint is or will be filed with the Clerk of Court and the same is not filed within ten days thereafter, be served accordingly, and after such service the continued.

Section 2. Amendment.) Section 22 of Chapter 80 of the Session Laws of the State of North Dakota for the year of 1909, is hereby amended and re-enacted to read as follows:

22. Time of Trial. Notice.) At any time after issue joined, and at least ten days prior to the first day of a term, either party may give notice of trial. The party giving the notice shall furnish the clerk, at least eight days before the Court, with a note of the issue, containing the title of the action, the names of the attorneys, and the time when the last pleading was served, and the clerk shall thereupon enter the cause upon the calendar according to the date of the issue. The party upon whom notice of trial is served may also file the notice of issue and cause of action to be placed on calendar without further notice on his part. There need be but one notice of trial and one note of issue and the action must then remain on the calendar until disposed of. Either party, after the notice of trial is served may also file the note of issue and cause of the issue to trial.

Section 3. Repeal.) That all acts or parts of acts inconsistent with this act are hereby repealed.

Section 4. Emergency.) Whereas an emergency exists, therefore, this act shall take effect from and after its passage and approval.

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 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. 29.

A bill for an act to amend sections 240 and 241 of the Revised Codes of 1905, and section 242 of the same code as

amended by Chapter 132, laws of 1907, relating to the State Historical society of North Dakota, and making it an

Also,

Senate Bill No. 161.

A bill for an act to provide an appropriation for the current and contingent expenses and for the permanent improvements of the State School of Science at Wahpeton.

Also,

Senate Bill No. 177.

A bill for an act to create a board of immigration and prescribing its powers and duties.

Also,

Senate Bill No. 241.

A bill for an act entitled, and act to prevent drinking or offering to others to drink as a beverage, any intoxicating liquors upon passenger trains in the state of North Dakota.

Also,

Senate Bill No. 293.

A bill for an act to regulate the practice of naturopathy in the state of North Dakota.

Also,

Senate Bill No. 306.

A bill for an act amending Section 9358 of the Revised Codes of 1905, as amended and re-enacted by Section 5 of Chapter 183 of the Laws of 1909, regulating the sale of intoxicating liquors by druggists who are registered pharmacists, and to provide a method of such sales in cases of emergency.

Also,

Senate Bill No. 316.

A bill for an act to amend Section 2272, Revised Codes of 1905, relating to storage companies.

Also,

Senate Bill No. 324.

A bill for an act providing for a bailiff of the supreme court.

Also

Senate Bill No. 336.

A bill for an act to amend and re-enact Section 6187 of the Revised Codes of North Dakota, for 1905.

Also,

Senate Bill No. 342.

A bill for an act to amend Section 8089 of the Revised Codes of the state of North Dakota for 1905, relating to exempt personal property and the disposition thereof.

Also,

Senate Bill No. 345.

A bill for an act amending Section 9646 of the Revised Codes of North Dakota for 1905, and providing for removal of public officers by summary judicial proceedings.

Also,

Senate Bill No. 347.

A bill for an act making an appropriation for the enforcement of the feeding stuffs, fertilizer, beverage and sanitary inspection laws, and for the making of such investigations as are deemed necessary for the purpose of gaining information, under the laws mentioned, and for the dissemination of information.

Also,

Senate Bill No. 348.

A bill for an act providing for the payment of fees collected by the North Dakota government agricultural experiment station into the state treasury.

Also,

Senate Bill No. 356.

A bill for an act to amend Article 3 of Chapter 75 of the Civil Code of North Dakota, being Section 6186 of the Revised Codes of North Dakota of 1905.

Also,

Senate Bill No. 358.

A bill for an act to amend Section 6188 of the Revised Codes of North Dakota, for the year 1905, relating to duties of registers of deeds.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

Also,

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 56.

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. 122.

A bill for an act requiring natural gas to be confined, and prescribing penalty for the violation thereof.

Also

Senate Bill No. 160.

A bill for an act to amend Section 3213, Revised Codes of North Dakota, relating to township boards.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The Secretary announced that the President was about to sign

Senate Bill No. 56.

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. 122.

A bill for an act requiring natural gas to be confined, and prescribing penalty for the violation thereof.

Also

Senate Bill No. 160.

A bill for an act to amend Section 3213, Revised Codes of North Dakota, relating to township boards.

And the President signed the same in the presence of the Senate.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

February 27, 1911.

Mr. President:

I have the honor to return herewith

Senate Bill No. 48.

A bill for an act regulating the speed of locomotives and trains while passing through cities, towns and villages in North Dakota.

Also,

Senate Bill No. 175.

A bill for an act to amend Section 417 of the Revised Codes of North Dakota for the year 1905, relating to officers and offices, and the qualifications of officers.

Also,

Senate Bill No. 174.

A bill for an act relating to desertion and non-support of wife by husband, or of children by either father or mother, and providing punishment therefor; and providing for manner of procedure and evidence required in such cases; and to promote uniformity between the states in reference thereto.

Also,

Senate Bill No. 178.

A bill for an act prohibiting county superintendents of schools, deputies, school district officers, school official, principals and teachers from receiving commission or fees or reward for or on account of any school books, furniture or other supplies purchased during the incumbency of such office, and providing for a penalty therefor.

Also,

Senate Bill No. 205.

A bill for an act to amend Section 10381 of the Revised Codes of 1905, as amended by Section 1, of Chapter 40, of the Session Laws of 1907, relating to the manner of disposing of the product of the state binder plant.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith

Senate Bill No. 59.

A bill for an act prohibiting ball games and other sports until 3 o'clock p. m.

Also,

Senate Bill No. 75.

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

Also,

Senate Bill No. 214.

A bill for an act to amend sub-division 3 of Section 5001 of the Revised Codes of North Dakota of 1905, relative to the recording of instruments in the office of register of deeds.

Also,

Senate Bill No. 221.

A bill for an act providing for the transferring of the so-called "Oil Inspection Fund" in the hands of the state treasurer to the general fund of the state and providing that future collections by the state inspector of oils shall be credited to the general fund of the state.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith

Senate Bill No. 131.

A bill for an act amending Sections 167, 169, 170, 171, 189 and 191 of the Revised Codes of North Dakota for 1905, relating to the appraisalment and sale of school lands.

Which the House has amended as follows:

On page 3, line 43, of the printed bill, change the words "secretary of the board" to "commissioner."

On page 6, line 15, strike out the words "except as to interest."

On page 8 of printed bill, strike out section 7.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith

Senate Bill No. 67.

A bill for an act to repeal sections 6237, 6238, 6239, 6240, 6241, 6242, 6243, 6244, 6245, 6246, 6247, 6248, 6249, 6250

and 6251 of the Revised Codes of the State of North Dakota for A. D., 1905, and Chapter 167 of the Session Laws of 1907 and Chapter 158 of the Session Laws of 1909, relating to mechanic's liens, and the filing of mechanic's liens, the giving of notice to contractors and sub-contractors, and the record and priority of liens, and all matters appertaining to the creation, existence and enforcement of mechanic's liens.

Also,

Senate Bill No. 71.

A bill for an act amending Section 8519 of the Revised Codes of 1905, relating to reports of justices of the peace.

Also,

Senate Bill No. 51.

A bill for an act amending and re-enacting Section 2613 of the Revised Codes of 1905, relating to the compensation of county commissioners.

Also,

Senate Bill No. 133.

A bill for an act to amend Section 1584 of the Revised Codes of the State of North Dakota, as amended by Chapter 220 of the Session Laws of 1907, relating to the rights of purchasers of land at sale for the non-payment of taxes.

Which the House has indefinitely postponed.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to transmit herewith

House Bill No. 385.

A bill for an act to require railroad companies to provide telephone connections with their offices in towns, cities and villages in this state, where there is a local telephone exchange, and providing penalty for violation thereof.

Also,

House Bill No. 380.

A bill for an act to amend Section 1213 of the Revised Codes of 1905, of the state of North Dakota, relating to the board of trustees of the soldiers' home.

Also,

House Bill No. 122.

A bill for an act to provide furniture for the new dormitory, and to complete and make adequate the heating plant of the State Normal school at Valley City, and making appropriation therefor.

Also,

House Bill No. 398.

A bill for an act to provide for a commission system of government in cities which shall adopt the provisions of this act.

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

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith

Senate Bill No. 92.

A bill for an act relating to children who are now or may hereafter become dependent, neglected or delinquent; to define these terms, and to provide for the treatment, control, maintenance, protection, adoption and guardianship of the persons of such children.

Also,

Senate Bill No. 225.

A bill for an act to amend and re-enact Sections 4071, 4073 and 4074 of the Revised Codes of the State of North Dakota for the year 1905, relating to alimony, support and

maintenance of the children of a marriage or of either party thereto in divorce actions.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to inform you that the House has concurred in Senate amendments to the House resolution relating to election of United States senators by popular vote.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to inform you that the House declines to concur in the Senate amendments to House Bill No. 23, and asks for a committee of conference, and the Speaker has named as such conference on the part of the House, Messrs. Nestos, Burnett and Harty.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith,

Senate Bill No. 77.

A bill for an act to amend and re-enact Section 3 of Chapter 175 of the Laws of North Dakota for 1909, being 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.

Which the House has amended as follows:

In line 6 of section 3, strike out the words "board of trustees" and insert in lieu thereof the word "warden." In section 3, after the word "parole" at the last of the section, insert the following: "Further, it shall be the duty of the field officer to devote all of his time to the discharge of his duties as field officer, and such other duties as may be assigned to him in connection with the state penitentiary and the state penitentiary twine plant and other industries maintained by the state at the North Dakota State Penitentiary, and that he shall at all times be subject to the order of the warden of the state penitentiary, and he shall make reports direct to the warden on all matters pertaining to his duties as field officer and other duties to which he may be assigned."

And that section 3, Emergency, be stricken out, and that bill be re-printed.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith
Senate Bill No. 114.

A bill for an act to enlarge the powers and duties of the board of railroad commissioners, creating a public warehouse fund and making an appropriation.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith,
Senate Bill No. 80.

A bill for an act to amend Section 2869 of the Revised Codes of 1905, as amended by Chapter 265 of the Session Laws of 1907, relating to the contracting of loans for the payment of corporate indebtedness and providing for the levy of taxes to pay final judgments rendered against villages and providing for the manner of collecting the same.

Which the House has amended as follows:

In line 8 of the printed bill, insert the words "five-eighths of" after the word "unless," and strike out the words "of five-eighths" at the end of that line.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith,

Senate Bill No. 76.

A bill for an act to amend and re-enact Sections 6 and 9 of Chapter 174 of the Laws of North Dakota of 1909, being an act to provide for probation of persons convicted of felonies and misdemeanors.

Which the House has amended as follows:

That in section 6, after the words "field officer" strike out all down to the word "whose," and insert in lieu thereof the words: "The board of trustees of the penitentiary shall appoint and employ one officer, to be known as the field officer for the institution, who shall be an employe of the state penitentiary, and who shall give his entire time to penitentiary duties when not otherwise employed as field officer."

Also strike out section 4, Emergency.

Also that bill be re-printed.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

The committee on judiciary made the following report:

Mr. President:

A majority of your committee on judiciary to whom was referred

Senate Bill No. 343.

A bill for an act fixing the liability of persons, co-partnerships and corporations engaged in mining, for injury sustained by employes in consequence of the negligence of fellow servant.

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

H. H. STEELE,
Chairman.

Also

Mr. President:

A minority of your committee on judiciary to whom was referred

Senate Bill No. 343.

A bill for an act fixing the liability of persons, co-partnerships and corporations engaged in mining, for injury sustained by employes in consequence of the negligence of fellow servant.

Have had under consideration the above bill and recommend that the same be recommended for passage.

H. H. STEELE,

Mr. Steele moved

That the minority report on Senate Bill No. 343 be adopted.

Roll call demanded.

Mr. Bessesen moved

That the previous question be put.

Which motion prevailed.

The question being on the adoption of the minority report.

The roll was called and there were 16 ayes, 27 nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Linde	Talcott
Ellingson	Pierce	Wallin
Ganssle	Steel of Stutsman	Walton
Garden	Steele of Renville	Welch
Gronvold	Syvertson	Young
LaMoure		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Plain
Baker	Jacobson	Ruzicka
Carter	Johnson	Simpson
Cashel	Kennedy	Stevens
Duis	Kretschmar	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner

Messrs.—
Gilbert
Gunderson

Messrs.—
McLean
Overson

Messrs.—
Welo
Whitcher

Absent and not voting:

Messrs.—
Davis
Gibbens

Messrs.—
Martin
Movius

Messrs.—
Putnam
Williams

So the minority report was not adopted.

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

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

Mr. President:

Your committee on corporations other than municipal to whom was referred

Senate Bill No. 322.

A bill for an act to amend Section 4207 of the Revised Codes of North Dakota for 1905, relating to the manner of voting of private corporations.

Have had the same under consideration and recommend that the same be amended as follows:

By striking out the words "or by-laws" in line 13 of the printed bill.
By striking out the words "or by-laws" in line 3 of the emergency.

And when so amended recommend the same do pass.

C. W. HOOKWAY,
Chairman,

Mr. Hookway moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on corporations other than municipal to whom was referred

Senate Bill No. 303.

A bill for an act to amend Sections 4695 and 4698 of the Revised Codes of North Dakota for 1905, relating to foreign corporations.

Have had the same under consideration and recommend that the same do pass.

C. W. HOOKWAY,
Chairman.

Mr. Hookway moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on corporations other than municipal to whom was referred

Senate Bill No. 209.

A bill for an act entitled, an act regulating the business of corporations issuing bonds, notes or other evidences of indebtedness and providing for the examination of such corporations.

Have had the same under consideration and recommend that the same be amended as follows:

After the word "their" in line 2 of section 1, insert the word "stocks."

In line 4 strike out the words "make semi-annual" and insert "on demand of the state bank examiner furnish him with an."

After the word "office," in line 7, section 1, strike out in line 7 the words "not later."

Strike out all of line 8 up to and including the word "year," and insert after the word "office" in line 7 "for the information of the public."

Strike out line one in section 2 and the words "examiner at least once in each year," in line 2 of section 2, and insert therein, "when requested in good faith by any resident of this state, and when good faith and sufficient reasons are given therefor, the state examiner may, if necessary cause an examination of the financial condition of any such corporation to be made and he shall report the findings thereof to the person applying for such examination."

And when so amended recommend the same do pass.

C. W. HOOKWAY,
Chairman.

Mr. Hookway moved
That the report be adopted.

Which motion prevailed, and
The report was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 368.

A bill for an act defining the crime of inveighling females into houses of ill fame or of assignation, or elsewhere, for the purpose of prostitution or immoral relations, and prescribing the punishment therefor.

Have had the same under consideration and recommend that the same be amended as follows:

In line 3 of the printed bill strike out the word "elsewhere," and insert in lieu thereof the words "or other place."

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 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. 60.

A bill for an act to provide a system of free public schools for the state of North Dakota and to repeal Sections 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848,

849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, and section 1038 of the Revised Codes of 1905, with any and all amendments thereto, and also Chapters 49, 98, 100, 103, 124, 153, and 201 of the Session Laws of 1909.

Also

Senate Bill No. 296.

A bill for an act authorizing cities incorporated under the laws of this state to regulate and fix the rate 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. 352.

A bill for an act entitled, an act to amend Section 2389 of the Revised Codes of 1905, relating to county commissioners.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

REPORTS OF SELECT COMMITTEES.

INVESTIGATION OF STATE TREASURER'S OFFICE.

To the Legislative Assembly of the State of North Dakota:

Gentlemen: The joint committee of the investigation of the State Treasurer's office begs leave to report, that immediately upon its appointment, the committee organized by electing Representative Norheim chairman, and Senator Allen secretary, and commenced its work.

The committee has attempted to make the work as thorough as possible in the limited time at its command. It has been impossible to cover the detail work of the office for the past eight years, but any charges as to irregular methods employed by the office in specific instances have

been investigated by the committee and the results of such research are embodied in the report; this has special reference to the conduct of the office for the past two years.

Further, the committee has made as thorough a search as was possible to unearth irregular and questionable methods, in the conduct of the business of the office.

The attitude of the committee has been to receive and investigate any charges against any incumbent of the office during the period covered by this investigation. The committee will state that rumors of misconduct have been carried to it, some of which have been of such a vague nature that no specific charge could be formulated, others have been found to be without foundation, and some have been shown to exist.

The committee in the report shows:

1. Statement of excess of cash balances carried in state depositaries on certain dates in 1905, 1906, 1907, 1908, 1909 and 1910.
2. Statement showing approximately cash balances on hand carried in office during years 1903, 1904, 1905, 1906, 1907, 1908, 1909 and 1910.
3. Report of State Board of Auditors together with complaint prompting same.
4. Account of State Bank of Bowbells.
5. Irregular handing of State Auditor's drafts.
6. Irregular handling of Trust fund deposit by State Farmers' Mutual Hail Insurance Co. of Waseca, Minnesota, diverted.
7. As to certificates of deposit on hand at the beginning of the present term of office.
8. Examination by State Examiner.
9. Twine factory bonds being of no value to the state deposited in the office of the state treasurer, and the cancellation of which was provided for by resolution.

Your committee found it impossible during the limited time at its command to look up the bond of each depository and its amount and the amount for which each depository was designated, and ascertain the daily balances of each bank for each and every day of the eight year period.

On the pages following, we submit statements furnished by the state examiner showing banks carrying excess balances on certain dates for the years of 1905, 1906, 1907, 1908, 1909 and 1910.

The state examined could not find any reports for 1903 and 1904.

**EXCESS BALANCES IN STATE DEPOSITARIES JANUARY 2, 1905,
AS SHOWN BY REPORT OF SPECIAL EXAMINATION OF
STATE TREASURER'S OFFICE.**

	Designated For	Balance
Aneta State Bank	\$ 2,000.00	\$ 4,041.90
Dickinson, Dakota State	5,000.00	5,008.42
Hannah, State Bank of Hannah	7,000.00	14,468.53
Langdon, Citizens State	20,000.00	36,990.82
Langdon, First National Bank	10,000.00	25,621.93
Park River, First National	25,000.00	47,912.03
Wales, State Bank	2,000.00	6,561.15

EXCESS DEPOSITS ACCORDING TO BANK BOOKS JULY 5, 1906,

Number of banks carrying state deposits at that time, about 154.

	Designated For	Balance
Ashley, First State Bank	\$ 5,000.00	\$ 8,133.46
Alice, State Bank	1,500.00	1,504.50
Aneta, Aneta State Bank	5,000.00	5,369.66
Abercrombie, First State Bank	3,000.00	3,077.64
Adams, First State Bank	5,000.00	5,017.51

	Designated.	Balance.
Buffalo, First State Bank	5,000.00	5,180.49
Bowbells, First State Bank	5,000.00	5,020.03
Bismarck, Merchants State Bank	10,000.00	10,103.76
Bantry, State Bank	4,000.00	4,019.55
Bismarck, First National Bank	60,000.00	78,213.26
Bismarck, Bismarck Bank	5,000.00	5,150.71
Carrington, Foster County State Bank	5,000.00	5,217.01
Cogswell, Sargent County State Bank	3,000.00	3,098.18
Cando, First National Bank	10,000.00	21,396.14
Carrington, First National Bank	7,500.00	13,422.11
Calvin, State Bank	3,000.00	3,516.28
Cooperstown, First National Bank	15,000.00	18,813.73
Cavalier, Merchants & Farmers Bank	7,000.00	7,017.50
Dickinson, Dakota National Bank	10,000.00	13,205.18
Dazey, Dazey State Bank	5,000.00	5,096.16
Devils Lake, First National Bank	10,000.00	11,591.33
DeLamere, DeLamere State Bank	3,000.00	3,906.95
Enderlin, First State Bank	3,000.00	3,021.50
Erie, Erie State Bank	2,000.00	2,021.41
Ellendale, Bank of	5,000.00	13,068.21
Esmond, Esmond State Bank	2,000.00	2,565.40
Fessenden, First National Bank	10,000.00	15,925.58
Fargo, First National Bank	50,000.00	88,398.29
Fargo, Commercial Bank	10,000.00	10,141.86
Forman, First National Bank	3,000.00	6,755.29
Forbes, Forbes State Bank	3,000.00	3,005.00
Galesburg, Galesburg State Bank	3,000.00	3,009.00
Glen Ullin, Glen Ullin State Bank	5,000.00	5,020.01
Gladstone, Gladstone State Bank	2,000.00	2,012.50
Great Bend, Farmers State Bank	3,000.00	3,005.75
Hatton, Farmers & Merchants National Bank	5,000.00	5,017.95
Hanna, State Bank	5,000.00	7,433.43
Harvey, Bank of	5,000.00	5,012.50
Hope, First National Bank	10,000.00	13,617.92
Havana, Havana State Bank	2,000.00	3,106.24
Hillsboro, First State Bank	10,000.00	16,424.46
Jamestown, City National Bank	10,000.00	11,326.35
Jamestown, Farmers & Merchants State Bank	20,000.00	21,967.68
Kulm, First State Bank	5,000.00	14,100.41
Lucca, First State Bank	3,000.00	3,014.51
Linton, Linton State Bank	5,000.00	10,993.03
Litchville, First State Bank	2,000.00	3,105.80
Leona, First State Bank	3,000.00	3,009.25
Maddock, Farmers State Bank	2,000.00	2,180.36
Michigan City, Nelson Co. State Bank	10,000.00	16,930.19
Mandan, First National Bank	15,000.00	22,443.93
Mandan, Farmers & Merchants Bank	5,000.00	5,027.95
Milnor, Bank of Sargent County	6,500.00	10,276.57
Mayville, Goose River Bank	5,000.00	5,777.80
Minot, Minot State Bank	5,000.00	5,165.37
Minnewaukan, First National Bank	10,000.00	28,621.23
McClusky, First State Bank	5,000.00	5,015.00
Medina, Medina State Bank	2,000.00	2,001.17
Minot, Second National Bank	10,000.00	14,135.29
Maxbass, State Bank of	3,000.00	5,202.79
Monango, Bank of	3,000.00	3,014.02
Mannhaven, Mercer County State Bank	2,000.00	2,924.16
New Rockford, Bank of	5,000.00	11,697.69
New Salem, State Bank of	5,000.00	5,130.53

	Designated	Balance
Napoleon, Stock Growers Bank	5,000.00	5,300.09
Oakes, First National Bank	10,000.00	10,998.91
Oberon, Bank of	2,000.00	2,158.75
Park River, First National Bank	25,000.00	30,387.44
Page, First National Bank	5,000.00	5,221.15
Perth, Towner County Bank	5,000.00	5,079.25
Rugby, First National Bank	5,000.00	19,951.03
Rutland, First State Bank	3,000.00	3,005.00
Souris, Mouse River Bank	5,000.00	2,503.33
Steele, Kidder County State Bank	5,000.00	10,069.43
Sentinel Butte, Interstate Bank of	5,000.00	10,907.63
Sharon, Sharon State Bank	3,000.00	3,097.35
Sarles, First Bank	3,000.00	3,518.07
Towner, First National Bank	10,000.00	50,278.12
Walhalla, Citizens Bank of	5,000.00	6,034.29
Washburn, First National Bank	10,000.00	22,705.51
Wolford, State Bank	3,000.00	5,018.63
Wyndmere, Bank of	3,000.00	3,071.05
Wahpeton, National Bank	5,000.00	8,623.21

Banks which do not appear to have been designated, as no minutes appear in minute book.

Christine, Christine State Bank	\$	1,562.75
Tower City, First National Bank		2,003.50
McHenry, First National Bank		2,762.32
Brocker, State Bank		2,966.01
Barton, Barton State Bank		1.12
Davenport, State Bank		2,003.30
Hunter, First National Bank		2,003.50
Kindred, Kindred State Bank		2,003.33

EXCESS DEPOSITS ACCORDING TO BANK BOOKS JAN. 2, 1907.

Number of Banks Carrying State Deposits at that Time, about 162.

	Designated.	Balance.
First State Bank of Ashley	\$ 5,000.00	\$ 6,463.07
State Bank of Alice	1,500.00	1,527.05
First Bank of Abercrombie	3,000.00	3,126.11
First National Bank, Buffalo	5,000.00	5,207.90
First National Bank, Bowbells	5,000.00	5,071.43
State Bank, Bantry	4,000.00	4,080.27
First National Bank, Bismarck	60,000.00	150,162.72
Bismarck Bank, Bismarck	5,000.00	5,487.90
Sargent County State Bank, Cogswell	3,000.00	3,143.03
First State Bank, Crosby	3,000.00	3,003.95
First National Bank, Enderlin	3,000.00	3,071.50
Erie State Bank, Erie	2,000.00	2,052.39
Esmond State Bank	2,000.00	2,767.75
First National Bank, Fargo	50,000.00	92,971.02
Commercial Bank, Fargo	10,000.00	10,295.11
First National Bank, Forman	3,000.00	4,894.63
Forkes State Bank	3,000.00	3,771.48
Galesburg State Bank	3,000.00	3,055.40
Gladstone State Bank	2,000.00	2,045.76
Farmers State Bank, Great Bend	3,000.00	3,051.09
Farmers & Merchants National Bank, Hatton	5,000.00	5,096.70
State Bank, Hannah	5,000.00	7,528.28
Bank of Harvey	5,000.00	5,091.27
First National Bank, Hope	10,000.00	10,288.48
Havana State Bank	2,000.00	3,153.03

	Designated	Balance
First National Bank, Hillsboro	10,000.00	13,145.18
First State Bank, Kulm	5,000.00	6,578.07
First State Bank, Lucca	3,000.00	3,059.77
Linton State Bank, Linton	5,000.00	6,231.29
Citizens State Bank, Langdon	10,000.00	17,948.27
First National Bank, Lidgerwood	15,000.00	25,289.54
First Bank, Linton	5,000.00	5,478.20
First State Bank, Litchville	2,000.00	3,148.44
First State Bank, Leonard	3,000.00	3,054.69
Farmers State Bank, Maddock	2,000.00	2,221.01
Nelson County State Bank, Michigan City....	10,000.00	10,156.46
Farmers & Merchants Bank, Mandan	5,000.00	5,103.83
Bank of Sargent County, Milnor	6,500.00	7,432.67
First National Bank, Minnewaukon	10,000.00	13,661.35
First State Bank, McClusky	5,000.00	5,090.70
Medina State Bank, Medina	2,000.00	2,031.38
State Bank, Maxbass	3,000.00	4,294.68
Bank of Manango	3,000.00	3,059.50
Mercer County State Bank, Mannheim	2,000.00	3,083.69
Bank of New Rockford	5,000.00	6,367.30
Stock Growers Bank, Napoleon	5,000.00	5,273.62
Bank of Oberon	2,000.00	2,208.03
First State Bank, Park River	25,000.00	28,006.35
Bank of Park River	2,000.00	2,236.77
Towner County Bank, Perth	5,000.00	5,158.90
First National Bank, Rugby	5,000.00	34,036.11
First State Bank, Rutland	3,000.00	3,089.65
First National Bank, Rock Lake	2,500.00	2,534.96
Kidder County State Bank, Steele	5,000.00	8,998.69
Interstate Bank of Billings Co., Sentine Butte	5,000.00	6,970.75
Sharon State Bank, Sharon	3,000.00	3,144.10
First Bank, Sarles	3,000.00	3,577.07
First National Bank, Towner	10,000.00	11,700.19
Bank of Valley City	10,000.00	10,210.83
National Bank, Wahpeton	10,000.00	.....
City Bank, Walhalla	5,000.00	6,107.54
First National Bank, Washburn	10,000.00	13,197.82
State Bank, Wolford	3,000.00	5,094.39
Bank, Wyndmere	3,000.00	3,117.50

Banks which do not appear to have been designated, as no record appears in minute book of State Board of Auditors:

Christine State Bank, Christine	\$	1,586.45
Brocket State Bank, Brocket		3,010.77
Barton State Bank, Barton		10,092.98
First State Bank, Calvin		2,014.38
First State Bank, Hope		3,055.33
Farmers State Bank, Bantry		3,049.27
First National Bank, McHenry		2,802.00
First National Bank, Kenmare		3,046.08
Farmers & Merchants Bank, New Rockford.....		3,030.10
Farmers & Merchants State Bank, Sherwood.....		3,047.25
Mouse River Bank, Towner		3,061.85
Farmers & Merchants Bank, Turtle Lake		2,018.56

EXCESS CASH BALANCES AND WHERE CARRIED ON
JUNE 30, 1908.

Number of banks carrying balances, 224. Depositories not carrying any deposit, 98.

	Designated.	Deposit.
Anamoose, First State Bank	\$ 5,000.00	\$ 5,029.26
Alexander, Alexander State Bank	2,000.00	2,859.51
Bismarck, Bismarck Bank	18,000.00	20,190.99
Bowman, First National Bank	12,500.00	12,890.64
Barton, Barton State Bank	10,000.00	10,477.72
Bantry, State Bank	5,000.00	5,411.75
Clyde, Clyde State Bank	3,000.00	3,005.56
Crosby, First State Bank	5,000.00	5,065.64
Cogswell, Sargent County State Bank.....	2,000.00	2,332.53
Carrington, Foster County State Bank	10,000.00	10,326.20
Dawson, First State Bank	3,000.00	5,112.67
Dunseith, Security State Bank	3,000.00	3,018.29
Douglas, Citizens State Bank	3,000.00	3,018.54
Esmond, Esmond State Bank	2,000.00	2,098.40
Fairdale, Farmers State Bank	4,000.00	4,009.67
Fargo, Commercial Bank	10,000.00	10,160.43
Forbes, Forbes State Bank	3,000.00	3,948.79
Great Bend, Farmers State Bank	10,000.00	10,130.25
Garrison, Citizens State Bank	3,000.00	3,018.55
Galesburg, Galesburg State Bank	1,500.00	1,670.21
Goodrich, First National Bank	5,000.00	5,027.97
Hillsboro, First National Bank	10,000.00	20,077.01
Hampden, First National Bank	2,000.00	2,003.67
LaMoure, Farmers State Bank	5,000.00	8,743.85
Langdon, W. J. Moore State Bank	2,500.00	2,819.78
Linton, Linton State Bank	5,000.00	8,359.41
Lidgerwood, First National Bank	30,000.00	30,644.20
Langdon, Citizens State Bank	10,000.00	18,427.14
Linton, First Bank	5,000.00	10,527.10
Munich, First National Bank	5,000.00	9,179.81
Minot, Minot State Bank	5,000.00	5,369.94
Napoleon, Stock Growers Bank	5,000.00	5,404.90
Oakes, First National Bank	5,000.00	5,083.03
Oberon, Bank of Oberon	2,000.00	2,315.50
Park River, Bank of	2,500.00	2,682.68
Perth, Towner County Bank	5,000.00	5,081.15
Rugby, First National Bank	10,000.00	22,052.35
Rolla, State Bank	2,500.00	2,673.51
Rugby, Citizens State Bank	5,000.00	5,492.75
Rugby, Merchants Bank	5,000.00	6,564.23
Sentinel Butte, Interstate Bank of Billings Co.	5,000.00	6,020.96
Sherwood, Farmers & Merchants State Bank..	6,500.00	8,231.86
Steele, First National Bank	10,000.00	11,516.54
Towner, First National Bank	10,000.00	13,152.95
Those, Farmers & Merchants State Bank....	3,000.00	3,021.57
Warwick, State Bank	3,000.00	3,015.02
Williston, Williams County Bank	5,000.00	5,030.55
Wilton, McLean County State Bank	2,500.00	2,620.98
Wales, State Bank of	3,000.00	3,185.06
Wimbleton, Merchants National Bank	15,000.00	22,602.09
York, York State Bank	3,000.00	4,027.50

EXCESS DEPOSITS ACCORDING TO BANK BOOKS, AUG. 1, 1909.

Number of depositaries about 320.

	Designated.	Balance.
First State Bank, Ashley	\$ 10,000.00	\$ 9,939.33
Bond, \$20,000; qualify	6,000.00	
First State Bank, Abercrombie	10,000.00	5,948.61
Bond, \$20,000; qualify	6,000.00	
Security State Bank, Adams	12,500.00	12,425.88
Bond, \$25,000; qualify	10,000.00	
First National Bank, Bottineau	15,000.00	15,089.49
Bond, \$30,000.		
Bottineau National Bank	10,000.00	10,139.66
Bond, \$20,000.		
Security State Bank, Crosby	25,000.00	2,518.21
Bond, \$50,000.		
First State Bank, Coteau	5,000.00	6,590.05
Bond, \$10,000.		
First National Bank, Casselton	15,000.00	15,059.52
Bond, \$30,000.		
State Bank of Cooperstown	20,000.00	20,880.73
Bond, \$40,000.		
Dakota National Bank, Dickinson	15,000.00	15,620.51
Bond, \$30,000.		
Ramsey County National Bank, Devils Lake..	10,000.00	10,000.11
Bond, \$10,000.		
Bank of Ellendale	5,000.00	5,020.75
Bond, \$10,000.		
First National Bank, Fargo	50,000.00	69,909.62
Bond, \$100,000.		
Commercial Bank, Fargo	10,000.00	10,029.90
Bond, \$20,000.		
Farmers State Bank, Great Bend	10,000.00	9,475.30
Bond, \$20,000; qualify	6,600.00	
City State Bank, Goodrich	3,000.00	6,041.25
Bond, \$5,000.		
Bond, \$3,000.		
Union National Bank, Grand Forks	25,000.00	27,245.86
Bond, \$50,000.		
First National Bank, Hillsboro	10,000.00	10,004.10
Bond, \$10,000.		
First National Bank, Harvey	5,000.00	5,651.81
Bond, \$10,000.		
Farmers & Merchants National Bank, Hatton..	13,000.00	13,007.99
Bond, \$26,000.		
Hebron State Bank	10,000.00	7,487.31
Bond, \$20,000; qualify	6,500.00	
City National Bank, Jamestown	15,000.00	15,016.33
Bond, \$30,000.		
National Bank of Larimore	5,000.00	5,015.59
Bond, \$5,000.		
First National Bank, McHenry	3,000.00	3,010.68
Bond, \$3,000.		
First National Bank, Munich	5,000.00	10,013.18
Bond, \$10,000, surety.		
First National Bank, Mandan	25,000.00	25,289.32
Bond, \$50,000.		
Portal State Bank, Portal	5,000.00	5,010.92
Bond, \$5,000.		
Bank of Park River	2,500.00	2,512.92

	Designated.	Deposit
Bond, \$2,500.		
First National Bank, Russell	5,000.00	9,735.00
Bond, \$5,000, \$5,000.		
First National Bank, Turtle Lake	10,000.00	10,028.25
Bond, \$20,000.		
First State Bank, Ventura	7,000.00	6,779.75
Bond, \$14,000; qualify	6,000.00	
American National Bank, Valley City	20,000.00	21,226.34
Bond, \$30,000.		

EXCESS DEPOSITS ACCORDING TO BANK BOOKS AUG. 9, 1910.

Out of a Number of About 502 Banks.

	Designated.	Balance.
First State Bank, Coteau	\$ 7,500.00	\$ 7,512.01
Portal State Bank	5,000.00	5,033.03

The practice of carrying balances in state depositaries in excess of amounts for which designated is subject to criticism. However, in clearing large items it is necessary that some be remitted to some bank for that purpose and in such cases the balance in such bank for that purpose and in such cases the balance in such bank may for a few days exceed the amount for which it is designated. We recommend that large items be collected through some of the larger state depositaries and without delay be distributed among other depositaries. During the past year excess balances in depositaries have not been carried for any considerable period of time.

During part of the period covered by your committee's investigation it appears that balances were at times carried in banks not designated as state depositaries, and which balances were not protected by bond. In this connection we call attention to the fact that the First National Bank of Rugby, N. D. and the Barton State Bank of Barton, N. D., both failed with excess balances in their hands.

The First National Bank of Rugby, which was designated as a depositary for \$10,000.00, failed with a balance due the state of \$16,151.14, and the Barton State Bank, designated for \$10,000.00, failed with a balance due the state of \$10,152.44. Dividends have been received from these two suspended banks reducing the amount due the state from the First National Bank of Rugby to \$9,690.69, and from the Barton State Bank reducing the amount due to the state to \$1,522.87.

On July 5th, 1906, the First National Bank of Rugby designated for \$5,000.00 had nearly \$20,000.00 of state money, and on January 2, 1907, over \$34,000.00, and on June 30, 1908, designated for \$10,000.00 had over \$22,000.00.

On January 2, 1907, the Barton State Bank does not appear to have been designated depositary, though it had over \$10,000.00 of state funds.

EXCESSIVE CASH BALANCES.

We beg to report that our examination covering the early part of the eight year period with reference to the amount of cash and cash items on hand carried by the state treasurer from day to day has been somewhat hindered for the reason that the system of keeping books was such that it is difficult to trace the different items. For instance for a part of this time we find no collection or remittance register or record of cash items or detailed description of such items. During a part of this time

we find the cash books showing large daily balances of cash on hand for considerable periods of time. As it would be a somewhat lengthy proposition to make a complete examination and report of the actual daily balances on hand for the eight year period we herewith submit the following statement; showing the general average balances for each month for the years 1903 to 1910 inclusive:

1903.

CASH.

January, \$3,000 to \$200,000, most of the time below \$150,000.
 February, \$13,000 to \$143,000, most of the time above \$100,000.
 March, \$143,000 to \$606,000, most of the time above \$150,000.
 April, \$500,000 to \$654,000, all of the time above \$500,000.
 May, \$655,000 to \$683,000, most of the time above \$500,000.
 June, \$427,000 to \$452,000, all of the time above \$400,000.
 July, \$408,000 to \$421,000, most of the time above \$400,000.
 August, \$401,000 to \$414,000, most of the time above \$250,000.
 September, \$251,000 to \$254,000, most of the time above \$225,000.
 October, \$14,000 to \$122,000, most of the time above \$100,000.
 November, \$14,000 to \$103,000, most of the time below \$25,000.
 December, \$1,000 to \$111,000, most of the time below \$50,000.

CASH (CONTINUED).

1904.

January \$24,000 to \$212,000, considerable of the time from \$100,000 to \$130,000.
 February, \$212,000 to \$437,000, most of the time below \$100,000.
 March, \$172,000 to \$462,000, most of the time below \$150,000.
 April, \$477,000 to \$309,000, most of the time below \$150,000.
 May, \$309,000 to \$317,000, most of the time below \$200,000.
 June, \$150,000 to \$180,000, most of the time below \$160,000.
 July, \$156,000 to \$173,000, most of the time below \$160,000.
 August, \$143,000 to \$145,000, most of the time below \$130,000.
 September, \$14,000 to \$16,000, most of the time below \$10,000.
 October, \$14,000 to \$56,000, most of the time below \$25,000.
 November, \$4,000 to \$77,000, most of the time below \$25,000.
 December, \$53,000 to \$86,000, most of the time below \$30,000.

CASH (CONTINUED).

1905.

January 1st, \$86,000 to January 11th, \$553,000 to high account for a few days only dropping to \$93,000 January 11th.
 January 12th, \$500 to \$94,000, most of the time below \$10,000.
 February, \$1,500 to \$86,000, most of the time below \$10,000.
 March, \$9,000 to \$284,000, most of the time below \$5,000. (The \$284,000 for one day only.)
 April, \$400 to \$9,000, most of the time below \$3,000.
 May, \$2,500 to \$6,000, most of the time below \$2,000.
 June, \$1,100 to \$6,000, most of the time below \$2,000.
 July, \$4,900 to \$21,000, most of the time below \$10,000.
 August, \$650 to \$10,000, most of the time below \$2,000. (The \$10,000 for one day only.)
 September, \$1,200 to \$2,000, most of the time below \$2,000.
 October, \$1,400 to \$36,000, most of the time below \$2,000. (The \$36,000 for one day only.)
 November, \$9,000 to \$1,000, most of the time below \$3,000.
 December, \$1,000 to \$6,000, most of the time below \$3,000.

CASH (CONTINUED).

1906.

- January, \$4,700 to \$15,000, most of the time below \$12,000.
 February, \$1,700 to \$404,000, most of the time below \$2,500. (The \$404,000 for three days only.)
 March, \$1,100 to \$159,000, most of the time below \$5,000. (The \$159,000 for one day only.)
 April, \$3,300 to \$21,000, most of the time below \$3,000.
 May, \$1,700 to \$9,000, most of the time below \$3,000.
 June, \$6,000 to \$29,000, most of the time below \$6,000. (The \$29,000 for one day only.)
 July, \$2,900 to \$108,000, most of the time below \$10,000. (The \$108,000 for one day only.)
 August, \$4,000 to \$24,000, most of the time below \$5,000.
 September, \$1,700 to \$3,000, most of the time below \$3,000.
 October, \$2,600 to \$38,000, most of the time below \$5,000. (The \$38,000 for one day only.)
 November, \$2,500 to \$85,000, most of the time below \$5,000. (The \$85,000 for two days only.)
 December, \$2,700 to \$33,000, most of the time below \$5,000. (The \$33,000 for one day only.)

CASH (CONTINUED).

1907.

- January, \$683 to \$20,000, most of the time below \$3,000. (The \$20,000 for two days only.)
 February, \$3,000 to \$27,000, most of the time below \$6,000. (The \$27,000 for one day only.)
 March, \$2,000 to \$24,000, most of the time below \$10,000. (The \$24,000 for three days only.)
 April, \$11,000 to \$69,000, most of the time below \$5,000. (The \$69,000 for two days only.)
 May, \$3,000 to \$32,000, most of the time below \$8,000. (The \$32,000 for two days only.)
 June, \$8,000 to \$14,000, most of the time below \$5,000.
 July, \$5,000 to \$17,000, most of the time below \$8,000.
 August, \$9,000 to \$19,000, most of the time below \$5,000. (The \$19,000 for one day only.)
 September, \$2,700 to \$10,000, most of the time below \$3,000. (The \$10,000 for one day only.)
 October, \$2,800 to \$4,300, most of the time below \$3,000.
 November, \$4,600 to \$29,000, most of the time below \$3,000. (The \$29,000 for one day only.)
 December, \$4,400 to \$120,000, most of the time below \$5,000. (The \$120,000 for about five days.)

CASH (CONTINUED).

1908.

- January, \$6,500 to \$18,000, most of the time below \$12,000.
 February, \$3,100 to \$30,000, most of the time below \$25,000.
 March, \$23,000 to \$29,000, most of the time below \$28,000.
 April, \$30,000 to \$86,000, about one-half of the time below \$55,000.
 May, \$4,300 to \$27,000, most of the time above \$20,000.
 June, \$26,000 to \$29,000, most of the time above \$25,000.
 July, \$29,000 to \$40,000, most of the time above \$25,000.
 August, \$25,000 to \$41,000, most of the time above \$25,000.
 September, \$27,000 to \$27,000, most of the time above \$25,000.
 October, \$39,000 to \$51,000, most of the time above \$25,000.
 November, \$23,000 to \$25,000, most of the time below \$25,000.

December, \$36,000 to \$241,000, most of the time below \$40,000. (The \$241,000 for two days only.)

CASH (CONTINUED).

1909.

January, \$9,000 to \$853,000, most of the time below \$20,000. (The \$853,000 for one day only.)

February, \$900 to \$30,000, most of the time above \$25,000.

March, \$33,000 to \$303,000, most of the time above \$30,000.

April, \$5,000 to \$34,000, most of the time above \$25,000.

May, \$30,000 to \$379,000, most of the time above \$30,000.

June, \$74,000 to \$396,000, most of the time above \$90,000.

July, \$249,000 to \$249,000, most of the time above \$150,000.

August, \$91,000 to \$91,000, most of the time above \$25,000.

September, \$2,100 to \$199,000, most of the time above \$20,000 first one-half, \$150,000 second one-half.

October, \$179,000 to \$191,000, most of the time above \$35,000. (The \$191,000 for one day only.)

November, \$33,000 to \$65,000, most of the time above \$35,000.

December, \$36,000 to \$124,000, most of the time above \$30,000. (The \$124,000 for one day only.)

CASH (CONTINUED).

1910.

January, \$37,000 to \$54,000, most of the time below \$10,000.

February, \$3,000 to \$551,000, most of the time below \$10,000 first half, \$35,000 second half.

March, \$1,400 to \$358,000, most of the time below \$100,000.

April, \$11,000 to \$188,000, most of the time above \$30,000.

May, \$29,000 to \$82,000, most of the time above \$30,000.

June, \$17,000 to \$48,000, most of the time above \$15,000.

July, \$15,000 to \$53,000, most of the time above \$15,000.

August, \$18,000 to \$41,000, most of the time above \$25,000.

September, \$43,000 to \$53,000, most of the time above \$40,000.

October, \$51,000 to \$66,000, most of the time above \$50,000.

November, \$51,000 to \$80,000, most of the time above \$50,000.

December, \$60,000 to \$65,000, most of the time above \$60,000.

In connection with this matter we will say there should be no occasion for carrying large amounts of cash on hand for any considerable number of days. By so doing the state loses interest on the amount so carried and it is readily seen that interest on large cash items as \$50,000 to \$100,000 for just a few days represents a considerable amount of money lost to the state. We recommend that cash items be cleared daily.

STATE BOARD OF AUDITORS.

Section 231 of the Revised Codes of 1905 provides that the State Board of Auditors, consisting of the Secretary of State, State Auditor and Attorney General, shall without previous notice make at least two examinations of the State Treasurer's office in each year, and make report thereof to the governor.

Your committee find but one such report filed in the office of the governor. This report is dated January 25, 1910, and was filed in the office of the governor April 2nd, 1910. This examination appears to have been made January 10 and 11, 1910. We incorporate copy of same in our report, omitting the tabulated statement of bank balances.

In the minutes of the proceedings of the State Board of Auditors, under date July 29, 1907, we find the following: "It was moved and carried that Alfred Blaisdell act as a committee of one to make early arrangements for a full examination by said board of the office of the state

treasurer, in compliance with section 231, Revised Codes, North Dakota, 1905, and that he notify the state examiner to be present either by himself or deputy at a convenient early date, to be set by said examiner, and said committee to aid and assist in said examination by said board of said office of state treasurer."

Under date of January 2nd, 1909, we find the following: "Mr. Blaisdell stated that he had employed Mr. W. A. Dillon, an expert accountant, to aid him in examining the state treasurer's office and that a report of such examination had been filed with the governor June 3, 1908." Your committee made request at the governor's office to be shown the report mentioned above as having been filed June 3, 1908, and was informed that no such report was on file.

On page 103 of letter press copy book in the office of the secretary of state, covering period from December 15, 1909, until latter part of January, 1910, we find a copy of a letter written by Mr. Alfred Blaisdell, secretary of state, in reply to a letter received from Mr. Holmes. A copy of the letter from Mr. Holmes appears in the report of the State Board of Auditors filed with the governor April 2, 1910, a copy of which is incorporated in the report. Following is a copy of Mr. Blaisdell's reply to Mr. Holmes, and is introduced here as throwing some light on the question as to why examinations of the state treasurer's office have not been more frequently made:

"January 7, 1910.

Mr. D. M. Holmes, General Agent,

United States Fidelity & Guaranty Co., Grand Forks, N. D.

Sir: I am in receipt of your letter of the 9th ultimo relative to the irregularities of State Treasurer Bickford's office, calling my attention to the necessity of an examination of his office pursuant to statute.

I regret to inform you that during my incumbency for the past three years I have repeatedly tried, as the records of my office show, to have these examinations duly made, but I have not been successful. I succeeded in having but one examination made by the Examining Board, of which I am a member, during my first term, but the other two members of the board were not personally present and rendered no assistance—save that the bill for services of the expert book accountant I employed was allowed by that Auditing Board under section 237, R. C. 1905, of which I am not a member, but after much delay, and when said accountant's bill was finally paid it was charged up to my department.

During my present term I have made repeated attempts to have examinations made of the state treasurer's office pursuant to section 231, R. C. 1905, but without any results. I cannot make and have no intentions of making the examinations alone, as I am not an expert accountant. The other two members constituting a majority of the Examining Board, also constitute a majority of the Auditing Board, which has the power of allowing or rejecting bill incurred for services of the necessary accountants who might be employed by me in case I should try to conduct an examination myself. I am very willing to supervise and conduct this examination myself, as I have been in times past, if I can be assured that the employees I engage will be paid by the Auditing Board, of which I am not a member, and have no voice in saying what bills may be paid.

I assure you that I will be glad to take up this matter again with the other members and if the examination should be eventually had, I will submit a request to the governor to furnish you with a copy of the report of same made to him.

I would suggest that you write the governor calling his attention to section 231, R. C. 1905, and requesting his aid in the matter. If the governor will request the secretary of state, state auditor and attorney general to at once make the examination, as required by section 231, and to

make report to him as required by that section, I have no doubt that your efforts for an examination of the state treasurer's office would be greatly facilitated. I am,

Very faithfully yours,

ALFRED BLAISDELL,
Secretary of State.

(COPY.)

January 25th, 1910.

His Excellency John Burke, Governor,
Bismarck, N. D.

Sir: Pursuant to the requirements of section 231 of the Revised Code of 1905, we, the State Board of Auditors, hereby make this our report of examination of the State Treasurer's office.

The board attaches herewith the various written complaints made by the Union National Bank of Minot and the United States Fidelity & Guaranty Company.

Attached hereto, you will find a sheet showing a distribution of the state funds in depositories, as shown by the bank books on January 1, 1910. The balances at that time all appeared to be within the amount for which each depository was designated, with the exception of the balance with the First National Bank of Mohall and the Citizens State Bank of Goodrich. The banks which were designated as depositories and have no state funds are: The First National Bank of Bowbells, Farmers & Merchants Bank, Kenmare, and Citizens State Bank, Ryder. At various times during the past year there were banks which had excess deposits. They, however, appeared to be of a temporary nature.

There have been made complaints to the effect that discrimination has been made pertaining to illegal deposits with the First State Bank of Bowbells, and the collection through that bank of certain large state auditor's drafts. In reference to same, will say that it appears from the report that a balance was carried with this bank until August 4th, 1909, at which time it was withdrawn.

We note that the quarterly statement of the treasurer for the period ending June 30th, 1909, shows no deposits of state moneys in the First State Bank of Bowbells, but on the 26th of June preceding there was deposited in said bank the sum of \$5,048.91, but it was withdrawn just before June 30th, when the quarterly period ended, and practically the same amount (\$5,069.91) was again redeposited on July 9th shortly after the quarterly period.

With reference to the collection of large state auditor's drafts, it appears that the state auditor on June 14th, 1909, drew draft No. 9758 for \$225,-347.58 on the treasurer of Ward county. This item was sent for collection and remittance to the First State Bank of Bowbells, which bank forwarded in return nine (9) drafts for approximately \$25,000.00 each, drawn on the Second National Bank of Minot. These were carried by the State Treasurer as cash items and deposited with various depository banks between the dates of June 18th and 26th. Another instance of this kind appears on June 29th, 1909, when the state treasurer again forwarded for collection two (2) state auditor's drafts, one No. 9,759, dated June 25th, drawn on the treasurer of McHenry county for \$66,121.26, and one No. 9,760, of the same date, drawn on the treasurer of Wells county for \$99,993.82. The First State Bank of Bowbells forwarded in payment seven (7) smaller drafts, drawn on the First National Bank of Fargo and the Second National Bank of Minot. These were carried as cash items and deposited with depository banks at various dates between July 13th and 26th.

It appears to the board that the objection to these transactions would be that these afloat or outstanding drafts which are carried as cash items would leave large balances for which the state would not be protected by any bond, nor would the state be receiving interest for the time they were carried. It also appears that the First State Bank of Bowbells was not a state depository at the time of these transactions.

We recommend that this practice be discontinued and that these large drafts be collected through some regular designated state depositories, and through the larger state depositories, and then be immediately re-deposited in smaller amounts with the various other depositories.

We attach herewith statement of examination made of the funds of the state treasurer, examined on January 10th and 11th, 1910.

Also find attached list of state depositories showing amount of state moneys deposited in each.

Respectfully submitted,

ALFRED BLAISDELL,
Secretary of State.

D. K. BRIGHTBILL,
State Auditor.

ANDREW MILLER,
Attorney General.

(COPY.)

Union National Bank (Capital \$50,000.00),

Minot, North Dakota, July 24, 1909.

Dear Sir: You will find enclosed copies of correspondence between us and the state treasurer in which we have taken exception to methods used by him in collecting funds from county treasurers.

The specific instance which we have to bring before you is a draft drawn by the state treasurer in favor of the First Bank of Bowbells on the treasurer of Ward county for \$225,000 about the 16th of June, which draft was credited to the account of the First State Bank of Bowbells by the Second National Bank of Minot, its correspondent, to which said draft was sent by the First State Bank of Bowbells for collection and credit.

On the published statement of the First State Bank of Bowbells, as of a date a few days later than the call of the state bank examiner, it does not show apparently this money on deposit. It was handled, we believe, in this way: Drafts were drawn by this bank in favor of other banks throughout the state, particularly those at Bismarck, so that the \$225,000.00 draft was settled for on the books of the bank on the same day. These drafts were not paid at once, but were held by the state treasurer and straggled through later.

Yesterday we had a draft \$228.00, dated June 26, 1909, drawn by the First State Bank of Bowbells on Second National Bank, Minot, in favor of G. L. Bickford, state treasurer, of Bismarck, for \$25,000.00, which was sent to the First National Bank of Minneapolis, and by them to us for collection, and received by us on the 22nd day of July. This is a very nice way for a state treasurer to get his little two per cent interest on daily balances without being entitled to it. We do not know how much more than \$225,000.00 was held by his little bank at Bowbells, but this is only one instance, and if he is following such practices, there is no reason to believe he has not used other counties in the same way, and that for a longer or shorter period of time large amounts of money have been held by the correspondents of the First State of Bowbells, upon which he has received interest.

These transactions, as stated above, have been covered up by issuing drafts in favor of other banks and by holding those drafts for a longer or shorter period of time. If there is any remedy from the injustice worked upon us by this particular transaction, we propose to obtain it, and therefore place the matter before your board for review.

The draft referred to was warrant No. 9758, dated June 14th, 1909, for \$225,347.58, endorsed "pay to the First State Bank of Bowbells, North Dakota, or order, G. L. Bickford, treasurer"; endorsed by this bank to Second National Bank of Minot, and on Ward county.

Yours truly,

S. J. LADUE,
Cashier.

(COPY.)

The United States Fidelity & Guaranty Co.,

D. M. Holmes.

Baltimore, Md.,
Grand Forks, N. D., 12-9-1909.

Hon. Alfred Blaisdell, Secretary of State
Bismarck, N. D.

Dear Sir: As chairman of the state auditing board, as provided by section 231, Revised Codes of 1905, I wish to call your attention to the fact that your board has not complied with this section by making the required semi-annual examination of the state treasurer's office. Certain irregularities exist in connection with Mr. Bickford's methods of handling the business of his office, which are not satisfactory to our company, which is surety on his official bond. One matter in particular is his using the State Bank of Bowbells as a collection agency for making collections from

Feb. 20	20,230.00	4,953.48
---------------	-----------------	----------

the several counties. This bank is not a legally authorized depository and we do not propose that any bank which is not so designated shall handle any of the state funds. These facts were brought out by a recent examination of the treasurer's office by one of our auditors, at the same time that an examination was made by the deputy state examiner. We desire that your board make an audit of the treasurer's office and that we be furnished with a copy of such report.

We have made several efforts to have Mr. Bickford comply strictly with the provisions of the law regulating his office, but we have been unable so far to get him to conduct the office strictly as required. We do not want to make any trouble, either for the treasurer or any one else, but it will be necessary for us to protect our interests.

Please let me hear from you at as early a date as possible what steps will be taken to correct the existing irregularities.

Yours truly,

D. H. HOLMES,
General Agent.

STATE OF NORTH DAKOTA.

Name: First State Bank.
Address: Bowbells, N. Dak.
1908—

Acct No. 24.
Sheet No. 1.

Date.	Total Credits.	Debits.	Balance.
Aug. 10		\$ 5,000.00	\$ 5,000.00
Sept. 22		7.50	5,007.50
Oct. 24		12.51	5,020.01
Nov. 27		12.55	5,032.56
Dec. 17		12.58	5,045.14
1909—			
Jan. 4		13.04	5,058.18
Jan. 5	\$ 5,058.18		
Jan. 11		25,827.43	25,183.43
Jan. 16	630.00		
Feb. 4	14.00		25,183.43
Feb. 22		46.57	5,000.00
Apr. 21		11.25	5,011.25
May 18		12.50	5,023.75
June 16		12.56	5,036.31
June 26		12.60	5,048.91
July 3			
July 9		5,068.91	5,068.91
July 17			
Aug. 4		12.62	12.62

STATE TREASURER, BISMARCK, N. D.

January 10 and 11, 1910.

Balance in all funds (as per statement)	\$ 1,025,572.24
Checks outstanding (as per list)	56,414.43
Total	\$ 1,148,986.67
Deposited in banks Jan. 1, 1910, as per pass books.....	\$ 1,038,694.03
Deposited from Jan. 1 to Jan. 7	56,168.07
Cash and cash items Jan. 6	54,124.57
Total	\$ 1,148,986.67

PROOF OF CASH.

Cash Jan. 6, 1910	\$ 54,124.57	
Cash over on that date	2.65	
Collection since Jan. 6	25,542.19	
Cash on hand Jan. 10		\$ 246.42
Cash items		24,990.84
Remittance to be made up		5,607.24
Due from auditor (bond interest)		19,934.00
Remittance Jan. 7		4,275.65
Remittance, Jan. 8		25,215.26
	\$ 79,669.41	\$ 79,669.41

Cash items which I was instructed to list—

Warrants (School District No. 63, Morton county).....	\$ 14.00
Warrants (Giller township, Rolette county)	22.80
Warrants (City of Williston)	210.35

Warrants (City of Williston)	99.75
Warrants (Mountrail county)	6.45
29 auditors' drafts dated Jan. 3 and 4	16,819.94

BALANCES IN FUNDS JANUARY 6, 1910.

General fund	\$ 25,530.61
Asylum bond sinking fund	504.02
Bond interest fund	21,052.01

One mill tax state institutions—

University	5,516.19
Agricultural College	3,332.58
Mayville Normal School	2,163.67
Valley City Normal School	2,491.95
School for Deaf and Dumb	1,017.21
School of Forestry	335.75
Academy of Science	656.56
Industrial School	1,148.99
Wolf bounty fund	14,262.78
State bond sinking fund	58,302.65
Fines, penalties and forfeitures	3,263.30

Interest and income, state institutions—

Common school	51,146.65
University	2,235.50
School of Mines	1,287.94
Agricultural College	7,059.15
Mayville Normal School	1,670.00
Valley City Normal School	2,706.19
School for Deaf and Dumb	1,393.00
Hospital for insane	19,713.60
Soldiers' Home	1,717.46
Blind Asylum	1,200.10
Industrial School	1,467.42
Academy of Science	1,432.32
Capitol Building	69,321.19
Reform School	11,774.33

Permanent Fund, state institutions—

Common schools	483,412.26
University	3,165.98
School of Mines	3,361.47
Agricultural College	3,530.73
Mayville Normal School	1,283.57
Valley City Normal School	3,579.05
School for Deaf and Dumb	2,692.55
Hospital for Insane	1,132.12
Soldiers' Home	3,714.85
Blind Asylum	2,067.17
Industrial School	667.76
Academy of Science	1,731.21
Capitol Building	94,245.47
Reform School	1,584.48
Twine plant operating fund	127,652.10
Twine plant construction fund	164.91
Twine plant sinking fund	23,560.34
Oil inspection fund	15,559.79
Hotel inspection fund	586.31

Historical society (special fund)	177.65
Total	\$1,092,572.24

DEPOSITS MADE FROM JANUARY 1, 1910, TO JANUARY 7.

Bismarck Bank	\$ 17,224.83
First National Bank, Lidgerwood	10,000.00
State Bank of Lisbon	5,000.00
Dakota National Bank, Dickinson	210.01
State Bank of Cooperstown	209.73
Kenmare National Bank, Kenmare	370.15
City National Bank, Williston	401.90
First National Bank, Bismarck	7,867.51
First National Bank, Bismarck	4,763.17
First State Bank, Russell	18.25
First National Bank, Bismarck	1,123.50
Commercial State Bank, Carrington	1,050.00
First National Bank, Bismarck	33.11
First National Bank, Mandan	12.00
First National Bank, Fargo	99.12
City National Bank, Bismarck	96.65
First National Bank, Ellendale	170.00
City National Bank, Williston	16.67
First National Bank, Bismarck	6,751.47
First National Bank, Mandan	480.00
State Bank of New Salem	270.00
Total	\$ 56,168.07

CHECKS OUTSTANDING UP TO JANUARY 7.

No.	Bank.	Amount.
1739	First National, Bismarck	\$ 83.20
2384	First National Bank, Bismarck	43.00
2652	Mouse River Valley Bank, Souris	1,000.00
2728	First National Bank, Bismarck	4.40
2729	First National Bank, Bismarck	10.09
2749	Bank of Monango	339.37
2754	Bank of Monango	54.50
2760	Bank of Monango	54.95
2778	Bank of Monango	234.55
2803	Farmers & Merchants Bank, Hankinson	500.00
2832	Stock Growers Bank, Napoleon	500.00
2844	Bank of Monango	117.50
2872	First State Bank, Rogers	500.00
2873	State Bank of McCumber, Rolette	1,000.00
2875	First State Bank, Arthur	500.00
2876	Aur State Bank	400.00
2877	First National Bank, Anamoose	800.00
2878	First State Bank, Almont	1,000.00
2879	Scandia American Bank, Adams	800.00
2880	State Bank of Antler	1,000.00
2881	State Bank, Brocket	1,000.00
2882	Aneta State Bank	500.00
2883	First State Bank, Ashley	500.00
2884	First National Bank, Abercrombie	500.00
2885	Ashley State Bank	500.00
2886	Security State Bank, Adams	500.00
2887	Berwick State Bank	500.00

No.	Bank	Amount
2889	Golden Valley State Bank, Beach	500.00
2890	First State Bank, Blanchard	500.00
2891	State Bank, Bantry	500.00
2892	Bank of Barney	500.00
2893	Bank of Oliver County, Center	500.00
2894	Merchants & Farmers Bank, Cavalier	500.00
2895	First Bank, Cavalier	500.00
2896	Cogswell State Bank	500.00
2897	Commercial State Bank, Carrington	500.00
2899	Merchants State Bank, Bismarck	181.95
2900	First National Bank, Lidgerwood	10,000.00
2901	State Bank of Lisbon	5,000.00
2902	Bismarck Bank, Bismarck	2,820.42
2903	Merchants State Bank, Bismarck	107.50
2904	Bismarck Bank	2,396.18
2905	Bismarck Bank	200.00
2906	First National Bank, Bismarck	10,085.80
2907	Bismarck Bank	2.50
2908	Bismarck Bank	4,747.77
2909	Bismarck Bank	12.50
2910	First National Bank, Bismarck	3,232.40
2911	City National Bank, Bismarck	32.94
2912	Bismarck Bank	125.00
2913	First National Bank, Bismarck	20.00
	*State Bank of Cooperstown	2.50
	*Oakes National Bank .....	.50
Total		\$ 56,414.43

*These two checks are the ones that were issued during the Peterson administration and are still afloat.

COMMITTEE REPORT ON ACCOUNT OF FIRST BANK OF BOWBELLS FROM JAN. 4, 1909, TO JULY 9, 1909.

Date.	Credits.	Debits.	Balance.
1909—			
Jan. 4.			\$ 5,058.18
Jan. 5.	\$ 5,058.18		.....
Jan. 11.		\$ 25,827.43	25,827.43
Jan. 16.	630.00		.....
Jan. 16.	14.00		25,183.43
Feb. 4.	20,230.00		4,953.43
Feb. 20.		46.57	5,000.00
Mar. 22.		11.25	5,011.25
Apr. 21.		12.50	5,023.75
May 18.		12.56	5,036.31
June 16.		12.60	5,049.91
June 26.	5,048.91		.....
July 3.		5,068.91	5,068.91
July 9.	5,068.91		.....

The First State Bank of Bowbells was not a designated depository during the year of 1909.

On Feb. 4, 1909, State Treasurer's check No. 210 for \$20,230.00 was drawn against the account of the First State Bank of Bowbells and was made payable to the order of "yourselves." The check bears no endorsement and is stamped "paid, First State Bank of Bowbells, February 5th, 1909." The bank's pass book shows this amount credited with no date and nota-

tion, "one voucher returned." Check book stub shows notation "cash," Feb. 4, 1909; this amount, \$20,230.00 appears in the cash items and continues there until March 30, 1909. On March 30, 1909, it disappears and the remittance register shows the following items remitted to First National Bank of Fargo: Certificate of deposit No. 2477, amount \$20,230.00, issued by the First State Bank of Bowbells, Feb. 1st, 1909; certificate of deposit No. 138, amount \$3,000, issued by the First State Bank of Surrey, Feb. 17, 1907, and certificate of deposit No. 357, amount \$5,000.00, issued by Citizens State Bank of Flaxton, Feb. 17, 1909.

On June 26, 1909, check No. 1734 for \$5,048.91 was drawn on the First State Bank of Bowbells, payable to the order of "yourselves." This check bears no endorsement, is stamped "Paid, July 6th, 1909, First State Bank, Bowbells." Check book stub shows notation "Cash." Pass book shows the amount credited and "one voucher returned."

This check appears to have been carried as cash item until July 3, 1909, and appears in the published quarterly statement as "Checks \$5,048.91," under heading of cash and cash items in vault. This method of handling accounts obviated the necessity of showing the First State Bank of Bowbells in the list of depositories as published, although the deposit still remained in the bank.

On July 3rd, 1909, the remittance register shows this check and another check for \$20.00, making a total of \$5,068.91, to have been remitted to First State Bank of Bowbells, and this amount is charged to the account of the bank.

On July 9, 1909, the bank is credited with \$5,068.91, and the account closed, and this amount appears as cash item until August 7, 1909, in the form of a certificate of deposit No. 3 by First State Bank of Bowbells, July 7, 1909. The bank's pass book does not show either a debit or credit in this transaction, nor is there any record that a check was drawn against this account. The remittance register shows that on August 7, 1909, this certificate of deposit No. 3, together with other items, was remitted to the First National Bank of Fargo.

IRREGULAR HANDLING OF STATE AUDITOR'S DRAFTS ON TREASURER OF BARNES COUNTY BY STATE TREASURER G. L. BICKFORD.

Your committee finds that on February 3rd, 1909, the treasurer of Barnes county forwarded to the state auditor a statement of collections for the month of January of principal and interest on school land contracts, leasing of school lands and fines, and accompanied the statement with four checks payable to the order of the state treasurer, aggregating \$25,215.26. These checks were held by the state auditor until March 15, 1909, when they were turned over to Mr. Bickford. These four checks were cleared through the First State Bank of Bowbells, and on March 19, 1909, paid by the various banks of Valley City, N. D., on which they were drawn.

(See statement of H. F. Halvorson, treasurer of Barnes county, attached hereto following.)

On April 16, 1909, the state auditor delivered draft No. 9548 for \$16,596.87, drawn on the county treasurer of Barnes county for February, 1909, taxes. Checks for the amount of this draft appear to have been in the state treasurer's hands before April 6, 1909.

On April 13, 1909, the state auditor delivered draft No. 9576 for \$11,646.14, drawn on the county treasurer of Barnes county for March, 1909, collection. Checks for this amount appear to have been in the state treasurer's hands by April 10, 1909.

On May 15, 1910, the state auditor delivered draft No. 9648 for \$25,215.26, drawn on the county treasurer of Barnes county, for school funds collected in January, 1910.

As stated above, checks for this amount were in the state treasurer's hands March 15, 1910.

On May 17, 1909, the state auditor delivered draft No. 9690 for \$15,-220.55, drawn on the county treasurer of Barnes county for school funds collection February, 1909. Checks for this amount appear to have been in the state treasurer's hands by March 25, 1909. This is a total of \$68,-651.82, which particular amount appears frequently as a single cash item. No record of the receipt or remittance of these various county treasurer's checks appear in the state treasurer's office, but they were all cleared through the First State Bank of Bowbells, but no charge was made to the bank on the treasurer's books.

This amount was carried as cash item from the date they appear on the collection register in the treasurer's office and until August 7, 1909.

On August 7, 1909, the remittance register shows these four items, together with others making a total of \$77,962.73, as having been sent to the First National Bank of Fargo appears charged with this amount. In the acknowledgment column of the remittance register, this amount appears to have been acknowledged on August 9, 1909.

On August 12, 1909, the First National Bank of Fargo debited the account of the state \$25,215.26, the exact amount of auditor's draft No. 9648, which would indicate a return of this item, and on August 16, 1909, \$25,215.26 appears to be credited to the First National Bank of Fargo on its account and then again appears in cash.

On August 23, 1909, draft No. 9648 for \$25,215.26 again appears on the remittance register (page 34) as having been sent to the First National Bank of Fargo, and same appears charged to its account, no acknowledgment date on remittance register, and the bank's own account with the state does not show a credit for this item.

On September 30, 1909, there appears a credit of \$57,215.26 to the First National Bank of Fargo.

The bank's account with the state does not show a debit for this item. The books of the treasurer show that this amount exactly was charged directly to the cash account and the cash items correspondingly increased. The state treasurer's books showed more money in that institution than was really there, and as the amount really there was to be published in the quarterly report on September 30, 1909, it was necessary to credit the First National Bank of Fargo such an amount as would make the balance appear to be correct. It is the opinion of your committee, from the information gathered, that this amount was made up of the following items:

State auditor's draft No. 9648	\$ 25,215.26
C-D No. 21110, First State Bank, Bowbells.....	20,000.00
C-D No. 21112, First State Bank, Bowbells.....	5,000.00
C-D No. 504, Citizens State Bank, Flaxton.....	4,000.00
C-D No. 211, State Bank, Surrey	3,000.00

Total \$ 57,215.26

and that these items were placed in the cash drawer to offset the credit of like amount given to the First National Bank of Fargo, mentioned above.

On January 8, 1910, the remittance register shows (page 79) that auditor's draft No. 9648 for \$25,215.26 was again remitted to the First National Bank of Fargo. The account of the First National Bank of Fargo appears charged with this amount on the books of the state treasurer, but in a statement of account made by the First National Bank of Fargo no such item is credited to the state, and, in our opinion, no such remittance was made.

Two days later the Board of State Auditors began an examination of the office and in the "proof of cash" for January 10 and 11, 1910, found

in their report to the governor, filed April 2, 1910, this item appears as a remittance in transit. Had the Board of Auditors called for a verification from the First National Bank of Fargo of this reported remittance, the true nature of the transaction would have been revealed.

This item of \$25,215.26 appears quite regularly, practically all of the time from May 15, 1907, until January 8, 1910, either as a cash item or as having been remitted to First National Bank of Fargo. By referring to the report of the county treasurer of Barnes county on state auditor's drafts Nos. 9548, 9576, 9648 and 9690, it will be seen that the amount of state auditor's draft No. 9648, \$25,215.26, was sent in two months before the state auditor's draft was issued.

As stated heretofore, the county treasurer's checks were sent to the state auditor on February 3, 1909, and by him delivered to Mr. Bickford on March 15, 1909, a full month before the state auditor's draft No. 9648 was delivered to Mr. Bickford.

The county treasurer of Barnes county made a practice of attaching his checks, payable to the state treasurer, to his monthly reports of collection when he forwarded those reports to the state auditor, and the state auditor delivered to the state treasurer both the checks and the draft drawn on the county treasurer of Barnes county.

The state treasurer was supposed to cancel the state auditor's draft and return it to the treasurer of Barnes county, but instead it appears that he used these various auditors drafts as cash items and negotiated the county treasurer's checks on Valley City banks through the First State Bank of Bowbells, and they do not show up at all on the records of the state treasurer's office.

It was irregular for the county treasurer to forward these checks to the state auditor, and the state auditor would have been justified in returning them, and should have returned them, and let his drafts on the county treasurer be collected in the regular course of business.

Following is the statement of H. F. Halvorson, treasurer of Barnes county, relative to the payment of the four items above described:

(COPY.)

County Treasurer's Office, Barnes County, No. Dak.

H. F. Halvorson, Treasurer,

Valley City, N. D., Feb. 17, 1911.

Robert Norheim, Esq., Chairman Investigation Committee,
Bismarck, No. Dak.

Dear Sir: As requested in your favor of the 10th inst., received on the 15th, I enclose herewith an affidavit covering payments made by this office to state treasurer for state auditor's drafts Nos. 9548, 9576, 9648, 9690.

Above mentioned state auditor's drafts have never been received by this office.

Yours very truly,

H. F. HALVORSON,
County Treasurer.

(COPY.)

I, H. F. Halvorson, county treasurer of Barnes county, N. D., do hereby certify that payments were made by me to G. L. Bickford, state treasurer, for the various amounts collected by me during the months of January, February and March, 1909, for taxes due the state and principal and interest payments on school land contracts, as evidenced by state auditor's drafts, as follows:

1. State auditor's draft No. 9548, for \$16,569.87, for taxes collected during February, 1909, paid March 20, 1909, by checks as follows: Check

No. 3607 on American Uational Bank of Valley City, \$4,000.00, which bears endorsements of state treasurer, First State Bank of Bowbells, First National Bank of Fargo, and paid by American National Bank of Valley City, April 6, 1909. Check No. 660, on Bank of Valley City, for \$12,-569.87, which bears endorsement of state treasurer, First State Bank of Bowbells, Northwestern National Bank of Minneapolis, and paid by Bank of Valley City on April 6, 1909.

2. State auditor's draft, draft No. 9576, for \$11,646.14 for taxes collected during March, 1909, paid April 8, 1909, by checks as follows: Check No. 11180 on First National Bank of Valley City for \$8,603.83, which bears endorsements of state treasurer, First State Bank of Bowbells, Northwestern National Bank of Minneapolis, and paid by the First National Bank of Valley City April 13, 1909. Check No. 3638 on American National Bank of Valley City for \$6,000.00, which bears endorsements of state treasurer, First State Bank of Bowbells, First National Bank of Fargo, and paid by American National Bank of Valley City on April 13, 1909.

(Above mentioned checks Nos. 11180 and 3638 include a payment of \$2,957.69 for principal and interest payments which are not included in above draft No. 9576.)

3. State auditor's draft No. 9648 for \$25,215.26 for principal and interest on school land contracts, leasing of school lands and fines, paid February 3, 1909, by checks as follows: Check No. 3514 on American National Bank of Valley City for \$8,371.00, which bears indorsement of state treasurer, First State Bank of Bowbells, First National Bank of Fargo, paid by American National, March 19, 1909. Check No. 11060 on First National Bank of Valley City for \$8,372.01, which bears endorsement of state treasurer, First State Bank of Bowbells, Northwestern National Bank of Minneapolis, paid by First National Bank of Valley City, March 19, 1909. Check No. 11077 on First National Bank of Valley City, for \$101.25, which bears endorsements of state treasurer, First State Bank of Bowbells, Northwestern National Bank of Minneapolis, paid by First National Bank of Valley City, March 19, 1909. Check No. 581 on Bank of Valley City for \$8,371.00, which bears the endorsements of state treasurer, First State Bank of Bowbells, Northwestern National Bank of Minneapolis, First National Bank of Valley City, and paid by Bank of Valley City, March 19, 1909.

4. State auditor's draft No. 9690 for \$15,220.55 for principal and interest payment during the month of February, 1909, paid March 20, 1909, by check as follows: Check No. 3606 on American National Bank of Valley City for \$7,000.00, which bears endorsements of state treasurer, First State Bank of Bowbells, First National Bank of Fargo, paid by American National Bank of Valley City, March 27, 1909. Check No. 11142 on First National Bank of Valley City for \$8,220.55, which bears endorsements of state treasurer, First State Bank of Bowbells, Northwestern National Bank of Minneapolis, paid by First National Bank of Valley City, March 26, 1909.

H. F. HALVORSON, Treasurer,
Barnes County, No. Dak.

We find that state auditor's draft No. 10592 for \$15,438.11, drawn on the county treasurer of Barnes county April 15, 1910, was handled irregularly and in similar manner to the four state auditor's drafts heretofore described. The county treasurer forwarded his checks with his statement of March collections to the state auditor on or about April 6, 1910, and the checks were delivered to State Treasurer Bickford, cleared through the First National Bank of Bowbells, and paid by the Valley City Bank on or about April 14, 1910.

The state auditor's draft No. 10592 for \$15,438.11 was delivered to the state treasurer on or about April 15, 1910. August 6, 1910, the remittance register shows this item sent to the First National Bank of Fargo and is

charged to their account, but the statement of account by First National Bank of Fargo shows no credit of this item. On August 26, 1910, First National Bank of Fargo was credited with this amount on the treasurer's books. Check book shows no check drawn on August 26, 1910, for this amount. On the same date, August 26, 1910, this item \$15,430.11 appears again in the cash items and seems to have been carried there until December 10, 1910, when it was replaced by purported certificates of deposit issued by First State Bank of Bowbells, in which form it was carried until January 19, 1911, when settlement was made with the new state treasurer.

DEPOSIT IN TRUST BY HAIL INSURANCE COMPANY.

From letters received from the president of the State Farmers' Mutual Hail Insurance Company of Waseca, Minnesota, which letters are herewith attached and form a part of this report, we find that on or about May 14, 1909, this company made a deposit with the state treasurer of \$25,000.00 in interest bearing certificates of deposit. About September 28, 1909, the company replaced these certificates by a deposit of cash and there is no record in the office of the receipt of the cash. About August 1, 1910, the company purchased \$25,000.00 in U. S. government bonds to take the place of their cash deposit, made about ten months before. These bonds were sent to the First National Bank of Bismarck, North Dakota, with sight draft on the state treasurer for \$25,000.00 attached.

On August 16, 1910, the state treasurer drew the following state treasurer's checks in payment of said draft:

No.		
4709	On Farmers & Merchants Bank of Sheyenne.....	\$ 2,000.00
4710	On Farmers & Merchants Bank of Tower City	1,500.00
4711	On First National Bank of Tower City	1,500.00
4712	On State Bank of Verona	1,500.00
4713	On National Bank of Wahpeton	2,000.00
4714	On First State Bank of Walcott	1,500.00
4715	On State Bank of Wales	1,500.00
4716	On Citizens State Bank of Wales	1,500.00
4717	On Citizens Bank of Walhalla	1,500.00
4718	On First National Bank, Walhalla	2,500.00
4719	Farmers State Bank of Walum	1,500.00
4720	On Farmers State Bank, Wheatland	1,500.00
4721	On First National Bank of Wimbledon	2,000.00
4722	On First National Bank of Wyndmere	1,500.00
4723	On Bank of Wyndmere	1,500.00
	Total	\$ 25,000.00

All of these checks were drawn payable to the order of the First National Bank of Bismarck, No. Dak., and charged to cash, and the \$25,000.00 in bonds belonging to the State Farmers' Mutual Hail Insurance Company were placed in cash and carried as cash items belonging to the state until December 27, 1910, when they were replaced by purported certificates of deposit issued by the First State Bank of Bowbells, and these purported certificates of deposit for \$25,000.00 were carried as cash items until January 19, 1911, when formal transfer of the office was made by Mr. G. L. Bickford to Mr. Gunder Olson. These bonds appear as cash items in the state treasurer's quarterly report of September 30, 1910. When the cash was placed on deposit by this hail insurance company September 28, 1909, to take up the certificates of deposit which were deposited by it May 14, 1909, no account or record of the deposit was made, and when this company sent government bonds with draft attached as a substitute for the money it has deposited, the state treasurer, Mr. Bickford, did not pay the draft with the money deposited by the company, but instead paid the draft

from the funds of the state and placed the bonds in the cash items, to cover the amount so used.

(COPY.)

The State Farmers' Mutual Hail Insurance Company,

Home Office: Waseca, Minn., Jan. 28, 1911.

Hon. H. W. Allen, Grand Pacific Hotel, Bismarck, N. D.

Dear Sir: I am in receipt of your valued favor of January 26, requesting information as to certain dates in connection with our deposit with the state treasurer of North Dakota.

On May 14, 1909, we deposited \$25,000.00, face value, in certificates of deposit bearing interest, with the understanding that the same was simply a temporary deposit as we desired if possible to purchase \$25,000.00 in North Dakota state bonds, as such bonds bear a 4 per cent interest rate and would yield a larger income than the U. S. government bonds. September 28, 1909, upon being advised that our temporary deposit would no longer be acceptable in its existing form, we substituted therefor \$25,000.00 in cash, and such deposit remained in cash until about the first of August, 1910, when we purchased \$25,000.00 in U. S. government 3 per cent coupon bonds and substituted such bonds in place of our cash deposit. The date when substitution of bonds for such cash deposit was made we have no record of, as in the transaction we simply paid the bonding house the difference between the par value and the market value, with interest and their brokerage, and gave them an order on the state treasurer for our \$25,000.00 in exchange for the bonds.

Very truly yours,

F. T. DAY.

(COPY.)

The State Farmers' Mutual Hail Insurance Company,

Home Office: Waseca, Minn., Feb. 1, 1911.

Hon. H. W. Allen, Senate Chamber, Bismarck, N. D.:

Dear Sir: I am in receipt of your valued favor of the 30th inst., and would advise that the deposit was not made in actual cash currency, but was made by bank draft, which draft was undoubtedly cashed in the ordinary course of business, leaving our deposit with the state treasury in the form of cash which would fully conform to the requirement of North Dakota laws requiring such deposit to be in the form of the U. S. government bonds, North Dakota state bonds, or cash. Allowing a few days for delivery in the mails, this deposit must have been completed between the 5th and 10th of October, 1909.

Yours very truly,

F. T. DAY.

On September 24, 1910, State Treasurer Bickford drew state treasurer's check No. 5072 for \$10,000.00 on the First National Bank of Fargo and payable to the order of First State Bank of Bowbells. This amount was not charged to the First State Bank of Bowbells, but a demand certificate of deposit No. 5328 for \$10,000.00, bearing no interest, was placed in the cash items and carried there until the settlement on January 19, 1911.

November 23, 1910, state treasurer's check No. 5590 was drawn on the First National Bank of Fargo and check No. 5591 was drawn on the First National Bank of Bismarck. Each check was drawn for \$5,000.00 and payable to A. B. Bickford, cashier. Neither check was charged to the account of the First State Bank of Bowbells, but demand certificates of deposit Nos. 5366 and 5377 for \$5,000.00 were issued and placed in cash items, where they remained until settlement January 19, 1911.

CERTIFICATES OF DEPOSIT.

Following, your committee gives forms of the certificates of deposit amounting to \$60,438.11 on hand when State Treasurer Gunder Olson took charge of the office January 3rd, 1911, and which remained in the office until taken up by former State Treasurer Bickford, January 19, 1911:

FIRST STATE BANK

No. 5328.

Bowbells, North Dakota, Sept. 26, 1910.

A. B. Bickford has deposited in this bank ten thousand dollars, payable to the order of himself in current funds on the return of this certificate properly endorsed.

A. B. BICKFORD, Cashier.

Not subject to check.

Endorsed: Pay to the order of G. L. Bickford.—A. B. Bickford, G. L. Bickford.

FIRST STATE BANK

No. 5366

Bowbells, North Dakota, Nov. 25, 1910.

G. L. Bickford has deposited in this bank five thousand dollars, payable to the order of himself in current funds on the return of this certificate properly endorsed.

A. B. BICKFORD, Cashier.

Not subject to check.

Endorsed: G. L. Bickford.

FIRST STATE BANK

No. 5377.

Bowbells, North Dakota, Dec. 10, 1910.

G. L. Bickford has deposited in this bank five thousand dollars, payable to the order of himself in current funds on the return of this certificate properly endorsed.

A. B. BICKFORD, Cashier.

Not subject to check.

Endorsed: G. L. Bickford.

FIRST STATE BANK,

No. 2704

Bowbells, North Dakota, Dec. 10, 1910.

..... has deposited in this bank twenty-nine hundred thirty eight and 11-100 dollars (\$2938.11), payable to the order of in current funds on the return of this certificate properly endorsed months after date, with interest at 6 per cent per annum. No interest after maturity.

A. B. BICKFORD, Cashier.

Not subject to check.

FIRST STATE BANK,

No. 2699

Bowbells, N. D., 191.....

..... has deposited in this bank twenty-five hundred and no-100 dollars (\$2500.00), payable to the order of in current funds on the return of this certificate properly endorsed months after date, with interest at 6 per cent per annum. No interest after maturity.

A. B. BICKFORD, Cashier.

Not subject to check.

Numbers 2695, 2696, 2697, 2698, 2700, 2701, 2702, 2703, as follows: "8 each like this":

FIRST STATE BANK.

Bowbells, North Dakota, Dec. 10, 1910.

..... has deposited in this bank twenty-five hundred and no-100 dollars (\$2500.00), payable to the order of in current funds on the return of this certificate properly endorsed months after date, with interest at 6 per cent per annum. No interest after maturity.

A. B. BICKFORD, Cashier.

Not subject to check.

"6 issued in this form":

Numbers 2706, 2707, 2708, 2709, 2710, 2711, as follows:

FIRST STATE BANK.

Bowbells, North Dakota, Dec. 27, 1910.

..... has deposited in this bank twenty-five hundred and no-100 dollars (\$2500.00), payable to the order of in current funds on the return of this certificate properly endorsed months after date, with interest at 6 per cent per annum. No interest after maturity.

A. B. BICKFORD, Cashier.

Not subject to check.

The demand certificates were:

No. 5328	\$ 10,000.00
No. 5366	5,000.00
No. 5377	5,000.00
Total	20,000.00

This amount offset the \$10,000.00 check and the \$5,000.00 check drawn on the First National Bank of Fargo, September 24, 1910, and November 23, 1910, respectively, and \$5,000.00 check drawn on First National Bank of Bismarck, November 23, 1910.

The time certificates of deposit were:

No. 2695	\$ 2,500.00
No. 2696	2,500.00
No. 2697	2,500.00
No. 2698	2,500.00
No. 2699	2,500.00
No. 2700	2,500.00
No. 2701	2,500.00
No. 2702	2,500.00
No. 2703	2,500.00
No. 2704	2,938.11
No. 2706	2,500.00
No. 2707	2,500.00
No. 2708	2,500.00
No. 2709	2,500.00
oN. 2710	2,500.00
No. 2711	2,500.00

Total \$ 40,438.11

This amount offsets the \$25,000.00 of government bonds belonging to the State Farmers' Mutual Hail Insurance Company of Waseca, Minnesota, and state auditor's draft No. 10592 for \$15,428.11, which amount had been carried as cash items for some time. Photographs of these certificates are now in the state treasurer's office. At the time of settlement January 19, 1911, Mr. Bickford paid into the treasury \$547.00 as interest on funds he had used; \$313.00 of this amount was paid under protest.

In our opinion, the state lost considerably more than \$547.00 in interest by reason of the wrongful use of large amount of the state funds by State Treasurer Bickford.

We find that the state treasurer's office was examined by the state examiner August 14, 1909; January 10, 1910, in conjunction with the state board of auditors, and August 9, 1910, and a representative of the surety company, bonding Mr. Bickford. At the time of the examination August

14, 1909, the cash items amounted to \$2,166.96. A week previous, on August 7th, 1909, he had remitted to the First National Bank of Fargo \$77,962.73, which the remittance register shows to have been made up of the following items:

Apr. 6, 1909, No. 9548, State Auditor's draft	\$ 16,569.87
Apr. 13, 1909, No. 9576, State Auditor's draft	11,646.14
May 17, 1909, No. 9690, State Auditor's draft	15,220.55
May 15, 1909, No. 9648, State Auditor's draft	25,215.26
July 17, 1909, No. 1862, C-D Citizens State Bank, Flaxton....	4,000.00
July 7, 1909, No. 1863, C-D First State Bank, Bowbells.....	5,068.91
Apr. 10, 1909, No. 20010, A. B. Bickford on N. W. Natl., Minn.	230.00
Aug. 5, 1909, No. 40615, W. D. McClintock on Sec'y Natl, Minneapolis	12.00
Total	\$ 77,962.73

On August 16, 1909, the item \$25,215.26 appears again in cash items.

August 9, 1910, the state examiner made an examination of the treasurer's office and the cash items that day were \$68.80.

August 10, 1910, cash items, 6c. Five days earlier the items were \$17,579.04, and a week later the items were \$25,738.97.

This amount included the \$25,000.00 of government bonds, belonging to the State Farmers' Mutual Hail Insurance Company.

PENITENTIARY BONDS.

We further call your attention to the fact that in the state treasurer's office we find certain bonds designated "Twine Factory Bonds" supposed to be issued by the Board of Trustees of the State Penitentiary of the state of North Dakota. The issuance of which was authorized by an act of the Legislative Assembly of 1901, but which have never been used or floated and do not now represent any monetary value in the state treasurer's office, the date of said bonds being May 1, 1901, for the first series and July 1, 1901, for the second series, the total amount of said bonds being \$185,000. The bonds are described as follows:

Number.	Series.	Date.	Amount.	Rate.
61 to 70 inclusive	1st	May 1, 1901.	\$ 10,000.	4 per cent
76 to 105 inclusive	2nd.	May 1, 1901.	30,000.	4 per cent
86 to 105 inclusive	1st.	July 1, 1901.	20,000.	5 per cent
86 to 105 inclusive	1st.	July 1, 1901.	20,000.	5 per cent
1 to 105 inclusive	2nd.	July 1, 1901.	105,000.	5 per cent

As these bonds are fully executed and in form to be negotiated, the possibility readily suggests itself that some designing person might obtain some of these bonds and negotiate same. As this bond issue was declared unconstitutional no financial loss would fall on the state if these bonds were disposed of, and as they are of no value whatever but are a continual annoyance to the state treasurer we recommend that the said bonds be cancelled and destroyed.

NOTE: Since incorporating the above as part of our report, the committee introduced a concurrent resolution directing and authorizing the State Board of Auditors to cancel and destroy the above described bonds, which resolution was concurred in by both houses.

RECOMMENDATIONS.

It appears to the committee that a thorough examination of this office by the State Board of Auditors and the State Examiner in manner provided by law and with a verification of bank balances and remittances in transit, would have revealed at once the irregularities which this examination shows were going on during Mr. Bickford's term of office.

Section 231. Revised Codes of 1905, requires the State Board of Auditors, consisting of the Secretary of State, Attorney General and State Auditor to make at least two examinations of the State Treasurer's

office in each year, and report these findings to the governor.

Your committee finds but one report filed by the State Board of Auditors during the past eight years, and that seems to have been brought about only by the complaint of the Surety Company, bonding Mr. Bickford.

We recommend that Section 231 of the Revised Codes of North Dakota for 1905, above referred to, be amended so as to authorize the State Board of Auditors to employ an expert accountant to assist said Board in the examination of the State Treasurer's office, and provide for the expense thereof. Very often the members of said board are not expert accountants and even if they were, the duties of their respective offices are such that only a limited space of time can be spared for this purpose.

The State Examiner's office is crowded with work, also, and it may be difficult to secure assistants from that office whenever desired for this purpose.

An examination of the State Treasurer's office, in order to be carried on with any degree of thoroughness, requires a good deal of work and knowledge of accounting.

Under the present system of accounting for interest paid on bonds held by the state, it appears to this committee that there is no check on the treasurer's office by which it can be determined whether or not the Treasurer has given proper credit for the money so received, except to examine each and every bond and determine whether or not the coupons clipped have been properly credited. A better method of handling these items should be devised.

We further recommend that a record be kept by the State Treasurer of trust funds deposited in his office as there is none such kept at the present time.

Your committee in its report has pointed out matters into which it has been unable to inquire, because of lack of time. Believing that these matters should be further investigated and desiring to be relieved from any further duties in this matter, the committee recommends that the Legislative Assembly by appropriate resolution, provide for the appointment of a committee to take up this investigation, giving it such power and authority as will enable it to carry on the work and binding the state for the expense incurred thereby.

Other recommendations by the committee have been stated in the report wherever pertinent to its findings.

Now Therefore, in submitting this report the committee believes it has performed its duties and respectfully asks that it be discharged.

Bismarck, North Dakota, February 27th, 1911.

ROBERT NORHEIM, Chairman.
H. W. ALLEN, Secretary.
G. L. ELKEN,
FRANK E. PLOYHAR,
H. W. HAWKINSON,

Committee.

Mr. Allen moved

That the reading of the report of the select committee on the investigation of the state treasurer's office, be dispensed with.

Which motion prevailed.

The committee on agriculture made the following report:
Mr. President:

Your committee on agriculture to whom was referred
Senate Bill No. 295.

A bill for an act providing for the establishment of county agricultural and training schools and their joint maintenance by the state and the county wherein located, and providing for a levy of state tax for the raising of funds to meet the state share of said cost of maintenance.

Have had the same under consideration and recommend that the same be amended as follows:

In line 4 of the title of the printed bill, strike out the word "state" and insert in lieu thereof the word "state's."

In line 5, section 1, strike out the word "school" and insert in lieu thereof the word "schools." In line 6, section 1, strike out the words "to be." In line 7, section 1, insert the word "a" after the word "such." In line 11, section 1, after the word "commissioners," insert the following: "Shall submit the question of establishing and maintaining such school to the electors of such county either at the next general election or they may order a special election for the purpose of determining whether such county shall establish such school. Such special election shall be held in the manner and upon the notice prescribed by law for other elections, but the published and posted notices of such election shall state its object and the amount of money to be appropriated for the establishing of such school. If a majority of all the votes cast at such general or special election upon the question of establishing such school are in favor of establishing such school, the board of county commissioners of such county."

Line 1, section 2, strike out the word "that" after the word "school."

In line 5, section 2, after the word "establish," strike out the words "the school's" and insert in lieu thereof the words "schools the;" also in same line insert the words "of each" after the word "maintenance." In line 11, section 2, after the last "of" in said line, strike out the word "such" and insert in lieu thereof the word "the." Line 17, section 5, after the word "to," strike out the word "their" and insert in lieu thereof the word "the;" in same line after the word "approval," strike out the words "and changed by" and insert in lieu thereof the word "of."

In section 6, line 17, strike out the word "instructions" and insert therein "instruction." Also in same line strike out the word "agricultural" and insert in lieu thereof "agriculture." Line 18, same section, after the word "horticulture," insert the word "and;" line 19, same section, strike out the word "in" after the word "and."

In section 6, line 32, strike out the word "student" and insert in lieu thereof the word "students." In line 38, same section, insert the word "a" after the word "make."

In section 7, line 9, after the word "lambs," insert the words "bought or." In line 10, same section, strike out the word "school" and insert in lieu thereof "board of." In section 8, line 1, strike out the word "the" where it first occurs in said line, and insert the word "any."

In section 9, line 4, strike out the word "applications" and insert in

lieu thereof the word "application." Line 5, same section, insert the word "a" after the word "such."

Section 10, line 2 of the printed bill, after the word "county," insert the words "agricultural and;" also in same line after the word "board," insert the words "of each county."

In section 11, line 10½, before the word "second," strike out the word "the" and insert in lieu thereof the word "a;" in same section, line 29, strike out the word "acceptable" and insert in lieu thereof the word "accepted."

In section 12, line 2, after the word "maintaining," strike out the word "a" and insert in lieu thereof the words "an agricultural and."

In section 12, line 8, after the word "and," strike out all words in said line down to and including the word "county," and insert in lieu thereof the following: "the board of trustees shall consist of two members appointed from each of the counties so uniting in establishing and maintaining such school."

In section 13, line 1, after the word "counties," insert the word "unite." In line 2, same section, after the word "the," strike out the words "county school board" and insert in lieu thereof the words "board of trustees." In line 9, same section, strike out the word "October" and insert in lieu thereof the word "May." In line 10, same section, after the word "such," insert the word "apportioned." In line 11, same section, after the word "levied," strike out the words "in the county tax," and insert in lieu thereof the words "by the board of county commissioners." In line 12, same section, strike out the words "of these schools," and insert in lieu thereof "such school."

In section 14, line 2, after the word "the," insert the words "agricultural and."

In section 15, after the word "for," where it occurs the second time in said line, insert the word "the," and in the same line after the word "payment" insert the word "of."

Section 16, line 2, after the word "tax," where it occurs the first time in said line, insert the following: "to estimate the amount required to pay the state's share of the cost of maintaining the county agricultural and training schools established under the provisions of this act and." After the word "of" where it occurs the last time in said line 2, insert the words "not to exceed." In line 4, same section, after the word "property," insert the words "in the state."

And when so amended recommend the same do pass.

LIVY JOHNSON,
Chairman.

Mr. Johnson moved
That the report be adopted
Which motion prevailed, and
The report was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Stevens moved
That Senate Bill No. 63 be recalled from the House.
Which motion prevailed.

Mr. Talcott introduced the following resolution:

WHEREAS, on the 44th day, certain proceedings were had in the Senate relative to Senate Bill No. 103 whereby the consideration thereof was for the time being postponed, and

WHEREAS, subsequent thereto, Senate Bill No. 306 was introduced in the Senate and certain proceedings had thereon upon the 54th day, which proceedings would indicate that in the opinion of the majority of the Senate a change or amendment of the present prohibition law is desired; and,

WHEREAS, it is apparent from careful consideration of both bills, that Senate Bill No. 103 is a much more comprehensive, a much more restrictive and a much safer measure than Senate Bill No. 306, therefore, be it

RESOLVED, that the Senate go into committee of the whole at 3 o'clock tomorrow for the further consideration of the question, to the end that such action be taken which will best subserve the public interest.

Mr. Talcott moved

That the resolution be adopted.

Mr. Duis moved

That the resolution be laid on the table.

Which motion was lost.

The question being on the original motion.

The motion prevailed, and

The resolution was adopted.

Mr. Talcott moved

That the consideration of Senate Bill No. 306 be made a special order for 3 o'clock tomorrow.

Mr. Stevens moved

That this be amended by making it a special order for today at 3 o'clock.

Which motion was lost.

The question being on the original motion.

The motion prevailed.

Mr. Pierce moved

That the Senate do now concur in the House amendments to Senate Bill No. 80.

The question being upon the concurrence in the House amendments.

The roll was called and there were 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Ruzicka
Baker	Hookway	Simpson
Bessesen	Jacobsen	Steele of Renville
Carter	KenneCy	Stevens
Cashel	Kretschmar	Syvertson
Davis	LaMoure	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Trimble
Elken	McDonald	Turner
Ellingson	McDowell	Wallin
Ganssle	McLean	Walton
Garden	Overson	Welch
Gibbens	Pierce	Welo
Gilbert	Plain	Whitcher
Gronvold	Putnam	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Steel of Stutsman	Williams
Movius		

So the House amendments were concurred in.

Mr. Jacobsen moved

That the Senate do not concur in the House amendments to Senate Bills. Nos. 76 and 77, and that said bills be referred to a conference committee to consist of three from the Senate and three from the House, the Senate members to be appointed by the President of the Senate and the House members to be appointed by the Speaker of the House.

Which motion prevailed.

Mr. Steele moved

That the Senate do now resolve itself into a committee of the whole for the consideration of Senate Bill No. 240

Which motion prevailed.

The president called Mr. Carter to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose it made the following report:
Mr. President:

Your committee of the whole to which was referred Senate Bill No. 240, has had the same under consideration and report progress.

W. L. CARTER,
Chairman.

Mr. Simpson moved

That the Senate do now resolve itself into a committee of the whole for the consideration of all Senate apportionment bills.

Which motion prevailed.

The President called Mr. Putnam to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose it made the following report:

Mr. President:

Your committee of the whole to which was referred Senate Bill No. 220, has had the same under consideration and recommend that the same be amended as follows:

In line 15, page 2, the word "Renville" be stricken out and be inserted in line 7, section 1, page 1, after the word "Bottineau."

And that all apportionment bills be made a special order for tomorrow at 3:30.

S. N. PUTNAM,
Chairman.

Mr. Duis moved

That the report be adopted

Which motion prevailed, and

The report was adopted.

Mr. Gilbert moved

That the Senate do now resolve itself into a committee of the whole for the consideration of Senate Bill No. 249.

Which motion prevailed:

The President called Mr. Carter to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose it made the following report:

Mr. President:

Your committee of the whole to which was referred Senate Bill No. 249, has had the same under consideration and recommend that the same be indefinitely postponed.

W. L. CARTER,
Chairman.

Mr. Duis moved
That the report be adopted
Which motion prevailed, and
The report was adopted.

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. 59.

A bill for an act prohibiting ball games and other sports until 3 o'clock p. m.

Also

Senate Bill No. 75.

A bill for an act to prevent the spread of noxious weeds.

Also

Senate Bill No. 214.

A bill for an act to amend sub-division 3 of Section 5001 of the Revised Codes of North Dakota of 1905, relative to the recording of instruments in the office of register of deeds.

Also

Senate Bill No. 221.

A bill for an act providing for the transferring of the so-called "Oil Inspection Fund" in the hands of the state treasurer to the general fund of the state and providing that future collections by the state inspector of oils shall be credited to the general fund of the state.

And find the same correctly enrolled.

C. W. PLAIN,
Chain man.

The Secretary announced that the President was about to sign

Senate Bill No. 59.

A bill for an act prohibiting ball games and other sports until 3 o'clock p. m.

Also

Senate Bill No. 75.

A bill for an act to prevent the spread of noxious weeds.

Also

Senate Bill No. 214.

A bill for an act to amend sub-division 3 of Section 5001 of the Revised Codes of North Dakota of 1905, relative to the recording of instruments in the office of register of deeds.

Also

Senate Bill No. 221.

A bill for an act providing for the transferring of the so-called "Oil Inspection Fund" in the hands of the state treasurer to the general fund of the state and providing that future collections by the state inspector of oils shall be credited to the general fund of the state.

And the President signed the same in the presence of the Senate.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,

February 27, 1911.

Mr. President:

I have the honor to return herewith

Senate Bill No. 63.

A bill for an act to prohibit the importation, manufacture, distribution, transportation, sale, or use of snuff, and providing a penalty therefor.

As requested by the Senate.

Very Respectfully,
E. H. GRIFFIN,
Chief Clerk.

Mr. Welo moved

That the Senate do now concur in the House amendments to Senate Bill No. 131.

The question being on the concurrence in the House amendments.

The roll was called and there were 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Jacobsen	Steele o. Renville
Bessesen	Kenned-	Stevens
Carter	Kretschmar	Syvertson
Cashel	LaMoure	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Trimble
Elken	McDonald	Turner
Ellingson	McDowell	Wallin
Ganssle	McLean	Walton
Garden	Overson	Welo
Gibbens	Plain	Welch
Gilbert	Putnam	Whitcher
Gronvold	Ruzicka	Young
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Movius	Simpson
Johnson	Pierce	Williams

So the House amendments were concurred in.

Mr. Duis moved

That Senate Bill No. 245 be recalled from the House. Which motion prevailed.

Senate Bill No. 323.

A bill for an act to amend Sections 1295, 1297 and 1298 of the Revised Codes of North Dakota of 1905, and Section 1296 of the Revised Codes of 1905 as amended by the legislative assembly of 1909, being Chapter 13 of the Revised Codes of 1905, 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 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Simpson
Baker	Jacobsen	Steel of Stutsman
Bessesen	Johnson	Steele of Renville
Carter	Kennedy	Stevens
Cashel	Kretschmar	Syverson
Duis	LaMoure	Talcott
Duncan	Linde	Thoreson
Elken	Martin	Turner
Eliugson	McDonald	Wallin
Ganssle	McLean	Walton
Garden	Overson	Welo
Gibbens	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Young
Gunderson	Ruzicka	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Movius	Williams
McDowell	Trimble	

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the vote by which Senate Bill No. 323 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Senate Bill No. 60.

A bill for an act to provide a system of free public schools for the state of North Dakota and to repeal Sections 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970,

971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, and section 1038 of the Revised Codes of 1905, with any and all amendments thereto, and also Chapters 49, 98, 100, 103, 124, 153, and 201 of the Session Laws of 1909.

Was read the third time.

Mr. Talcott moved

That the bill be amended as follows:

Strike out the amendment as provided for to section 135, line 32 and add to the section after the figures 219, on line 33:

“Provided further, that in all cases fourteen days’ notice of a hearing before the board shall be given, by the publication in the nearest newspaper and posted notices in conspicuous places, three in the special district, three in the territory sought to be annexed, and three in the district remaining from which the territory shall be taken. And such territory shall not become a part of the special district until five days after such hearing, upon order of the board as hereinbefore provided.”

The same prevailed, and

The amendment was adopted.

Mr. Talcott moved

That the bill be further amended as follows:

By striking out all of section 116 of the committee amendments to the bill.

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill,

The roll was called and there were 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—
 Allen
 Baker
 Bessesen
 Carter
 Cashel
 Duis
 Duncan
 Elken

Messrs.—
 Hookwa
 Jacobsen
 Johnson
 Kretschmar
 Linde
 Martin
 McDonald
 McLean

Messrs.—
 Steel of Stutsman
 Steele of Renville
 Stevens
 Syvertson
 Talcott
 Thoreson
 Trimble
 Turner

Messrs.—	Messrs.—	Messrs.—
Ellingson	Overson	Wallin
Ganssle	Pierce	Walton
Garden	Plain	Welo
Gibbens	Putnam	Welch
Gilbert	Ruzicka	Whitcher
Gronvold	Simpson	Young
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	LaMoure	Movius
Kennedy	McDowell	Williams

So the bill passed and the title was agreed to.

Mr. Talcott moved

That the vote by which Senate Bill No. 60 passed, be reconsidered and the motion to reconsider be laid on the table.
Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,

February 27, 1911.

Mr. President:

I have the honor to transmit herewith

House Bill No. 25.

A bill for an act to re-district the state of North Dakota into senatorial districts and apportion the senators and representatives therein.

Also,

House Bill No. 54.

A bill for an act to amend Section 3062 of the Revised Codes of 1905, and to provide for the appointment of overseers of highways.

Also,

House Bill No. 118.

A bill for an act to amend subdivioisns six (6) and seven (7) of Section five (5) of Chapter one seventy-nine (179)

of the Session Laws of 1907, in relation to the powers of the board of park commissioners.

Also

House Bill No. 284.

A bill for an act to amend Section 4177 of the Revised Codes of North Dakota of 1905, as amended by Chapter 64 of the Laws of North Dakota of 1909, relating to fees for filing articles of incorporation.

Also,

House Bill No. 367.

A bill for an act to legalize all notes and other written evidence of indebtedness, providing for more than seven per cent, but not exceeding twelve per cent per annum interest, and amending Section 5513 of the 1905 Code, relating to penalty for usury.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Senate Bill No. 293.

A bill for an act to regulate the practice of naturopathy in the state of North Dakota.

Was read the third time.

Mr. Martin moved

That the bill be amended as follows:

On line 3, after the word "members" amend by striking out the words "who shall be practitioners of naturopathy of integrity and ability and residents of this state," and place in lieu thereof the following: "one of whom shall be the dean of the medical department of the state university, one of whom shall be the president of the board of medical examiners for the state of North Dakota, and one of whom shall be a practitioner of naturopathy of integrity and ability and a resident of this state."

In line 6 of the printed bill, strike out all after the word "year," all of line 7 and that part of line 8 up to and including the word "healing."

Which motion was lost.

Mr. Martin moved

That the further consideration of the bill be indefinitely postponed.

Which motion was lost.

The question being on the final passage of the bill,

The roll was called and there were 20 ayes, 25 nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	McDowell	Thoreson
Duis	Overson	Trimble
Elken	Plain	Wallin
Ellingson	Putnam	Walton
Gibbens	Ruzicka	Welo
Gronvold	Steel of Stutsman	Whitcher
McDonald	Steele of Renville	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	McLean
Baker	Jacobsen	Simpson
Bessesen	Johnson	Stevens
Carter	Kennedy	Syverson
Duncan	Kretschmar	Talcott
Ganssle	LaMoure	Turner
Garden	Linde	Welch
Gilbert	Martin	Young
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Pierce	Williams
Movius		

So the bill was lost.

Mr. Talcott moved

That the vote by which Senate Bill No. 293 was lost, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The President announced the appointment of Messrs. Jacobsen, Cashel and Steel as Senate members of the conference committee on Senate Bills Nos. 76 and 77.

Senate Bill No. 177.

A bill for an act to create a board of immigration and prescribing its powers and duties.

Was read the third time.

The question being on the final passage of the bill.

Th roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Jacobsen	Steele of Renville
Bessesen	Johnson	Stevens
Carter	Kennedy	Syvertson
Cashel	Kretschmar	Talcott
Duis	LaMoure	Thoreson
Duncan	Linde	Trimble
Elken	Martin	Turner
Ellingson	McDowell	Wallin
Ganssle	McLean	Walton
Garden	Overson	Welo
Gibbens	Plain	Welch
Gilbert	Putnam	Whitcher
Gronvold	Ruzicka	Young
Gunderson	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Movius	Williams
McDonald	Pierce	

So the bill passed and the title was agreed to.

Senate Bill No. 348.

A bill for an act providing for the payment of fees collected by the North Dakota government agricultural experiment station into the state treasury.

Was read the third time.

The question being on the final passage of the bill.

Th roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Simpson
Baker	Hookway	Steele of Renville
Besseser	Jacobsen	Stevens
Carter	Johnson	Syvertson
Cashel	Kennedy	Talcott
Davis	Kretschmar	Thoreson
Duis	LaMoure	Trimble
Duncan	Linde	Turner
Elken	Martin	Wallin
Ellingson	McDowell	Walton

Messrs.—
Ganssle
Garden
Gibbens
Gilbert
Gronvold

Messrs.—
McLean
Overson
Plain
Putnam
Ruzicka

Messrs.—
Welo
Welch
Whitcher
Young

Absent and not voting:

Messrs.—
McDonald
Movius

Messrs.—
Pierce
Steel of Stutsman

Messrs.—
Williams

So the bill passed and the title was agreed to.

Mr. McDowell in the chair.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

February 27, 1911.

Mr. President:

I have the honor to transmit herewith

House Bill No. 69.

A bill for an act to provide for the ascertaining and giving notice of the title of lands to the heirs of deceased persons and establishing the right of heirship to real property and to provide a method of procedure therefor.

Also

House Bill No. 91.

A bill for an act to provide for fixing the amount to be allowed for labor on highways when performed in payment of road taxes.

Also

House Bill No. 201.

A bill for an act providing that railroad and telephone companies file with county auditors, maps showing exact location of their lines in each assessment district and school district and the mileage of said lines and description of any other property owned in said district, and make

reports to state auditor and state board of equalization, and providing penalties for violations of this act.

Also,

House Bill No. 229.

A bill for an act amending Section 476 of the Revised Codes of North Dakota of 1905, relating to boundaries of, and terms of court in the Eighth judicial district.

Also,

House Bill No. 241.

A bill for an act to amend Chapter 145, laws of 1907, being, an act to prohibit the issuance of non-participating policies of certain life insurance companies.

Also,

House Bill No. 353.

A bill for an act to amend sections 1295, 1297 and 1298 of the Revised Codes of North Dakota of 1905, and section 1296 of the Revised Codes of 1905 as amended by the Legislative Assembly of 1909, being chapter 13 of the Revised Codes of 1905, entitled State Library.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Senate Bill No. 358.

A bill for an act to amend Section 6188 of the Revised Codes of North Dakota, for the year 1905, relating to duties of registers of deeds.

Was read the third time.

Mr. Simpson moved

That the consideration of the bill be laid over for one day.
Which motion prevailed.

Senate Bill No. 352.

A bill for an act entitled, an act to amend Section 2389 of the Revised Codes of 1905, relating to county commissioners.

Was read the third time.

Mr. Steele moved

That further consideration of the bill go over one day.

Which motion prevailed.

Senate Bill No. 356.

A bill for an act to amend Article 3 of Chapter 75 of the Civil Code of North Dakota, being Section 6186 of the Revised Codes of North Dakota of 1905.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 40 ayes, no nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steele of Renville
Baker	Hookway	Stevens
Berresen	Jacobsen	Syvertson
Carter	Johnson	Talcott
Cashel	Kennedy	Thompson
Duis	Kretschmar	Trimble
Duncan	LaMoure	Turner
Elken	Linde	Wallin
Ellingson	McDowell	Walton
Ganssle	McLean	Welo
Garden	Plain	Welch
Gibbens	Putnam	Whitcher
Gilbert	Ruzicka	Young
Gronvold		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Movius	Simpson
Martin	Overson	Steel of Stutsman
McDonald	Pierce	Williams

So the bill passed and the title was agreed to.

Mr. Walton moved

That the Senate return to the 8th order of business.

Which motion prevailed.

Mr. Walton moved

That the vote by which Senate Bill No. 340 was passed, be reconsidered.

Which motion prevailed.

Mr. Bessesen moved

A call of the Senate.

Mr. Talcott moved

That further consideration under the call be dispensed with.

Which motion prevailed.

The question being upon the original motion for reconsideration.

Roll call demanded.

The roll was called and there were 17 ayes, 27 nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Davis	Hookway	McLean
Duis	Jacobsen	Steele of Renville
Elken	LaMoure	Talcott
Ganssle	Linde	Walton
Gilbert	Martin	Weich
Gunderson	McDowell	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Stevens
Baker	Kennedy	Syvertson
Bessesen	McDonald	Thoreson
Carter	Oversor	Trimble
Cashel	Plain	Turner
Duncan	Putnam	Welo
Ellingson	Ruzicka	Wallin
Garden	Simpson	Whitcher
Gibbens	Steel of Stutsman	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Movius	Williams
Kretschmar	Pierce	

Mr. Bessesen moved

That the vote by which Senate Bill No. 340 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The President in the chair.

Senate Bill No. 342.

A bill for an act to amend Section 8089 of the Revised Codes of the state of North Dakota for 1905, relating to exempt personal property and the disposition thereof.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Simpson
Baker	Hookway	Steel of Stutsman
Bessesen	Jacobsen	Steele of Renville
Carter	Johnson	Stevens
Cashel	Kennedy	Syverson
Davis	Kretschmar	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Trimble
Elken	McDonald	Turner
Ellingson	McDowell	Wallin
Ganssle	McLean	Walton
Garden	Overson	Welo
Gibbens	Plain	Welch
Gilbert	Putnam	Whitcher
Gunderson	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Pierce	Williams
Movius		

So the bill passed and the title was agreed to.

70

Senate Bill No. 336.

A bill for an act to amend and re-enact Section 6187 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 29 ayes, 12 nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Gilbert	Putnam
Bessesen	Gunderson	Ruzicka

Messrs.—	Messrs.—	Messrs.—
Cashel	Hookway	Steel of Stutsman
Duis	Johnson	Syvertson
Duncan	Kennedy	Thoreson
Elken	Kretschmar	Turner
Ellingson	McDonald	Trimble
Ganssle	McLean	Wallin
Garden	Overson	Young
Gibbens	Plain	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Martin	Stevens
Carter	McDowell	Walton
Gronvold	Simpson	Welch
Jacobsen	Steele of Renville	Welo

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Movius	Whitcher
LaMoure	Pierce	Williams
Linde	Talcott	

So the bill passed and the title was agreed to.

Senate Bill No. 316.

A bill for an act to amend Section 2272, Revised Codes of 1905, relating to storage companies.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Jacobsen	Steele of Renville
Bessesen	Johnson	Stevens
Carter	Kennedy	Syvertson
Cashel	Kretschmar	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Trimble
Elken	McDonald	Turner
Ellingson	McDowell	Wallin
Ganssle	McLean	Walton
Garden	Overson	Welch
Gibbens	Plain	Welo
Gilbert	Putnam	Whitcher
Gronvold	Ruzicka	Williams
Gunderson	Simpson	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Movius	Pierce
LaMcure		

So the bill passed and the title was agreed to.

Senate Bill No. 161.

A bill for an act to provide an appropriation for the current and contingent expenses and for the permanent improvements of 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 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Simpson
Baker	Hookway	Steel of Stutsman
Bessessen	Jacobsen	Steele of Renville
Carter	Johnson	Stevens
Cashel	Kennedy	Syverson
Davis	Kretschmar	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Trimble
Elken	McDonald	Turner
Ellingson	McDowell	Wallin
Ganssle	McLean	Walton
Garden	Overson	Welo
Gibbens	Plain	Welch
Gilbert	Putnam	Whitcher
Gronvold	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Pierce	Williams
Movius		

So the bill passed and the title was agreed to.

Senate Bill No. 29.

A bill for an act to amend sections 240 and 241 of the Revised Codes of 1905, and section 242 of the same code as amended by Chapter 132, laws of 1907, relating to the State Historical society of North Dakota, and making it an appropriation.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Jacobsen	Steele of Renville
Bessesen	Johnson	Stevens
Carter	Kennedy	Syvertson
Cashel	Kretschmar	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Trimble
Elken	McDonald	Turner
Ellingson	McDowell	Wallin
Ganssle	McLean	Walton
Garden	Overson	Welch
Gibbens	Plain	Welo
Gilbert	Putnam	Whitcher
Gronvold	Ruzicka	Young
Gunderson	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Movius	Williams
LaMoure	Pierce	

So the bill passed and the title was agreed to.

Senate Bill No. 347.

A bill for an act making an appropriation for the enforcement of the feeding stuffs, fertilizer, beverage and sanitary inspection laws, and for the making of such investigations as are deemed necessary for the purpose of gaining information, under the laws mentioned, and for the dissemination of information.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Jacobsen	Steele of Renville
Bessesen	Johnson	Stevens
Carter	Kennedy	Syvertson
Cashel	Kretschmar	Talcott
Duis	Linde	Thoreson

Messrs.—	Messrs.—	Messrs.—
Duncan	Martin	Trimble
Elken	McDonald	Turner
Ellingson	McDowell	Wallin
Ganssle	McLean	Walton
Garden	Overson	Welo
Gibbens	Plain	Welch
Gilbert	Putnam	Whitcher
Gronvold	Ruzicka	Young
Gunderson	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Movius	Williams
LaMoure	Pierce	

So the bill passed and the title was agreed to.

Senate Bill No. 324.

A bill for an act providing for a bailiff 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 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Simpson
Baker	Hookway	Steel of Stutsman
Bessesen	Jacobsen	Steele of Renville
Carter	Johnson	Stevens
Cashel	Kennedy	Syverson
Davis	Kretschmar	Talcott
Duis	Martin	Thoreson
Duncan	Linde	Trimble
Ellingson	McDonald	Turner
Elken	McDowell	Wallin
Ganssle	McLean	Walton
Garden	Overson	Welo
Gibbens	Plain	Welch
Gilbert	Putnam	Whitche
Gronvold	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Pierce	Williams
Movius		

So the bill passed and the title was agreed to.

Senate Bill No. 241.

A bill for an act entitled, an act to prevent drinking or offering to others to drink as a beverage, any intoxicating liquors upon passenger trains in the state of North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 35 ayes, 5 nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steele of Renville
Besssen	Kennedy	Stevens
Cashel	Martin	Syvertson
Duncan	McDonald	Talcott
Elken	McDowell	Thoreson
Ellingson	McLean	Trimble
Ganssle	Overson	Turner
Garden	Plain	Walton
Gibbens	Putnam	Welch
Gilbert	Ruzicka	Welo
Gronvold	Simpson	Whitcher
Gunderson	Steel of Stutsman	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Hookway	Young
Carter	Kretschmar	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	LaMoure	Pierce
Duis	Linde	Wallin
Johnson	Movius	Williams

So the bill was passed and the title was agreed to.

Mr. Simpson moved

That the vote by which Senate Bill No. 241 passed, be reconsidered.

Which motion prevailed.

Mr. Simpson moved

That the bill be laid over one day for the purpose of correction.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,

February 27, 1911

Mr. President:

I have the honor to transmit herewith

House Bill No. 119.

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. 331.

A bill for an act defining the duties of county commissioners, relating to the designation of official newspapers.

Also,

House Bill No. 369.

A bill for an act to amend sub-division 30 of Article 4 of the Political Code of North Dakota, being sub-division 30 of Section numbered 2678 of the Revised Codes of North Dakota for 1905.

Also,

House Bill No. 376.

A bill for an act to provide for the carrying on of a campaign of education against tuberculosis and making an appropriation therefor

House Bill No. 414.

A bill for an act entitled, an act to prevent infant blindness caused by the preventable disease known as ophthalmia neonatorum.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 353.

A bill for an act to amend sections 1295, 1297 and 1298 of the Revised Codes of North Dakota of 1905, and section 1296 of the Revised Codes of 1905 as amended by the Legislative Assembly of 1909, being chapter 13 of the Revised Codes of 1905, entitled State Library.

Was read the first and second times, and
Referred to the committee on state affairs.

House Bill No. 241.

A bill for an act to amend Chapter 145, laws of 1907, being, an act to prohibit the issuance of non-participating policies of certain life insurance companies.

Was read the first and second times, and
Referred to the committee on insurance.

House Bill No. 229.

A bill for an act amending Section 476 of the Revised Codes of North Dakota of 1905, relating to boundaries of, and terms of court in the Eighth judicial district.

Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 201.

A bill for an act providing that railroad and telephone companies file with county auditors, maps showing exact location of their lines in each assessment district and school district and the mileage of said lines and description of any other property owned in said district, and make reports to state auditor and state board of equalization, 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. 91.

A bill for an act to provide for fixing the amount to be allowed for labor on highways when performed in payment of road taxes.

Was read the first and second times and

Referred to the committee on highways and bridges.

House Bill No. 69.

A bill for an act to provide for the ascertaining and giving notice of the title of 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 first and second times, and

Referred to the committee on judiciary.

House Bill No. 67.

A bill for an act to amend Section 1737 of the Revised Codes of North Dakota of 1905.

Was read the first and second times and

Referred to the committee on judiciary.

House Bill No. 54.

A bill for an act to amend Section 3062 of the Revised Codes of 1905, and to provide for the appointment of overseers of highways.

Was read the first and second times and

Referred to the committee on highways and bridges.

House Bill No. 118.

A bill for an act to amend subdivisions six (6) and seven (7) of Section five (5) of Chapter one seventy-nine (179) of the Session Laws of 1907, in relation to the powers of the board of park commissioners.

Was read the first and second times, and

Referred to the committee on cities and municipal corporations.

House Bill No. 284.

A bill for an act to amend Section 4177 of the Revised Codes of North Dakota of 1905, as amended by Chapter 64 of the Laws of North Dakota of 1909, relating to fees for filing articles of incorporation.

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 25.

A bill for an act to re-district 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. 308.

A bill for an act providing for certain deposits to be made by foreign insurance companies doing business in the state of North Dakota.

Was read the first and second times, and

Referred to the committee on military affairs.

House Bill No. 121.

A bill for 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 violations thereof.

Was read the first and second times, and

Referred to the committee on appropriations.

House Bill No. 385.

A bill for an act to require railroad companies to provide telephone connections with their offices in towns, cities and villages in this state, where there is a local telephone exchange, and providing penalty for violation thereof.

Was read the first and second times, and

Referred to the committee on railroads.

House Bill No. 398.

A bill for an act to provide for a commission system of government in cities which shall adopt the provisions of this act.

Was read the first and second times, and

Referred to the committee on cities and municipal corporations.

House Bill No. 414.

A bill for an act entitled, an act to prevent infant blindness caused by the preventable disease known as ophthalmia neonatorum.

Was read the first and second times, and

Referred to the committee on public health.

House Bill No. 376.

A bill for an act to provide for the carrying on of a campaign of education against tuberculosis and making an appropriation therefor

Was read the first and second times, and

Referred to the committee on public health.

House Bill No. 369.

A bill for an act to amend sub-division 30 of Article 4 of the Political Code of North Dakota, being sub-division 30 of Section numbered 2678 of the Revised Codes of North Dakota for 1905.

Was read the first and second times and

Referred to the committee on state affairs.

House Bill No. 331.

A bill for an act defining the duties of county commissioners, relating to the designation of official newspapers.

Was read the first and second times and

Referred to the committee on state affairs.

House Bill No. 119.

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 military affairs.

The President announced the appointment of Messrs. Putnam, Talcott and Davis as Senate members of the conference committee on House Bill No. 23.

The courtesies of the floor were extended to the following:

R. E. Monow of Beach.

W. E. Clark, Gunder Nelson and Allen Elleson of Osna-
brock.

L. R. Nastdal, H. W. Ellingson, Henry Albeston, Nels
Sostrom, of Rugby.

J. F. Callahan.

Mr. Talcott 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,

February 28, 1911.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All present except Mr. Movius, 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 of the fifty-sixth day have carefully examined the same and recommend that the same be corrected as follows:

Page 11, line 6, strike out the following: "be served accordingly, and after such service the," and insert in lieu thereof the following: "causes notice of appearance to be given and in person," Same page, line 25, change the word "notice" to "note."

Page 28, strike out all of line 28.

Page 29, line 11, after the word "words" insert the word "an."

Page 30, line 11, strike out the word "more."

And when so amended recommend that the same be approved.

J. E. STEVENS,
Chairman.

Mr. Stevens moved
That the report be adopted.
Which motion prevailed, and
The report 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. 264.

A bill for an act to amend Section 10430 of the Revised Codes of 1905, of the state of North Dakota, relating to the appointment and obligations of jailers, and manner of fixing compensation to be allowed for jail services.

Have had the same under consideration and recommend that the same do not pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted
Which motion prevailed, and
The report was adopted.

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. 373.

A bill for an act prohibiting prize fighting, boxing and sparring exhibitions, repealing Section 9089 of the Revised Codes of 1905, and providing penalty for the violation of this act.

Have had the same under consideration and recommend that the same do not pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

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. 351.

A bill for an act to amend and re-enact section 164 of the Revised Codes of North Dakota for 1905.

Have had the same under consideration and recommend that the same be amended as follows:

In section 164, strike out "twenty-four hundred" and insert "three thousand" in lieu thereof.

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also,

Mr. President:

Your committee on state affairs to whom was referred Senate Bill No. 364.

A bill for an act to prohibit lobbying and to regulate the employment of legislative counsel and legislative agents by persons or corporations.

Have had the same under consideration and recommend that the same do pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also,

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 263.

A bill for an act providing for and creating a new office
of county adjuster.

Have had the same under consideration and recommend
that the same do pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 362.

A bill for an act to amend and re-enact Section 10393 of
the Revised Codes of 1905, providing that twenty-five (25)
per cent of the profits of the brick yard be set aside as a
manufacturing and operating fund for making furniture
and school supplies for sale to public institutions of this
state.

Have had the same under consideration and recommend
that the same be amended as follows:

Add to section 231, the following amendment: "The board is authorized
and empowered to employ such expert accountants as it may deem neces-
sary to carry out the provisions of this act.

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 365.

For an act to provide a method of investigating cases of
poor relief in certain cities.

Have had the same under consideration and recommend
that the same do not pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

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. 362.

A concurrent resolution for an amendment to the Consti-
tution of the state of North Dakota, relating to the com-
pensation for services of legislative members.

Have had the same under consideration and recommend
that the same do not pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted.
Which motion prevailed, and

The report was adopted.

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. 369.

A bill for an act to amend sub-division 30 of Article 4 of the Political Code of North Dakota, being sub-division 30 of Section numbered 2678 of the Revised Codes of North Dakota for 1905.

Have had the same under consideration and recommend that the same do pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also,

Mr. President:

Your committee on state affairs to whom was referred

House Bill No. 353.

A bill for an act to amend sections 1295, 1297 and 1298 of the Revised Codes of North Dakota of 1905, and section 1296 of the Revised Codes of 1905 as amended by the Legislative Assembly of 1909, being chapter 13 of the Revised Codes of 1905, entitled State Library.

Have had the same under consideration and recommend that the same be favorably considered and re-referred to the committee on appropriations.

J. E. DAVIS,
Chairman.

Mr. Davis moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 284.

A bill for an act to amend Section 4177 of the Revised Codes of North Dakota of 1905, as amended by Chapter 64 of the Laws of North Dakota of 1909, relating to fees for filing articles of incorporation.

Have had the same under consideration and recommend that the same be amended as follows:

In section 4177, after the word "necessary" insert "fences."

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 190.

A bill for an act providing for aid to the poor, consisting of persons convicted of crime who have been placed upon probation subject to the provisions of law, or who have been paroled or whose term of imprisonment has expired, and making an appropriation therefor.

Have had the same under consideration and recommend that the same be favorably considered and re-referred to the committee on appropriations.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 274.

A bill for an act to run a survey or surveys from the Mouse river to Devils lake for the purpose of determining the feasibility of draining the surplus flood waters of the Mouse river into Devils lake; and making an appropriation therefor.

Have had the same under consideration and recommend that the same favorably considered and re-referred to the committee on appropriations.

J. E. DAVIS,
Chairman.

Mr. Davis moved

That the report be adopted.

Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 146.

A bill for an act to amend Sections 1953, 1954, 1956 and 1960, providing for the granting of wolf bounties by the counties of the state and to repeal Sections 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970 and 1971. relating to state wolf bounty.

Have had the same under consideration and recommend that the same do not pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved

That the report be adopted.

Which motion prevailed, and
The report was adopted.

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. 297.

A bill for an act to amend Section 1168 of the Revised
Codes of 1905, as amended by Section 3 of Chapter 237 of
the Session Laws of 1907.

Have had the same under consideration and recommend
that the same be amended as follows:

Strike out all of the section 1168 after the word "institution" in line 7
of the printed bill.

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted
Which motion prevailed, and
The report was adopted.

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred
House Bill No. 335.

A bill for an act to amend Section 4494 of the Revised
Codes of North Dakota of 1905, relating to county mutual
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 was adopted.

Also

Mr. President:

Your committee on insurance to whom was referred
House Bill No. 299.

A bill for an act authorizing county mutual insurance
companies to borrow money.

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 was adopted.

The committee on appropriations made the following re-
port:

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 285.

A bill for an act establishing a temporary educational
commission and appropriating one thousand dollars for
the expenses thereof.

Have had the same under consideration and recommend
that the same do pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 206.

A bill for an act establishing a Missouri Slope agricultur-
al fair at Mandan and making appropriation therefor.

Have had the same under consideration and recommend
that the same be amended as follows:

That the words "five thousand dollars," in lines 8 and 9 of section 4 of the printed bill be stricken out and the words "two thousand five hundred dollars" be inserted in lieu thereof.

That all of section six be stricken out and the following inserted: "Sec. 6. General Appropriation.) There is hereby appropriated out of the funds of the treasury of the state of North Dakota not otherwise appropriated, the sum of two thousand five hundred dollars annually to be expended by and under the supervision of the directors of said association."

And when so amended recommend the same do pass.

J. LA MOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

House Bill No. 223.

A bill for an act to amend Section 2613 of the Revised Codes of 1905, relating to the compensation and office hours of county commissioners.

Have had the same under consideration and recommend that the same do pass.

ALFRED STEEL,
Chairman.

Mr. Steel moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on ways and means to whom was referred

House Bill No. 310.

A bill for an act entitled, an act to amend and re-enact Section 2478 of the Revised Codes of North Dakota of the year 1905, relating to taxes.

Have had the same under consideration and recommend that the same do pass.

ALFRED STEEL,
Chairman.

Mr. Steel moved
That the report be adopted
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on ways and means to whom was referred

House Bill No. 35.

A bill for an act to amend Section 1571 of the 1905 Revised Codes of North Dakota.

Have had the same under consideration and recommend that the same do pass.

ALFRED STEEL,
Chairman.

Mr. Steel moved
That the report be adopted
Which motion prevailed, and
The report was adopted.

Also,

Mr. President:

Your committee on ways and means to whom was referred

House Bill No. 354.

A bill for an act to amend section 2607 of the Revised Codes of North Dakota, 1905, relating to coroner fees.

Have had the same under consideration and recommend that the same be indefinitely postponed.

ALFRED STEEL,
Chairman.

Mr. Steel moved
That the report be adopted
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on ways and means to whom was referred

Senate Bill No. 354.

A bill for an act to amend Section 5584 of the Revised Codes of North Dakota for the year 1905, relating to fees of clerks of district court.

Have had the same under consideration and recommend that the same be amended as follows:

In section 8, line 24, page 2 of the printed bill strike out the words "and fifty cents."

In section 11, line 33, page 2 of the printed bill, strike out the words "or lien." Before the word "whenever" in section 11, line 34, page 2, insert the words, "The sum of one dollar."

In section 15, line 45, page 3, strike out the words, "to be retained by the clerk."

In section 23, line 64, page 4, strike out "one dollar," and insert "fifty cents."

And when so amended recommend the same do pass.

ALFRED STEEL,
Chairman.

Mr. Steel moved

That the report be adopted

Which motion prevailed, and

The report was adopted.

Also,

Mr. President:

Your committee on ways and means to whom was referred

Senate Bill No. 360.

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 not pass.

ALFRED STEEL,
Chairman.

Mr. Steel moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on elections and privileges made the following report:

Mr. President:

Your committee on elections and privileges to whom was referred

Senate Bill No. 351.

A bill for an act to provide for party registration of electors desiring to vote at the primary election in this state.

Have had the same under consideration and recommend that the same be amended as follows:

AMENDMENTS TO SENATE BILL NO. 351.

In section 1 strike out everything after the words "Section 1," and insert in lieu thereof the following:

In addition to the duties now imposed upon him by law the assessor shall, in every even numbered year in which a primary election shall be held and at the time he makes assessments of property in this state, register every elector in his district in the manner provided herein: He shall, at the time of making his assessments, inquire of every male resident taxpayer over 21 years of age, and of every other qualified elector in his district, as to his age, nativity, citizenship, residence, and as to all other matters required in this act. This information as to each person shall be kept as nearly as possible in the form prescribed by Blank A herein; and it shall be the duty of the county auditor to furnish each assessor in his county with a sufficient number of such blank books to register every qualified elector in his assessment district in the manner herein prescribed.

In section 2, strike out everything after the words "Section 2," and in lieu thereof insert the following:

It shall be the duty of the assessor to transmit to the auditor of his county, the registration and enrollment books and blanks, properly filled out and authenticated as required herein, not later than the time now prescribed by law for making return of assessments, but in no case may the return herein provided for of the registration of electors be made to the county auditor less than thirty days before the day of the primary election. It shall also be the duty of the assessor before returning the

completed books and blanks of registration to the county auditor, to make a correct and verified copy thereof for each separate election precinct or parts of election precincts within his assessment district, which copy shall contain the names of all the qualified electors within such precinct or precincts.

The names of the electors shall be alphabetically arranged by surnames, and the books shall be kept in the form prescribed by section 3 of this act. This book shall be by the assessor transmitted to the county auditor, and shall constitute the party registration and enrollment book as provided herein.

In section 12, strike out everything after the words "Section 12," and insert in lieu thereof the following:

For the services of the assessor by the provisions of this act, he shall be entitled to a compensation of ten cents for every elector by him registered, in addition to his compensation as assessor, to be paid by the county as other accounts against the county are now paid; but no assessor shall be entitled to any compensation until he shall have made complete returns to the county auditor in all respects as required by this act.

In section 8, strike out everything after the words "Section 8," and insert in lieu thereof the following:

Not later than the first day of April in each year in which a primary election takes place, after the year 1914, the inspector of election shall deliver to the assessor the party registration and enrollment books for the precincts within his assessment district for correction and review. At the time of assessing and listing property for taxation the assessor shall make the corrections in the same manner as if an original registration and enrollment were being made as provided in this act, and he shall make all returns to the county auditor in the manner provided herein for original registration and enrollment. The county auditor shall also review such books before sending same to the inspectors of elections as herein prescribed.

In line 2, section 3 of the printed bill, after the word "the" and before the word "board," insert the word "registry."

In line 4, section 3, strike out the word "inspector" and insert in lieu thereof the word "assessor."

In line 4, section 3, strike out the word "other."

In line 5, section 3, strike out the words "registering officer," and insert in lieu thereof the word "notary."

In line 11, section 3, strike out the word "registry" and insert in lieu thereof the word "assessor."

In line 12, section 3, strike out the word "board."

In line 21, section 3, strike out the words "member of the board," and insert "assessor."

In line 25, section 3, strike out the word "member" and insert "assessor."

In line 30, section 3, strike out the words "registry board," and insert the words "assessor or notary."

In line 31, section 3, strike out the words "the board" and insert the word "he."

In line 7, section 4, strike out the words "the clerk," and insert, "the assessor."

In lines 13 and 14, section 4, strike out the words "registry board of the precinct in which the elector desires to vote," and insert in lieu thereof "county auditor."

In line 14, section 4, strike out the word "such."

Strike out all of line 15.

In line 16, section 4, after "B," insert the words "upon request."

In line 23, section 4, strike out the words "registry board," and insert "county auditor."

In line 4, section 5, strike out the words "clerk or any member of

registry;" and in line 5, section 5, strike out the word "board," and insert the words "county auditor."

In line 6, section 5, strike out the words "in the same manner as if the elector had personally appeared."

In line 5, section 5, insert before the word "precinct," the word "proper."

Line 7, section 5, strike out "registry board" and insert "auditor."

In line 9, section 5, after the word "person," insert the words "to the assessor."

In line 12, section 5, strike out the word "clerk or any member," and insert "auditor."

In line 13, section 5, strike out the words "of registration boards."

After the word "herein," in line 4, section 7, insert the words "such books to be forwarded to him by the county auditor at the same time as election supplies are forwarded."

Strike out lines 5, 6, 7, 8 and 9, of section 7.

Strike out all of sections 9 and 10.

In lines 3 and 4, section 11, after the word "state" strike out the following words, "on the day of enrollment and registration provided for in this act," and insert in lieu thereof the words "thirty days before the day of the primary election."

In line 5, section 11, strike out the words "on that day" and insert "by the assessor."

Re-number all sections consecutively.

And when so amended recommend the same do pass.

H. J. BESSESEN,
Chairman.

Mr. Bessesen moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

The committee on highways, bridges and ferries made the following report:

Mr. President:

Your committee on highways, bridges and ferries, to whom was referred

Senate Bill No. 276.

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, relating to the supervision and repairs of bridges.

Also,

Senate Bill No. 270.

A bill for an act entitled, an act requiring the payemnt of road and road poll tax in money, and providing for the expenditure thereof under the contract system.

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 report was adopted.

And the further consideration of the bill was indefinitely destroyed.

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred
House Bill No. 376.

A bill for an act to provide for the carrying on of a campaign of education against tuberculosis and making an appropriation therefor

Have had the same under consideration and recommend that the same do pass and be re-referred to the committee on appropriations.

F. T. GRONVOLD,
Chairman.

Mr. Gronvold moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

The committee on agriculture made the following report:
Mr. President:

Your committee on agriculture to whom was referred
Senate Bill No. 366.

A bill for an act to amend and re-enact Section six (6) of Chapter 210 of the Laws of North Dakota for the year of 1909.

Have had the same under consideration and recommend that the same do pass.

LIVY JOHNSON,
Chairman.

Mr. Johnson moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

The committee on temperance made the following report:

Mr. President:

Your committee on temperance to whom was referred
House Bill No. 130.

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, and Chapter 187 of the Laws of 1909, defining intoxicating liquors.

Have had the same under consideration and recommend that the same do pass.

E. L. GARDEN,
Chairman.

Mr. Garden moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 278.

A bill for an act to provide for the payment of the expenses of district judges when acting outside of their judicial districts.

Have had the same under consideration and recommend that the same be amended as follows:

In line 2 of section 1, strike out the word "requested" and insert the word "required" instead. In line 3, strike out the word "district" and insert the word "county." Strike out the balance of line 3 and insert in lieu thereof the words "the state." Strike out all of line 4 down to and including the word "act." In line 7, strike out all after the word "paid." In line 8 strike out all down to and including the word "responsible." Also strike out the word "said" and insert in lieu thereof the word "the." In line 9, strike out "county" and insert the word "state." Also strike out the words "to him." Strike out all of the bill after the word "judge" in line 11, and insert "and audited in the same manner as the expense accounts of other state officers."

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 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. 48.

A bill for an act regulating the speed of locomotives and trains while passing through cities, towns and villages in North Dakota.

Also

Senate Bill No. 80.

A bill for an act to amend Section 2869 of the Revised Codes of 1905, as amended by Chapter 265 of the Session Laws of 1907, relating to the contracting of loans for the payment of corporate indebtedness and providing for the levy of taxes to pay final judgments rendered against villages and providing for the manner of collecting the same.

Also,

Senate Bill No. 92.

A bill for an act relating to children who are now or may hereafter become dependent, neglected or delinquent; to define these terms, and to provide for the treatment, control, maintenance, protection, adoption and guardianship of the persons of such children.

Also

Senate Bill No. 114.

A bill for an act to enlarge the powers and duties of the board of railroad commissioners, creating a public warehouse fund and making an appropriation.

Also,

Senate Bill No. 131.

A bill for an act amending Sections 167, 169, 170, 171, 189 and 191 of the Revised Codes of North Dakota for 1905, relating to the appraisalment and sale of school lands.

Also,

Senate Bill No. 178.

A bill for an act prohibiting county superintendents of schools, deputies, school officers, school official, principals and teachers from receiving commission or fees or reward for or on account of any school books, furniture or other supplies purchased during the incumbency of such office, and providing for a penalty therefor.

Also,

Senate Bill No. 175.

A bill for an act to amend Section 417 of the Revised Codes of North Dakota for the year 1905, relating to officers and offices, and the qualifications of officers.

Also

Senate Bill No. 205.

A bill for an act to amend Section 10381 of the Revised Codes of 1905, as amended by Section 1, of Chapter 40, of the Session Laws of 1907, relating to the manner of disposing of the product of the state binder plant.

Also,

Senate Bill No. 225.

A bill for an act to amend and re-enact Sections 4071, 4073 and 4074 of the Revised Codes of the State of North Dakota for the year 1905, relating to alimony, support and maintenance of the children of a marriage or of either party thereto in divorce actions.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

Also

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 208.

A bill for an act to provide for and the making of improvements at the North Dakota School of Forestry to assist in the maintenance thereof, and making appropriation therefor.

Also

Senate Bill No. 209.

A bill for an act entitled, an act regulating the business of corporations issuing bonds, notes or other evidences of indebtedness and providing for the examination of such corporations.

Also

Senate Bill No. 303.

A bill for an act to amend Sections 4695 and 4698 of the Revised Codes of North Dakota for 1905, relating to foreign corporations.

Also

Senate Bill No. 322.

A bill for an act to amend Section 4207 of the Revised Codes of North Dakota for 1905, relating to the manner of voting of private corporations.

Also

Senate Bill No. 344.

A bill for an act relating to mills and millers, providing for tolls for grinding, and prescribing penalties for the violation thereof.

Also

Senate bill No. 355.

A bill for an act to amend Chapter 214 of the Session Laws of 1907, relative to assessment of coal mines.

Also

Senate Bill No. 367.

A bill for an act defining the crime of fornication and prescribing the punishment therefor.

Senate Bill No. 368.

A bill for an act defining the crime of inveighling females into houses of ill fame or of assignation, or elsewhere, for the purpose of prostitution or immoral relations, and prescribing the punishment therefor.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

The Secretary announced that the President was about to sign

Senate Bill No. 48.

A bill for an act regulating the speed of locomotives and trains while passing through cities, towns and villages in North Dakota.

Also

Senate Bill No. 80.

A bill for an act to amend Section 2869 of the Revised Codes of 1905, as amended by Chapter 265 of the Session Laws of 1907, relating to the contracting of loans for the payment of corporate indebtedness and providing for the levy of taxes to pay final judgments rendered against villages and providing for the manner of collecting the same.

Also,

Senate Bill No. 92.

A bill for an act relating to children who are now or may hereafter become dependent, neglected or delinquent; to define these terms, and to provide for the treatment, control, maintenance, protection, adoption and guardianship of the persons of such children.

Also

Senate Bill No. 114.

A bill for an act to enlarge the powers and duties of the board of railroad commissioners, creating a public warehouse fund and making an appropriation.

Also,

Senate Bill No. 131.

A bill for an act amending Sections 167, 169, 170, 171, 189 and 191 of the Revised Codes of North Dakota for 1905, relating to the appraisal and sale of school lands.

Also,

Senate Bill No. 178.

A bill for an act prohibiting county superintendents of schools, deputies, school district officers, school officials, principals and teachers from receiving commission or fees or reward for or on account of any school books, furniture

or other supplies purchased during the incumbency of such office, and providing for a penalty therefor.

Also

Senate Bill No. 175.

A bill for an act to amend Section 417 of the Revised Codes of North Dakota for the year 1905, relating to officers and offices, and the qualifications of officers.

Also

Senate Bill No. 205.

A bill for an act to amend Section 10381 of the Revised Codes of 1905, as amended by Section 1, of Chapter 40, of the Session Laws of 1907, relating to the manner of disposing of the product of the state binder plant.

Also,

Senate Bill No. 225.

A bill for an act to amend and re-enact Sections 4071, 4073 and 4074 of the Revised Codes of the State of North Dakota for the year 1905, relating to alimony, support and maintenance of the children of a marriage or of either party thereto in divorce actions.

And the President signed the same in the presence of the Senate.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 371.

A bill for an act making disposition of certain moneys now in the hands of the treasurer of the state of North Dakota, or that may hereafter come into his hands by reason of the act of congress approved May 23, 1908, making an appropriation for the national forest reserve, located in the county of Billings, state of North Dakota.

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 331.

A bill for an act to amend Section 6798, Revised Codes of 1905, relating to limitations of actions or proceedings to foreclose real estate mortgages.

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 137.

A bill for an act to reimburse district judges called to sit in hearing of cases before supreme court when regular members thereof are disqualified.

Have had the same under consideration and recommend that the same be amended as follows:

In section 1, line 2 of the original bill, strike out all after the word "district" in said line down to and including the word "act" in the following line, and insert in lieu thereof the words "the state." In the same section, in line 6, strike out all after the word "paid" down to and including the word "responsible" in the following line. In the same section, line 8, strike out the word "county" and insert the word "state," and in the same section, in line 11, strike out the word "county" and insert the word "state." In line 11, strike out all after the word "treasurer" down to and including the word "disbursements" in the following line.

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 361.

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.

H. H. STEELE,
Chairman.

Mr. Steele moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Gronvold moved
That House Bill No. 316 be recalled and be re-referred to
the committee on public health.
Which motion prevailed.

Mr. Talcott moved
That the vote by which Senate Bill No. 293 was lost, be
reconsidered.
Which motion prevailed.

Mr. Davis moved
That the vote by which Senate Bill No. 308 was passed,
be reconsidered.
Which motion prevailed.

Mr. Davis moved, as an amendment:

That the word "first" in page 2, line 29, printed bill, be stricken out
and changed to "second," and the word "April" be changed to "March."

Which motion prevailed, and
The amendment was adopted.

Senate Bill No. 308.

A bill for an act to amend Section 474 of the Revised Codes of North Dakota of 1905, relating to the boundaries and terms of court in the Sixth judicial district.

Was read the third time.

The question being on the adoption of the amendment.

The roll was called and there were 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Simpson
Baker	Hookway	Steel o Stutsman
Bessesen	Jacobsen	Steele of Renville
Carter	Johnson	Stevens
Cashel	Kennedy	Syvertson
Davis	Kretschmar	Talcott
Duis	LaMoure	Thoreson
Duncan	Linde	Trimble
Elken	Martin	Turner
Ellingson	McDowell	Wallin
Ganssle	McLean	Walton
Garden	Overson	Welo
Gibbens	Plain	Welch
Gilbert	Putnam	Whitche
Gronvold	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
McDonald	Pierce	Williams
Movius		

So the bill passed as amended and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

February 27, 1911.

Mr. President:

I have the honor to transmit herewith

House Bill No 66.

A bill for an Act to provide additional maintenance for the Government Experiment Station and North Dakota Agricultural College at Fargo.

Also

House Bill No. 81.

A bill for an act to appropriate money for maintenance, equipment and permanent improvements at the state university of North Dakota.

Also,

House Bill No. 123.

A bill for an act making an appropriation for a storehouse on the Rock Island Military Wood reservation near Devils Lake, North Dakota.

Also

House Bill No. 127.

A bill for an act making appropriation for the Mayville State Normal school located at Mayville, North Dakota, for hospital, green house, fuel bin, library, museums, boiler, grounds, lecture course, manual training and domestic science, and improvements on ventilating system, and for reimbursement of money transferred from local and interest and income funds.

Also

House Bill No. 210.

A bill for an act to encourage elementary education in North Dakota and appropriate money therefor.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to transmit herewith

House Bill No. 234.

A bill for an act to provide funds to reimburse the counties whose treasurers paid reward for arrest and conviction of violaters of the prohibition law, according to Section 9395, of the Revised Codes of 1905, which section provides for a reward of fifty (\$50) dollars for each conviction, to be paid by the county treasurer upon the order of the court in which the conviction was made, and for which payment the county treasurer shall be allowed to withhold taxes due the state any such amounts as he may have paid.

Also

House Bill No. 337.

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 the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to transmit herewith

House Bill No. 109.

A bill for an act appropriating money to provide needed equipment, permanent improvements, repairs, employes' wages, officers' salaries, messengers, railway fares and express charges in the transportation of fish, for the North Dakota state fish hatchery at Fish Lake in Rolette county, North Dakota.

Also

House Bill No. 276.

A bill for an act to provide for making needed improvements for the North Dakota Blind Asylum at Bathgate; and making an appropriation therefor.

Also

House Bill No. 52.

A bill for an act to appropriate money for the buildings, live stock, machinery and other equipment for the Hettinger sub-experiment station.

Also

House Bill No. 300.

A bill for an act providing for the erection of a stand-pipe near the capitol building, the sinking of one or more wells, the improvement of the capitol grounds, the purchase of a pump and necessary machinery to operate same and making an appropriation therefor.

Also

House Bill No. 145.

A bill for an act to provide for making permanent improvements at the State Normal school at Valley City, to assist in the maintenance thereof, and for other purposes, and making appropriations therefor.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to transmit herewith

House Bill No. 218.

A bill for an act making an appropriation for the normal school at the city of Minot to meet the expenditure for the erection of buildings and permanent improvements necessary in connection therewith, and for furnishings, equipment and maintenance.

Also

House Bill No. 7.

A bill for an act making appropriation to pay balance due on girls' dormitory and domestic science laboratory, and for the equipment and furnishing of same; for the in-

stallation of a boiler and smoke stack for the heating plant, and for the purchase of additional land for the use of the government experiment station at Fargo.

Also,

House Bill No. 43.

A bill for an act appropriating money for the purpose of building and equipping a chemistry building and laboratories for the North Dakota Agricultural college at Fargo, North Dakota.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith

Senate Bill No. 14.

A bill for an act to provide a refuge or breeding ground for certain game birds and to protect the same.

Also

Senate Bill No. 57.

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.

Also

Senate Bill No. 126.

A bill for an act entitled, an act relative to deposits made in banks or other institutions, authorized to receive deposits under the laws of North Dakota, when such deposits are made in two or more names.

Also,

Senate Bill No. 159.

A bill for an act to require a re-insurance reserve for mutual life insurance companies.

Also

Senate Bill No. 242.

A bill for an act prohibiting and punishing the unauthorized publication or distribution of the secret work of fraternal orders, and any publication claimed or represented to be secret work.

Also,

Senate Bill No. 260.

A bill for an act to regulate the names of corporations and to prohibit the use of misleading words in the names of corporations organized or authorized to do business in this state.

Also,

Senate Bill No. 289.

A bill for an act making it unlawful for any chairman of the board of county commissioners of any county in the state of North Dakota from signing any county warrant or warrants before such warrant or warrants are drawn by the county auditor, and all blanks filled out in full and compared with the bill for which the same was allowed.

Which the House has indefinitely postponed.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Simpson moved

That House Bill No. 206 be now placed on its third reading and final passage.

Which motion prevailed.

House Bill No. 206.

A bill for an act establishing a Missouri Slope agricultural fair at Mandan and making appropriation therefor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Jacobsen	Steele & Renville
Bessesen	Kennedy	Stevens
Carter	LaMoure	Syvertson
Cashel	Linde	Talcott
Davis	Martin	Thoreson
Duis	McDonald	Trimble
Duncan	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Overson	Walton
Garden	Pierce	Welo
Gibbens	Plain	Welch
Gilbert	Putnam	Whitcher
Gronvold	Ruzicka	Williams
Gunderson	Simpson	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Elken	Kretschmar	Movius
Johnson		

So the bill passed and the title was agreed to.

Mr. Jacobsen moved

That the vote by which House Bill No. 206 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. LaMoure moved

That the vote by which Senate Bill No. 63 passed, be reconsidered.

Which motion prevailed.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 261.

A bill for an act regulating the practice in county court having increased jurisdiction.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

The Secretary announced that the President was about to sign

House Bill No. 194.

A bill for an act regulating the issue of health certificates for live stock in transit or before shipment out of the state or upon entering the state and making certain acts in violation thereof misdemeanors.

Also

House Bill No. 102.

A bill for an act to amend Section 9791 of the Revised Codes of 1905, relating to prosecution on information and in what cases.

Also

House Bill No. 28.

A bill for an act providing a penalty for obstructing water courses or diverting the water therefrom.

Also

House Bill No. 270.

A bill for an act to amend Article 4 of Chapter 30 of the Political Code of North Dakota, being Section 2678 of the Revised Codes of North Dakota of 1905, relating to powers of city councils.

Also

House Bill No. 221.

A bill for an act to amend and re-enact Section 4303 of the Revised Codes of 1905, and repeal Section 4304 of said code.

Also

House Bill No. 217.

A bill for an act authorizing the board of railroad commissioners to refund license fee of public grain warehouses.

Also

House Bill No. 334.

A bill for an act to amend Section 5 of Chapter 172 of the Session Laws of 1909, relating to the regulation of practice of osteopathy.

Also

House Bill No. 328.

A bill for an act prohibiting the keeping open, or the running or permitting of running of any theatre, show, moving picture show, or theatrical performance, upon the first day of the week, commonly called the Sabbath, and providing a penalty for violations of the same.

And the President signed the same in the presence of the Senate.

Senate Bill No. 352.

A bill for an act entitled, an act to amend Section 2389 of the Revised Codes of 1905, relating to county commissioners.

Was read the third time.

Mr. Duis moved, as an amendment:

That there be added at end of line 8, section 1, printed bill, the following: "and no county that shall have been re-districted after the first districting thereof shall be re-districted oftener than once in five years."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill.

The roll was called and there were 46 ayes, no nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Simpson
Baker	Jacobsen	Steel of Stutsman
Bessesen	Johnson	Steele of Renville
Carter	Kennedy	Stevens
Cashel	Kretschmar	Syvertson
Davis	LaMoure	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner

Messrs.—	Messrs.—	Messrs.—
Ellingson	McLean	Wallin
Ganssle	Overson	Walton
Garden	Pierce	Welo
Gibbens	Fisin	Welch
Gilbert	Putnam	Whitcher
Gronvold	Ruzicka	Young
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Linde	Movius	Williams

So the bill passed and the title was agreed to.

Senate Bill No. 358.

A bill for an act to amend Section 6188 of the Revised Codes of North Dakota, for the year 1905, relating to duties of registers of deeds.

Was read the third time.

Mr. Bessesen moved, as an amendment:

In line 10, page 1, by striking out "instrument shall" and substitute in lieu thereof "chattel mortgages may."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill

The roll was called and there were 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Simpson
Baker	Hookway	Steel of Stutsman
Bessesen	Jacobsen	Steele of Renville
Carter	Johnson	Stevens
Cashel	Kennedy	Syvertson
Davis	Kretschmar	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Overson	Walton
Garden	Pierce	Welo
Gibbens	Plain	Welch
Gilbert	Putnam	Whitcher
Gronvold	Ruzicka	Young

Absent and not voting:

Messrs.—
LaMoure
Linde

Messrs.—
Movius

Messrs.—
Williams

So the bill passed and the title was agreed to.

The Secretary announced that the President was about to sign

House Bill No. 181.

A bill for an act entitled, an act to amend Section 2 of Chapter 204 of the laws of 1909, entitled, "An act to amend Sections 811, 829, 882 and 883 of the Revised Codes of 1905, pertaining to education."

Also,

House Bill No. 96.

A bill for an act creating a state board of dental examiners; to regulate the practice of dentistry in the state of North Dakota; to provide for licensing dentists; and to provide penalties for the violation of this Act.

Also

House Bill No. 242.

A bill for an act to amend Section 1968 of the Revised Codes of 1905.

Also,

House Bill No. 44.

A bill for an act to amend Section 4381 and 4383 of the Revised Codes of the state of North Dakota of 1905, relating to track from elevator to railroad.

And the President signed the same in the presence of the Senate.

Mr. Talcott moved

That the Senate do now resolve itself into a committee of the whole for the consideration of Senate Bill No. 306.

Which motion prevailed.

The President called Mr. Davis to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose it made the following report:

Mr. President:

Your committee of the whole to which was referred Senate Bill No. 306, has had the same under consideration and recommend that the bill do pass.

J. E. DAVIS,
Chairman.

Mr. Talcott objected to the consideration of the report.

Mr. Talcott moved

That a committee of three be appointed, that they retire at once and take under consideration the matter of amendments to Senate Bill No. 306 and report them back before the adjournment of this session.

Which motion prevailed.

The President announced the appointment of Messrs. Garden, Cashel and McLean as members of such committee.

Senate Bill No. 208.

A bill for an act to provide for and the making of improvements at the North Dakota School of Forestry to assist in the maintenance thereof, and making appropriation therefor.

Was read the third time.

Mr. Pierce moved

That the bill be amended by adding:

Section 6. The provisions of this act shall not apply to corporations heretofore or hereafter placed by law under the jurisdiction of the banking department of the state.

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill.

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Allen
Baker
Bessesen
Carter
Davis
Duis
Duncan
Elken

Messrs.—

Jacobsen
Johnson
Kennedy
Kretschmar
LaMoure
Linde
Martin
McDonald

Messrs.—

Steele of Renville
Stevens
Syvertson
Talcott
Thoreson
Trimble
Turner
Wallin

Messrs.—	Messrs.—	Messrs.—
Ellingson	McDowell	Walton
Ganssle	Overson	Welo
Gibbens	Plain	Welch
Gilbert	Putnam	Whitcher
Gronvold	Ruzicka	Williams
Gunderson	Simpson	Young
Hookway	Steel of Stutsman	

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Cashel	McLean	Pierce
Garden	Movius	

So the bill passed and the title was agreed to. .

Mr. Talcott moved

That the vote by which Senate Bill No. 208 passed, be re-considered and the motion to reconsider be laid on the table.

Which motion prevailed.

A special committee made the following report:

Mr. President:

A special committee to whom was referred

Senate Bill No. 306.

A bill for an act amending Sections 9358 and 9354, Revised Codes, 1905, as amended and re-enacted by Sec. 5 of Chapter 183 of the Laws of 1909, regulating the sale of intoxicating liquors by druggists who are registered pharmacists, and to provide a method of such sales in cases of emergency.

Have had the same under consideration and recommend that the same do pass.

E. L. GARDEN,
Chairman.

Mr. Garden moved

That the report be adopted

Which motion prevailed, and

The report was adopted.

Mr. Talcott:

According to my promise that when the special committee returned with their report to this body, I would not object to it—I desire to keep my word and withdraw my

objection at this time, reserving, however, the right to vote against the bill.

Senate Bill No. 306.

A bill for an act amending Sections 9358 and 9354, Revised Codes, 1905, as amended and re-enacted by Sec. 5 of Chapter 183 of the Laws of 1909, regulating the sale of intoxicating liquors by druggists who are registered pharmacists, and to provide a method of such sales in cases of emergency.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 24 ayes, 20 nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Martin	Stevens
Baker	McDonald	Syverson
Carter	McDowell	Thoreson
Cashel	McLean	Turner
Duis	Overson	Walton
Ganssle	Plain	Welo
Garden	Simpson	Welch
Johnson	Steel or Stutsman	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Davis	Gunderson	Ruzicka
Duncan	Hookway	Steele or Renville
Elken	Kennedy	Talcott
Ellingson	LaMoure	Trimble
Gibbens	Linde	Wallin
Gilbert	Pierce	Whitcher
Gronvold	Putnam	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Kretschmar	Williams
Jacobsen	Movius	

So the bill was lost.

Mr. Stevens explained his vote, stating:

I vote "aye" on Senate Bill No. 306, because as I read it, understand it and believe it it will make it possible for legitimate druggists in North Dakota to do legally what

they have been compelled to do illegally under the laws of business and the medical trade.

Senate Bill No. 368.

A bill for an act defining the crime of inveighling females into houses of ill fame or of assignation, or elsewhere, for the purpose of prostitution or immoral relations, 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 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Steele of Renville
Baker	Kennedy	Stevens
Carter	LaMoure	Syvertson
Cashel	Linde	Talcott
Davis	Martin	Thoreson
Duis	McDonald	Trimble
Duncan	McDowell	Turner
Elken	McLean	Wallin
Ellingson	Overson	Walton
Ganssle	Pierce	Welo
Garden	Plain	Welch
Gibbens	Putnam	Whitcher
Gilbert	Ruzicka	Williams
Gunderson	Simpson	Young
Hookway	Steel of Statsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Jacobsen	Movius
Gronvold	Kretschmar	

So the bill passed and the title was agreed to.

Mr. Talcott moved

That the vote by which Senate Bill No. 368 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. 174.

A bill for an act relating to desertion and non-support of wife by husband, or of children by either father or mother, and providing punishment therefor; and providing for manner of procedure and evidence required in such cases; and to promote uniformity between the states in reference thereto.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The Secretary announced that the President was about to sign

Senate Bill No. 174.

A bill for an act relating to desertion and non-support of wife by husband, or of children by either father or mother, and providing punishment therefor; and providing for manner of procedure and evidence required in such cases; and to promote uniformity between the states in reference thereto.

And the President signed the same in the presence of the Senate.

Senate Bill No. 303.

A bill for an act to amend Sections 4695 and 4698 of the Revised Codes of North Dakota for 1905, relating to foreign corporations.

Was read the third time.

Mr. Elken moved, as an amendment:

That the words "and agent" be stricken out, in section 2, line 11.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were 40 ayes, no nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—
Allen
Baker
Carter

Messrs.—
Johnson
Kennedy
Kretschmar

Messrs.—
Steel of Stutsman
Steele of Renville
Stevens

Messrs.—	Messrs.—	Messrs.—
Duis	LaMoure	Syverson
Duncan	Linde	Talcott
Elken	McDonald	Thoreson
Ellingson	McDowell	Trimble
Ganssle	McLean	Turner
Garden	Overson	Wallin
Gibbens	Plai.	Walton
Gilbert	Putnam	Welo
Gronvold	Ruzicka	Whitcher
Gunderson	Simpson	Young
Hookway		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Jacobsen	Pierce
Cashel	Martin	Welch
Davis	Movius	Williams

So the bill passed and the title was agreed to.

Mr. Talcott moved

That the vote by which Senate Bill No. 303 passed, be reconsidered and the motion to reconsider be laid on the table.
Which motion prevailed.

Senate Bill No. 241.

A bill for an act entitled, and act to prevent drinking or offering to others to drink as a beverage, any intoxicating liquors upon passenger trains in the state of North Dakota.

Was read the third time.

Mr. Garden moved, as an amendment:

After the word "offense" in section 3, being the last word, strike out the period and insert "in the county in which such offense is committed."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill.

The roll was called and there were 41 ayes, no nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Stevens
Baker	Kennedy	Syverson
Carter	LaMoure	Talcott
Cashel	Linde	Thoreson
Duis	McDowell	Trimble

Messrs.—	Messrs.—	Messrs.—
Duncan	McLean	Turner
Elken	Overson	Wallin
Ellingson	Pierce	Walton
Ganssle	Plain	Welo
Garden	Putnam	Welch
Gibbens	Ruzicka	Whitcher
Gilbert	Simpson	Williams
Gronvold	Steel of Stutsman	Young
Gunderson	Steele of Renville	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Jacobsen	McDonald
Davis	Kretschmar	Movius
Hookway	Martin	

So the bill passed and the title was agreed to.

Senate Bill No. 322.

A bill for an act to amend Section 4207 of the Revised Codes of North Dakota for 1905, relating to the manner of voting of private corporations.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 46 ayes, no nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Johnson	Steele of Renville
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syvertson
Cashel	LaMoure	Talcott
Davis	Linde	Thoreson
Duis	McDonald	Trimble
Duncan	McDowell	Turner
Elken	McLean	Wallin
Ellingson	Overson	Walton
Ganssle	Pierce	Welo
Garden	Plain	Welch
Gibbens	Putnam	Whitcher
Gilbert	Ruzicka	Williams
Gronvold	Simpson	Young
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Jacobsen	Martin	Movius

So the bill passed and the title was agreed to.

Mr. Talcott moved

That the vote by which Senate Bill No. 322 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 345.

A bill for an act amending Section 9646 of the Revised Codes of North Dakota for 1905, and providing for removal of public officers by summary judicial proceedings.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 18 ayes, 25 nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Davis	Linde	Steele of Renville
Duis	McDowell	Turner
Elken	Overson	Wallin
Gibbens	Putnam	Walton
Gilbert	Ruzicka	Whitcher
Jacobsen	Steel of Stutsman	Williams

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Simpson
Baker	Johnson	Stevens
Beesesen	Kennedy	Syverson
Carter	Kretschmar	Talcott
Duncan	LaMoure	Trimble
Ellingson	Martin	Welo
Ganssle	McDonald	Weich
Gronvold	Plain	Young
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	McLean	Pierce
Garden	Movius	Thoreson

So the bill was lost.

Mr. Gunderson explained his vote, stating:

I vote no because I do not believe in depriving any officer, or any other man, the right of trial by jury.

Mr. Talcott moved

That the vote by which Senate Bills Nos. 358 and 352 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 261.

A bill for an act regulating the practice in county court having increased jurisdiction.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 46 ayes, no nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steel of Stutsman
Baker	Johnson	Steele of Renville
Carter	Kennedy	Stevens
Cashel	Kretschmar	Syvertson
Davis	LaMoure	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Trimble
Elken	McDonald	Turner
Ellingson	McDowell	Wallin
Ganssle	McLean	Walton
Garden	Overson	Welo
Gibbens	Plain	Welch
Gilbert	Putnam	Whitcher
Gronvold	Ruzicka	Williams
Gunderson	Simpson	Young
Hookway		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Movius	Pierce

So the bill passed and the title was agreed to.

Mr. Gunderson moved

That the vote by which Senate Bill No. 261 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 209.

A bill for an act entitled, an act regulating the business of corporations issuing bonds, notes or other evidences of indebtedness and providing for the examination of such corporations.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 48 ayes, no nays, 1 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Simpson
Baker	Jacobsen	Steel of Stutsman
Bessesen	Johnson	Steele of Renville
Carter	Kennedy	Stevens
Cashel	Kretschmar	Syvertson
Davis	LaMoure	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Trimble
Elken	McDonald	Turner
Ellingson	McDowell	Wallin
Ganssle	McLean	Walton
Garden	Overson	Welo
Gibbens	Pierce	Weich
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young

Mr. Movius was absent and not voting.

So the bill passed and the title was agreed to.

Senate Bill No. 344.

A bill for an act relating to mills and millers, providing for tolls for grinding, and prescribing 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 32 ayes, 15 nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Davis	Linde	Steele of Renville
Duis	Martin	Stevens
Elken	McDowell	Syvertson
Garden	McDonald	Thoreson
Gibbens	Pierce	Trimble
Gunderson	Plain	Turner
Hookway	Putnam	Wallin
Jacobsen	Ruzicka	Welo
Johnson	Simpson	Whitcher
Kennedy	Steel of Stutsman	Williams
LaMoure		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Ellingson	Overson
Bessesen	Ganssle	Talcott
Carter	Gilbert	Walton
Cashel	Gronvold	Welch
Duncan	McLean	Young

Messrs. Allen, Movius and Kretchmar were absent and not voting.

So the bill passed and the title was agreed to.

Mr. Gunderson moved

That the vote by which Senate Bill No. 344 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Linde moved

That the vote by which Senate Bill No. 306 was lost, be reconsidered.

Mr. Gibbens moved

That the motion to reconsider be laid on the table.

Which motion was lost.

The question being on the original motion.

The motion prevailed.

Mr. Cashel moved

That Senate Bill No. 306 be placed on its third reading and final passage.

Which motion prevailed,

Messrs. Cashel and Welch offered certain communications bearing on the subject matter.

Mr. Talcott moved

That the communications be read.

Which motion prevailed.

Senate Bill No. 306.

A bill for an act amending Section 9358 of the Revised Codes of 1905, as amended and re-enacted by Section 5 of toxicating liquors by druggists who are registered pharmacists, and to provide a method of such sales in cases of emergency.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 27 ayes, 19 nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Stevens
Baker	Linde	Syvertson
Carter	Martin	Thoreson
Cashel	McDonald	Turner
Duis	McDowell	Walton
Gangssle	McLean	Welo
Garden	Overson	Welch
Hookway	Simpson	Williams
Jacobsen	Steel of Stutsman	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Gunderson	Ruzicka
Davis	Kennedy	Steele of Renville
Duncan	LaMoure	Talcott
Ellingson	Pierce	Trimble
Gibbens	Plain	Wallin
Gilbert	Putnam	Whitche
Gronvoid		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Elken	Kretschmar	Moviux

So the bill passed and the title was agreed to.

Mr. Cashel moved

That the vote by which Senate Bill No. 306 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 355.

A bill for an act to amend Chapter 214 of the Session Laws of 1907, relative to assessment of coal mines.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 41 ayes, no nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steele of Renville
Baker	Hookway	Stevens

Messrs.—	Messrs.—	Messrs.—
Bessesen	Jacobsen	Syverson
Carter	Johnson	Talcott
Davis	Kennedy	Thoreson
Duis	LaMoure	Turner
Duncan	Linde	Wallin
Elken	Martin	Walton
Ellingson	Overson	Welo
Ganssle	Plain	Welch
Garden	Putnam	Whitcher
Gibbens	Ruzicka	Williams
Gilbert	Simpson	Young
Gronvold	Steel of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	McDowell	Pierce
Kretschmar	McLean	Trimble
McDonald	Movius	

So the bill passed and the title was agreed to.

Mr. Gunderson moved

That the vote by which Senate Bill No. 355 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 367.

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 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Simpson
Baker	Jacobsen	Steel of Stutsman
Bessesen	Johnson	Steele of Renville
Carter	Kennedy	Stevens
Davis	Kretschmar	Syverson
Duis	LaMoure	Talcott
Duncan	Linde	Thoreson
Elken	Martin	Turner
Ellingson	McDonald	Wallin
Ganssle	McDowell	Walton
Garden	McLean	Welo
Gibbens	Overson	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young

Absent and not voting:

Messrs.—
Cashel
Movius

Messrs.—
Pierce

Messrs.—
Trimble

So the bill passed and the title was agreed to.

Mr. Gunderson moved

That the vote by which Senate Bill No. 367 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 7.

A bill for an act making appropriation to pay balance due on girls' dormitory and domestic science laboratory, and for the equipment and furnishing of same; for the installation of a boiler and smoke stack for the heating plant, and for the purchase of additional land for the use of the government experiment station at Fargo.

Was read the first and second times, and

Referred to the committee on appropriations.

House Bill No. 43.

A bill for an act appropriating money for the purpose of building and equipping a chemistry building and laboratories for the North Dakota Agricultural college at Fargo, North Dakota.

Was read the first and second times and

Referred to the committee on appropriations.

House Bill No. 52.

A bill for an act to appropriate money for the buildings, live stock, machinery and other equipment for the Hettinger sub-experiment station.

Was read the first and second times and

Referred to the committee on appropriations.

House Bill No 66.

A bill for an Act to provide additional maintenance for the Government Experiment Station and North Dakota Agricultural College at Fargo.

Was read the first and second times, and
Referred to the committee on appropriations.

House Bill No. 81.

A bill for an act to appropriate money for maintenance, equipment and permanent improvements at the state university of North Dakota.

Was read the first and second times, and
Referred to the committee on appropriations.

House Bill No. 109.

A bill for an act appropriating money to provide needed equipment, permanent improvements, repairs, employes' wages, officers' salaries, messengers, railway fares and express charges in the transportation of fish, for the North Dakota state fish hatchery at Fish Lake in Rolette county, North Dakota.

Was read the first and second times, and
Referred to the committee on appropriations.

House Bill No. 145.

A bill for an act to provide for making permanent improvements at the State Normal school at Valley City, to assist in the maintenance thereof, and for other purposes, and making appropriations therefor.

Was read the first and second times, and
Referred to the committee on appropriations.

House Bill No. 123.

A bill for an act making an appropriation for a storehouse on the Rock Island Military Wood reservation near Devils Lake, North Dakota.

Was read the first and second times, and
Referred to the committee on appropriations.

House Bill No. 127.

A bill for an act making appropriation for the Mayville State Normal school located at Mayville, North Dakota, for hospital, green house, fuel bin, library, museums, boiler, grounds, lecture course, manual training and domestic sci-

ence, and improvements on ventilating system, and for reimbursement of money transferred from local and interest and income funds.

Was read the first and second times, and

Referred to the committee on appropriations.

House Bill No. 210.

A bill for an act to encourage elementary education in North Dakota and appropriate money therefor. .

Was read the first and second times, and

Referred to the committee on appropriations.

House Bill No. 234.

A bill for an act to provide funds to reimburse the counties whose treasurers paid reward for arrest and conviction of violaters of the prohibition law, according to Section 9395, of the Revised Codes of 1905, which section provides for a reward of fifty (\$50) dollars for each conviction, to be paid by the county treasurer upon the order of the court in which the conviction was made, and for which payment the county treasurer shall be allowed to withhold taxes due the state any such amounts as he may have paid.

Was read the first and second times and

Referred to the committee on appropriations.

House Bill No. 276.

A bill for an act to provide for making needed improvements for the North Dakota Blind Asylum at Bathgate; and making an appropriation therefor.

Was read the first and second times, and

Referred to the committee on appropriations.

House Bill No. 300.

A bill for an act providing for the erection of a stand-pipe near the capitol building, the sinking of one or more wells, the improvement of the capitol grounds, the purchase of a pump and necessary machinery to operate same and making an appropriation therefor.

Was read the first and second times and

Referred to the committee on appropriations.

House Bill No. 218.

A bill for an act making an appropriation for the normal school at the city of Minot to meet the expenditure for the erection of buildings and permanent improvements necessary in connection therewith, and for furnishings, equipment and maintenance.

Was read the first and second times and

Referred to the committee on appropriations.

House Bill No. 337.

A bill for an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

Was read the first and second times, and

Referred to the committee on appropriations.

Mr. Simpson moved

That the Senate do now resolve itself into a committee of the whole for the consideration of all apportionment bills.

Which motion prevailed,

The President called Mr. Putnam to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose it made the following report.

Mr. President:

Your committee of the whole to which was referred all apportionment bills, has had the same under consideration and recommend that Senate Bill No. 220 be reported to pass as amended by the Senate committee on apportionment, and as further amended as follows:

By striking out the word "Renville" where it occurs in line 15, page 2, and inserting it in line 1, page 1, after the word "Bottineau."

S. N. PUTNAM.
Chairman.

Mr. Duis moved .

That the report be adopted

The question being on the adoption of the report of the committee of the whole.

The roll was called and there were 28 ayes, 17 nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Gronvold	Ruzicka
Carter	Gunderson	Stevens
Cashel	Hookway	Syvertson
Duis	Kennedy	Talcott
Duncan	LaMoure	Thoreson
Elken	McDowell	Turner
Ellingson	McLean	Walton
Ganssle	Plain	Welo
Gibbens	Putnam	Whitcher
Gilbert		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Linde	Steele of Renville
Bessesen	Martin	Wallin
Davis	McDonald	Welch
Garden	Overson	Williams
Jacobsen	Simpson	Young
Johnson	Steel of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kretschmar	Pierce	Trimble
Movius		

So the report was adopted.

The courtesies of the floor were extended to the following:

Christ Baertsch.

W. W. Keene.

J. C. Arduser.

G. W. Stewart, Wilton.

D. E. Trimble and C. G. Trimble, Westhope.

A. Stonehouse and O. H. Phillips, Larimore.

Mr. McDowell moved

That the Senate do now take a recess until 10 o'clock a. m. tomorrow.

Which motion prevailed, and

The Senate took a recess until 10 o'clock a. m. tomorrow.

J. W. FOLEY,
Secretary.

FIFTY-SEVENTH DAY AFTER RECESS AND
FIFTY-EIGHTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 1, 1911.

The Senate convened at 10 o'clock a. m., pursuant to recess taken.

The president presiding.

Mr. LaMoure asked consent to return to the 6th order of business.

Which consent was given.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred House Bill No. 353.

A bill for an act to amend sections 1295, 1297 and 1298 of the Revised Codes of North Dakota of 1905, and section 1296 of the Revised Codes of 1905 as amended by the Legislative Assembly of 1909, being chapter 13 of the Revised Codes of 1905, entitled State Library.

Have had the same under consideration and recommend that the same do pass.

J LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Mr. LaMoure moved that Senate Bill No. 63 be amended
as follows:

In the title of the bill, after the word "of" insert the word "impure."
Before the word "under" in line 5, of section 1, of the printed bill
insert the following: "Containing any substance except pure tobacco."
Strike out the word "and" in line 5, section 1 of the printed bill.
After the word "as" in line 2 of section 2 of the printed bill insert
the word "pure."
After the word "from" in line 4 of section 3 of the printed bill insert
the word "pure."

Which motion prevailed, and
The amendments were adopted.

Mr. LaMoure moved
That Senate Bill No. 63 be placed on its final passage, as
amended.

Which motion prevailed.

Senate Bill No. 63.

A bill for an act to prohibit the importation, manufac-
ture, distribution, transportation, sale, or use of snuff, and
providing a penalty 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 37 ayes, no nays, 12
absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Allen
Baker
Bessesen
Carter
Cashel
Davis
Duis

Messrs.—

Gronvold
Gunderson
Hookway
Jacobsen
Johnson
Kennedy
LaMoure

Messrs.—

Movius
Plain
Ruzicka
Stevens
Syvertson
Talcott
Thoreson

Messrs.—	Messrs.—	Messrs.—
Duncan	Linde	Trimble
Ellingson	Martin	Turner
Ganssle	McDonald	Walton
Garden	McDowell	Whitcher
Gibbens	McLean	Young
Gilbert		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Elken	Putnam	Wallin
Kretschmar	Simpson	Welch
Overson	Steel of Stutsman	Welo
Pierce	Steele of Renville	Williams

So the bill passed as amended and the title was agreed to.

House Bill No. 332.

A bill for an act prohibiting the placing of screens or other obstructions across the windows and doors of pool halls and providing a penalty therefor.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 34; nays 2; absent and not voting 13.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gilbert	Plain
Baker	Gronvold	Ruzicka
Bessesen	Gunderson	Stevens
Carter	Hookway	Syvertson
Davis	Johnson	Talcott
Duis	LaMoure	Thoreson
Duncan	Linde	Trimble
Elken	Martin	Turner
Ellingson	McDonald	Welch
Ganssle	McDowell	Whitcher
Garden	McLean	Young
Gibbens		

Messrs. Kennedy and Movius voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	Putnam	Wallin
Jacobsen	Simpson	Walton
Kretschmar	Steel of Stutsman	Welo
Overson	Steele of Renville	Williams
Pierce		

So the bill passed and the title was agreed to.

House Bill No. 273.

A bill for an act to regulate the size and construction of caboose cars.

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 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Plain
Baker	Gunderson	Putnam
Bessesen	Hookway	Ruzicka
Carter	Johnson	Stevens
Cashel	Kennedy	Syverson
Davis	Kretschmar	Talcott
Duis	LaMoure	Thoreson
Duncan	Linde	Trimble
Elken	Martin	Turner
Ellingson	McDonald	Wallin
Ganssle	McDowell	Welch
Garden	McLean	Whitchee
Gibbens	Movius	Young
Gilbert	Overson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Jacobsen	Steele of Renville	Welo
Pierce	Steel of Stutsman	Williams
Simpson	Walton	

So the bill passed and the title was agreed to.

House Bill No. 307.

A bill for an act to amend Section 4277 of the Revised Codes of North Dakota for the year 1905.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 44; nays 1; absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steele of Renville
Baker	Hookway	Steel of Stutsman
Bessesen	Johnson	Stevens

Messrs.—	Messrs.—	Messrs.—
Carter	Kennedy	Syverson
Cashel	Kretschmar	Talcott
Davis	Linde	Thoreson
Duis	Martin	Trimble
Duncan	McDonald	Turner
Elken	McDowell	Wallin
Ellingson	McLean	Walton
Ganssle	Movius	Welch
Garden	Overson	Welo
Gibbens	Plain	Whitcher
Gilbert	Ruzicka	Young
Gronvold		

Mr. Jacobson voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Putnam	Williams
Pierce	Simpson	

So the bill passed and the title was agreed to.

House Bill No. 177.

A bill for an act amending Section 2, Chapter 135, Session Laws of 1909, authorizing the board of railway commissioners to appoint agents at terminal points of Duluth and Minneapolis, for the benefit of shippers of grain of this state, and providing for the 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 44 ayes, 1 nay, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Jacobsen	Steel of Stutsman
Carter	Johnson	Stevens
Cashel	Kennedy	Syverson
Davis	Kretschmar	Talcott
Duis	LaMoure	Thoreson
Duncan	Linde	Trimble
Elken	Martin	Turner
Ellingson	McDonald	Wallin
Ganssle	McLean	Walton
Garden	Movius	Welch
Gibbens	Overson	Welo
Gilbert	Plain	Whitcher

Messrs.—	Messrs.—	Messrs.—
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway	Simpson	

Mr. Baker voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Pierce	Steele of Renville
McDowell		

So the bill passed and the title was agreed to.

Mr. Gilbert moved

That the vote by which Senate Bill No. 177 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 317.

A bill for an act to prevent the spread of contagious diseases and sanitary regulation of coaches, cars and steam boats in this state.

Was read the third time.

Mr. Duis moved, as an amendment:

That after the word "therein" in line 5, the words "except street cars within incorporate cities."

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were 44 ayes, 1 nay, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steel of Stutsman
Baker	Johnson	Stevens
Carter	Kretschmar	Syverson
Cashel	Linde	Talcott
Davis	LaMoure	Thoreson
Duis	Martin	Trimble
Duncan	McDowell	Turner
Elken	McLean	Wallin
Ellingson	Movius	Walton
Ganssle	Overson	Welo
Gibbens	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Ruzicka	Williams
Gunderson	Simpson	Young
Hookway	Steele of Renville	

Mr. Kennedy voted in the negative.

Absent and not voting:

Messrs.—
Bessesen
Garden

Messrs.—
McDonald

Messrs.—
Putnam

So the bill passed and the title was agreed to.

Mr. Davis asked permission to return to the 8th order of business.

Which permission was given.

Mr. Davis moved

That the report of the committee on Senate Bill No. 264, recommending the bill for indefinite postponement, be reconsidered.

Which motion prevailed.

Mr. Davis moved

That the report be amended to read that the bill do pass.
Which motion prevailed.

Mr. Kennedy asked consent to return to the 6th order of business.

Which consent was given.

The committee on municipal corporations made the following report:

Mr. President:

Your committee on municipal corporations to whom was referred

Senate Bill No. 104.

A bill for an act providing for correcting errors and deficiencies in city plats.

Have had the same under consideration and recommend that the same be amended as follows:

In line 11 of the printed bill change "two" to "three".

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 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. 54.

A bill for an act to amend Section 3062 of the Revised Codes of 1905, and to provide for the appointment of overseers of highways.

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 was adopted.

Also

Mr. President:

Your committee on highways, bridges and ferries to whom was referred

House Bill No. 91.

A bill for an act to provide for fixing the amount to be allowed for labor on highways when performed in payment of road taxes.

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 was adopted.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred
Senate Bill No. 170.

A bill for an act to prohibit the granting or use by any person of any free pass, frank or special privilege withheld from an other person and to fix the penalty for violation thereof.

Have had the same under consideration and recommend that the same be indefinitely postponed.

E. F. GILBERT,
Chairman.

Mr. Gilbert moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on railroads to whom was referred
Senate Bill No. 118.

A bill for an act to amend and re-enact Section 4374 of the Revised Codes of 1905, relating to free transportation and reduced rates by common carriers.

Have had the same under consideration and recommend that the same be indefinitely postponed.

E. F. GILBERT,
Chairman.

Mr. Gilbert moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on railroads to whom was referred

Senate Bill No. 3.

A bill for an act to prohibit the granting to or use by any person of any fee pass, frank or special privilege withheld from any other person and to fix the penalty for violation thereof.

Have had the same under consideration and recommend that the same be indefinitely postponed.

E. F. GILBERT,
Chairman,

Mr. Gilbert moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on railroads to whom was referred

Senate Bill No. 162.

A bill for an act to prohibit the granting to or use of 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 indefinitely postponed.

E. F. GILBERT,
Chairman.

Mr. Gilbert moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

The further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on railroads to whom was referred
House Bill No. 262.

A bill for an act to prohibit public officers from asking, accepting or using a free pass, frank or privilege withheld from any other person for the traveling accommodation or transportation of any person or property, or the transmission of any message or communication.

Have had the same under consideration and recommend that the same be indefinitely postponed.

E. F. GILBERT,
Chairman.

Mr. Gilbert moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

The further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on railroads to whom was referred
Senate Bill No. 23.

A bill for an act to prohibit the granting to, or use of, by any person, a free pass or special privilege withheld from any other person, and fixing the penalty for the violation thereof.

Have had the same under consideration and recommend that the same be indefinitely postponed.

E. F. GILBERT,
Chairman.

Mr. Gilbert moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

The further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on railroads to whom was referred
Senate Bill No. 300.

A bill for an act relating to the location and construction of new lines of railroads in the state and defining the powers and duties of the board of railroad commissioners in connection therewith, and prescribing penalties for violation thereof.

Have had the same under consideration and recommend the same be indefinitely postponed.

E. F. GILBERT,
Chairman.

Mr. Gilbert moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

The further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on railroads to whom was referred
Senate Bill No. 4.

A bill for an act prohibiting the granting to or using by any person of any free pass, frank, or special privileges withheld from any other person, and prohibiting railroads, railroad corporations and common carriers from carrying any passenger or person 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, providing a penalty therefor; and providing transportation for the board of railroad commissioners and its secretary.

Have had the same under consideration and recommend that the same be indefinitely postponed.

E. F. GILBERT,
Chairman.

Mr. Gilbert moved
That the report be adopted
Which motion prevailed, and
The report was adopted.

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. 279.

A bill for an act to provide that the counties of the state may adopt a uniform system of text books.

Have had the same under consideration and recommend that the same do not pass.

F. S. TALCOTT,
Chairman.

Mr. Talcott moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on education to whom was referred
Senate Bill No. 28.

A bill for an act establishing a normal school at the city of Minot and providing for the appointment of a board of management thereof.

Have had the same under consideration and recommend that the same do not pass.

F. S. TALCOTT,
Chairman.

Mr. Talcott moved
That the report be adopted
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on education to whom was referred

Senate Bill No. 30.

A bill for an act creating a state text-book commission, and defining its duties and powers.

Have had the same under consideration and recommend that the same do not pass.

F. S. TALCOTT,
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

The committee on federal relations made the following report:

Mr. President:

Your committee on federal relations to whom was referred

Senate Bill No. 7.

A joint resolution ratifying the sixteenth amendment to the constitution of the United States.

Have had the same under consideration and recommend that the same be indefinitely postponed.

A. S. GIBBENS,
Chairman.

Mr. Gibbens moved

That the report be adopted

Which motion prevailed, and

The report was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

House Bill No. 331.

A bill for an act defining the duties of county commissioners, relating to the designation of official newspapers.

Have had the same under consideration and recommend that the same do pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted
Which motion prevailed, and
The report was adopted.

The committee on municipal corporations made the following report:

Mr. President:

Your committee on municipal corporations to whom was referred

House Bill No. 118.

A bill for an act to amend subdivioisns six (6) and seven (7) of Section five (5) of Chapter one seventy-nine (179) of the Session Laws of 1907, in relation to the powers of the board of park commissioners.

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 was adopted.

Also

Mr. President:

Your committee on municipal corporations to whom was referred

Senate Bill No. 105.

A bill for an act providing for platting unplatted portions and parcels of ground within the corporate limits of any city.

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 report was adopted.

Also

Mr. President:

Your committee on municipal corporations to whom was referred

Senate Bill No. 232.

A bill for an act to amend Article 18 of Chapter 30 of the Political Code of North Dakota, being Section 2777 of the Revised Codes of North Dakota for 1905.

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 report was adopted.

House Bill No. 355.

A bill for an act to provide for the reimbursement of owners of cattle destroyed by order of the state live stock sanitary board on account of the disease known as tuberculosis, and providing for the levy of a tax to create a fund therefor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 28 ayes, 15 nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Kennedy	Talcott
Baker	Kretschmar	Turner
Carter	Linde	Wallin
Cashel	Martin	Walton
Duncan	McDonald	Welo
Elken	Simpson	Welch
Ellingson	Steele of Renville	Whitcher

Messrs.— Gunderson Hookway Jacobsen	Messrs.— Steel of Stutsman Syvertson	Messrs.— Williams Young
--	--	-------------------------------

Those who voted in the negative were:

Messrs.— Juis Ganssle Gibbens Gronvold LaMoure	Messrs.— McDowell McLean Movius Overson Pierce	Messrs.— Plain Ruzicka Stevens Thoreson Trimble
---	---	--

Absent and not voting:

Messrs.— Bessesen Garden	Messrs.— Gilbert Johnson	Messrs.— Putnam Davis
--------------------------------	--------------------------------	-----------------------------

So the bill passed and the title was agreed to.

Mr. Martin moved

That the vote by which House Bill No. 355 passed, be reconsidered and the motion to reconsider be laid on the table—
Which motion prevailed.

House Bill No. 275.

A bill for an act entitled, “An act to regulate and provide for admission of live stock into the state of North Dakota from all other states and territories and foreign countries; and providing penalties for violation thereof.”

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 46 ayes, no nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.— Allen Baker Carter Cashel Duis Duncan Elken Ellingson Ganssle Garden Gibbens Gilbert Gronvold	Messrs.— Johnson Kennedy Kretschmar LaMoure Linde Martin McDonald McDowell McLean Movius Overson Pierce Plain	Messrs.— Simpson Steel of Stutsman Stevens Syvertson Talcott Thoreson Trimble Turner Wallin Walton Welo Welch Whitcher
---	--	---

Messrs.—
Gunderson
Hookway
Jacobsen

Messrs.—
Putnam
Ruzicka

Messrs.—
Williams
Young

Absent and not voting:

Messrs.—
Bessesen

Messrs.—
Davis

Messrs.—
Steele of Renville

So the bill passed and the title was agreed to.

House Bill No. 207.

A bill for an act to regulate the sale of nursery stock to provide for a nursery inspector.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 45 ayes, 2 nays, 2 absent and not voting.

Those who voted in the affirmative were:

Allen
Baker
Carter
Cashel
Davis
Duncan
Elken
Ellingson
Ganssle
Garden
Gibbens
Gilbert
Gronvold
Gunderson
Hookway

Jacobson
Johnson
Kennedy
Kretschmar
LaMoure
Linde
Martin
McDonald
McDowell
McLean
Overson
Plain
Putnam
Ruzicka
Simpson

Steele of Renville
Steel of Stutsman
Stevens
Syvertson
Talcott
Thoreson
Trimble
Turner
Wallin
Walton
Welch
Welo
Williams
Whitcher
Young

Messrs. Duis and Movius voted in the negative.

Messrs. Bessesen and Pierce were absent and not voting.

So the bill was 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, 1911.

Mr. President:

I have the honor to transmit herewith

House Bill No. 359.

A bill for an act to amend and re-enact sections 4602 and 4603, Revised Codes of North Dakota for 1905, being an act to regulate the importation of dependent children from other states.

Also

House Bill No. 364.

A bill for an act to amend Sections 620 and 650 of the Revised Codes, 1905, relating to elections.

Also

House Bill No. 61.

A bill for an act making an appropriation for the establishing of the Harvey Agricultural experiment station and for conducting agricultural experiments thereat.

Also

House Bill No. 155.

A bill for an act to provide for the establishment and government of a State Tuberculosis sanitarium.

Also

House Bill No. 182.

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. 286.

A bill for an act to provide for the completion of a school building and making necessary improvements at the school for the deaf and dumb at Devils Lake, North Dakota, and making an appropriation therefor.

Also

House Bill No. 86.

A bill for an act to provide an appropriation for the erection of new buildings and for other necessary improvements at the state hospital for the insane of North Dakota, at Jamestown.

Also,

House Bill No. 420.

A bill for an act to amend Section 2826 of the Revised Codes of North Dakota for the year 1905, as amended by Chapter 58 of the Session Laws, for the year 1909, 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,

House Bill No. 348.

A bill for an act to amend Section 2 of Chapter 126, Laws of 1909, defining the duties of the register of deeds, relating to foreclosure of mortgages on real property by advertisement, and prescribing a penalty for violating the same.

Also,

House Bill No. 400.

A bill for an act to amend and re-enact Section 1310 and adding new sections, relating to county and state aid of county fairs, and making appropriation therefor.

Also

House Bill No. 419.

A bill for an act to amend Section 10430 of the Revised Codes of North Dakota of 1905, relating to the appointment and obligations of jailers, and the manner of fixing compensations to be allowed for jailer's services.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to inform you that the House has concurred in the following Senate concurrent resolution relating to the leasing of the state coal lands.

Whereas, the eighth legislative assembly enacted a provision of law commonly known as chapter 176 of the laws of 1903, providing a method of leasing the coal lands of the state; and

Whereas, said act has been held by the legal department of the state to be unconstitutional, and a measure is now pending before this legislative assembly for the repeal of the same; and

Whereas, acting under the supposed authority contained in said act, the board of university and school lands has made and entered into, with sundry persons, a large number of so called coal land leases, under which said persons are engaged in mining coal and removing the same therefrom; and

Whereas, by reason of the unconstitutionality of said law, the said leases are void and the state cannot legally collect the small rentals provided for therein, and large amounts of coal are being mined and lost to the state with no adequate return therefor; therefore,

Be It Resolved by the Senate, the House of Representatives Concurring:

That the attorney general be and he is hereby authorized and requested to institute such proceedings as may be necessary and proper to cancel all of such so-called leases, to require the lands covered thereby to be vacated, to protect the same from trespass in the future, and to recover to the state such amounts as may be due to it or coal taken therefrom.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to transmit herewith

House Bill No. 154.

A bill for an act to amend Section 9363 of the Revised Codes of the State of North Dakota of 1905, as amended by Section 10 of Chapter 183 of the Laws of 1909.

Also

House Bill No. 410.

A bill for an act to amend Sections 2231, 2232, 2233 and 2234 of the Revised Codes of 1905, relating to abstractors of titles.

Also

House Bill No. 442.

For an act to amend section 3198 of the Revised Codes of 1905, as amended by chapter 224, Laws of 1909, relating to the issue of bonds by civil townships.

Also

House Bill No. 421.

A bill for an act entitled, an act to prevent the placing of dependent children in family homes, for pay, by midwives, maternity hospitals and others.

Also

House Bill No. 402.

A bill for an act to prohibit the manufacture, use and sale of blank cartridges, fire arms, certain fire crackers and certain other explosives.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Martin moved

That the Senate do now resolve itself into a committee of the whole for the consideration of Senate Bill No. 102. Which motion prevailed.

The President called Mr. Baker to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose it made the following report:

Mr. President:

Your committee of the whole to which was referred Senate Bill No. 102, has had the same under consideration, and recommend that the same be recommended to pass as amended.

F. A. BAKER,
Chairman.

Mr. Martin moved

That the report be adopted.
Which motion prevailed, and
The report was adopted.

House Bill No. 172.

A bill for an act to amend Section 2084 of the Revised Codes of North Dakota of 1905, relating to proof of planting trees.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 42 ayes, no nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steele of Renville
Baker	Johnson	Steel of Stutsman
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syvertson
Duis	LaMoure	Talcott
Duncan	Linde	Thoreson
Elken	Martin	Trimble
Ganssle	McDonald	Turner
Garden	McDowell	Wallin
Gibbens	McLean	Walton
Gilbert	Movius	Welch
Gronvold	Overson	Welo
Gunderson	Plain	Whitcher
Hookway	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	Pierce	Simpson
Davis	Putnam	Williams
Ellingson		

So the bill was passed and the title was agreed to.

House Bill No. 197.

A bill for an act to provide information to the resident tax payers of the state in respect to the various publications which are published for free distribution by the agricultural college and prescribing the duties of the agricultural college and of the county auditors 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 35 ayes, 4 nays, 10 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Steel of Stutsman
Baker	Gunderson	Steele o. Renville
Bessesen	Hookway	Syvertson
Carter	Jacobsen	Talcott
Duis	Johnson	Thoreson

Messrs.—	Messrs.—	Messrs.—
Duncan	Kennedy	Trimble
Elken	Martin	Turner
Ellingson	McLean	Walton
Ganssle	Movius	Whitcher
Garden	Overson	Williams
Gibbens	Plain	Young
Gilbert	Putnam	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
McDowell	Linde	Stevens
Ruzicka		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	McDonald	Wallin
Davis	Pierce	Welo
Kretschmar	Simpson	Weich
LaMoure		

So the bill passed and the title was agreed to.

House Bill No. 170.

A bill for an act to amend Section 10243 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 41 ayes, no nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Jacobsen	Steele of Renville
Bessesen	Johnson	Syverson
Carter	Kennedy	Talcott
Duis	LaMoure	Thoreson
Duncan	Linde	Trimble
Elken	Martin	Turner
Ellingson	McDonald	Wallin
Ganssle	McDowell	Walton
Garden	McLean	Weich
Gibbens	Movius	Whitcher
Gilbert	Overson	Williams
Gronvold	Ruzicka	Young
Gundersen	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	Pierce	Stevens
Davis	Plain	Welo
Kretschmar	Putnam	

So the bill passed and the title was agreed to.

House Bill No. 260.

A bill for an act to amend Section 12, Chapter 109, of the laws of 1907, entitled, an act providing for the selection of candidates for election by popular vote, and relating to their nomination and perpetuation of political parties, and relating particularly to percentage of votes required to nominate candidates.

Was read the third time.

Mr. Duis moved, as an amendment:

That the word "twenty" be insterted instead of "twenty-five" where ever it occurs in the bill.

Mr. Pierce moved

That the amendment be laid on the table.

Which motion was lost.

The question being on the original motion.

The motion was lost.

The question being on the final passage of the bill.

The roll was called and there were 38 ayes, 5 nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Stevens
Baker	Jacobsen	Syvertson
Bessesen	Johnson	Talcott
Carter	Kennedy	Thoreson
Davis	Kretschmar	Trimble
Duncan	LaMoure	Wallin
Elken	Linde	Walton
Ellingson	McLean	Welo
Ganssle	Movius	Welch
Garden	Overson	Whitcher
Gibbens	Simpson	Williams
Gilbert	Steel of Stutsman	Young
Gronvold	Steele of Renville	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Duis	Pierce	Turner
McDowell	Ruzicka	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	Martin	Plain
Hookway	McDonald	Putnam

So the bill passed and the title was agreed to.

Mr. Bessen asked permission to return to the 6th order of business.

Which permission was granted.

The committee on elections and privileges made the following report:

Mr. President:

Your committee on elections and privileges to whom was referred

Senate Bill No. 353.

A bill for an act to provide for the expression by the qualified voters of the several political parties of their choice for nomination by their party for president and vice president of the United States; to provide for and regulate direct primary election for the election of said political party's delegates to their respective national conventions, and for the payment of delegates' necessary expenses, not exceeding \$200 each, for the election of party candidates for the office of presidential elector, and for the election of national committeemen.

Have had the same under consideration and recommend that the same be amended as follows:

In line 6, page 1 of the title of the printed bill, after the word "Conventions," add the following: "Fixing a time for said election and harmonizing therewith the time of city elections every presidential year."

In line 4 of section 4, on page 4 of the printed bill, strike out "third Monday," and insert in place thereof "first day."

In line 2, of section 5, page 4 of the printed bill, strike out "third Monday" and insert in place thereof "first day."

In section 5 of the printed bill strike out in line 14, from the word "registry" to the end of said section, including line 17, and insert in place thereof the following: "inspectors of election in the voting precincts of their respective counties. Notice of election provided for

herein shall be given in the manner prescribed by law for giving notices of city, village and township elections in such cities, villages and townships and any other precincts, notice of election shall be given as now provided by law for general elections."

In section 6 of the printed bill, strike out lines 1, 2 and 3 up to and including the word "law" in line 3, and insert in place thereof the following, "on the third Tuesday of March every fourth year when a presidential election is to be held."

In lines 6, 7 and 8 strike out the following, "after each elector shall have registered with his party, the inspector of election shall hand him the ballot of his party," and insert in place thereof the following, "each elector shall be handed the ballot of the party with which he declares himself affiliated, or with which he may have registered at the last preceding registration or election."

In line 11, 12 and 13 of section 6, on page 5, strike out the following: "the members of the registry board shall act in the capacity of inspector, judges and clerk, respectively," and insert in place thereof the following: "in all cities, villages and civil townships the regular election officers thereof shall also act without further compensation as the election officers and in unorganized townships and voting precincts outside of cities, villages and civil townships the inspector and two judges of election who acted as such at the last general election, or those who have been or may be appointed to fill such vacancies occurring in these offices, according to law, shall act therein as the inspector and judges of election."

After line 15 of section 6, page 5, add the following: "In every fourth year when a presidential election is held, the time of all city elections shall take place on the third Tuesday in March so as to conform to the provisions of this act, and in such event the city officers elected to office shall have until the second Tuesday of April in which to qualify for such office."

And when so amended, recommend the same do pass.

H. J. BESSESEN,
Chairman,

Mr. Bessesen moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Mr. Trimble moved
That the senate do now adjourn.
Which motion prevailed, and
The senate adjourned.

J. W. FOLEY,
Secretary.

FIFTY-EIGHTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 1, 1911.

The senate convened at 2 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 of the 57th day, have carefully examined the same and recommend that the same be corrected as follows:

- Page 1, line 2 from the bottom, following the word "the" insert "word."
- Page 14, line 9, the word "be" be changed to "was."
- Page 17, line 20, between the words "same" and "be" insert the following: "do pass and."
- Page 24, line 9, "6796" be changed to "6798."
- Page 25, strike out the title under "Senate Bill No. 361" and insert in lieu thereof the title to Senate Bill No. 361.
- Page 37, line 3, "206" be changed to "306."
- Page 37, line 16, "House Bill No. 208" be changed to "Senate Bill No. 208." Also the title following be stricken out and title of Senate Bill No. 208 be inserted in lieu thereof.
- Page 37, line 21, words "as follows" be stricken out and words "by adding" be inserted in lieu thereof.
- Page 37, line 28, "24" be changed to "44."
- Page 46, line 15 from the bottom, "2" be changed to "3."
- Page 47, line 8, in the list of those absent and not voting on Senate

Bill No. 344, insert after the word "Messrs." the name "Allen." Also in same line strike out the name "Ruzicka" and insert in lieu thereof the name "Kretschmar."

Page 50, line 7, "368" be changed to "367."

Page 53, line 8 from the bottom, "222" be changed to "220."

Page 54, strike out all of lines 3 and 4.

And when so amended recommend that the same be approved.

J. E. STEVENS,
Chairman.

Mr. Stevens 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, 1911.

Mr. President:

I have the honor to transmit herewith

House Bill No. 255.

A bill for an act to require coroners to conduct and hold inquests in cases of railroad accidents.

Also

House Bill No. 357.

A bill for an act to amend section 4483 of the Revised Codes of 1905, relating to terms of office of boards of directors of county mutual companies.

Also,

House Bill No. 232.

A bill for an act providing for salary for sheriffs and providing for fees collected by sheriffs to be turned into the county treasurer of their respective counties, and prescribing for a penalty for failure to do so.

Also,

House Bill No. 157.

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. 62.

A bill for an act entitled, an act prohibiting and making it a misdemeanor to manufacture, sell, barter, exchange or give away cigarettes.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to transmit herewith the following concurrent resolution:

WHEREAS, There is an amendment to the postoffice appropriation bill now before Congress, increasing the postage rate on advertising pages of periodicals other than newspapers from one cent a pound to four cents a pound; and

WHEREAS, This amendment is worded so as to leave to the discretion of one man the classification of periodicals, thus putting the power of life and death over many of the country's periodicals into the hands of the postmaster general, whoever he may be, thereby paving the way for a dangerous censorship of the press;

Therefore, Be it Resolved by the House of Representatives of the Legislative Assembly of the State of North Dakota, the Senate Concurring:

That we send a telegram letter to each of our three representatives in Congress, protesting against the passage of the periodical postage rate amendment to the postoffice appropriation bill, unless it shall be changed so as to:

First. Not to interfere with the continuance to the people of literature at present reasonable cost.

Second. To provide for the classification of periodicals and newspapers by law rather than by one man's discretion.

Third. To safeguard the right of free expression of opinion against the censorship of any single official.

Which the House has adopted and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Gunderson moved

That the Senate do now concur in the House concurrent resolution, regarding the postoffice appropriation bill.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The committee on elections and privileges made the following report:

Mr. President:

A majority of your committee on elections and privileges to whom was referred

Senate Bill No. 341.

A bill for an act to amend Section 4 of Chapter 109 of the Laws of North Dakota for 1907, relating to county and legislative candidates, petition, filing fee and pledge under the primary election law.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JAMES KENNEDY,
A. S. GIBBENS,
JAMES TURNER,
E. L. GARDEN.

Also,

Mr. President:

A minority of your committee on elections and privileges to whom was referred

Senate Bill No. 341.

A bill for an act to amend Section 4 of Chapter 109 of the Laws of North Dakota for 1907, relating to county and legislative candidates, petition, filing fee and pledge under the primary election law.

Have had the same under consideration and recommend that the same be amended as follows:

In line 24 of page 2, strike out "has received a majority" and insert in place thereof "receives the nomination."

In line 25, page 2, strike out the word "vote."

In line 26, page 2, strike out the words "provided that."

Strike out all of lines 27, 28, 29, 30 and 31 on page 2, up to and including the word "election."

In line 48, page 3, strike out "a" and insert in place thereof "no."
In the same line, strike out "of one dollar."

And when so amended recommend the same do pass.

H. J. BESSESEN,
Chairman.

JEROME RUZICKA.

Mr. Kennedy moved
That the majority report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on elections and privileges to whom was referred

Senate Bill No. 144.

A concurrent resolution for an amendment to the Constitution providing for the initiative and referendum.

Have had the same under consideration and recommend that the same be indefinitely postponed for the reason that the Senate has already passed four concurrent resolutions covering the same subject matter.

H. J. BESSESEN,
Chairman.

Mr. Bessesen moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on elections and privileges to whom was referred

Senate Bill No. 35.

A bill for an act amending sections 2, 3, 4, 9, 10, 12, 26 and 40 of Chapter 109, of the Laws of 1907, known as the Primary Election law.

Have had the same under consideration and recommend that the same do not pass for the reason that other bills have been passed by this Senate covering the same subject matter to a large extent.

H. J. BESSESEN,
Chairman,

Mr. Bessesen moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on elections and privileges to whom was referred

Senate Bill No. 321.

A bill for an act to secure the purity of elections, to limit candidates' election expenses, to define, prevent and punish corrupt and illegal practices in nominations and elections, to provide for furnishing informaton to the electors; and to provide a penalty for the violation of this act.

Have had the same under consideration and recommend that the same do not pass for the reason that this Senate has already passed a corrupt practice act, Senate Bill No. 31, which is more complete and covers the same subject matter.

H. J. BESSESEN,
Chairman.

Mr. Bessesen moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on elections and privileges to whom was referred

Senate Bill No. 33.

A bill for an act to provide for calling caucuses of political parties, regulating the sale and providing suitable penalties for the violation thereof.

Have had the same under consideration and recommend that the same be indefinitely postponed for the reason that we now have upon our statute books an act regulating political caucuses.

H. J. BESSESEN,
Chairman.

Mr. Bessesen moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred

Senate Bill No. 11.

For an act creating the office of Fire Marshal, describing his duties and providing for his compensation, and for the

Have had the same under consideration and recommend that the same do not pass.

L. A. SIMPSON,
Chairman.

Mr. Simpson moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on insurance to whom was referred
Senate Bill No. 250.

A bill for an act limiting the expenses of life insurance corporations.

Have had the same under consideration and recommend that the same do not pass.

L. A. SIMPSON,
Chairman.

Mr. Simpson moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on temperance made the following report:

Mr. President:

Your committee on temperance to whom was referred
Senate Bill No. 294.

A bill for an act to amend Chapter 183 of the 1909 Session Laws.

Have had the same under consideration and recommend that the same be indefinitely postponed.

E. L. GARDEN,
Chairman.

Mr. Garden moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on temperance to whom was referred
Senate Bill No. 119.

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.

E. L. GARDEN,
Chairman.

Mr. Garden moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 215.

A bill for an act permitting of the expenditure of moneys appropriated for the enforcement of the food, drug and paint laws and from the beverage law, for the enforcement of the sanitary inspection law, also, for the making of such investigations as are deemed necessary for the purpose of gaining information under the laws mentioned, and for the dissemination of information.

Have had the same under consideration and recommend that the same do not pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

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. 45.

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 not pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

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. 49.

A bill for an act providing for the further protection of wild geese of any variety, and wild brant.

Have had the same under consideration and recommend that the same be indefinitely postponed for the reason that the provisions of same are embodied in Senate Bill No. 235.

HENRY McLEAN,
Chairman.

Mr. McLean moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on game and fish to whom was referred Senate Bill No. 9.

A bill for an act to repeal House Bill numbered 156, enacted by the Eleventh legislative assembly.

Have had the same under consideration and recommend that the same be indefinitely postponed.

HENRY McLEAN,
Chairman.

Mr. McLean moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on irrigation and drainage made the following report:

Mr. President:

Your committee on irrigation and drainage to whom was referred

House Bill No. 125.

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 drainage 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 report was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on cities and municipalities made the following report:

Mr. President;

Your committee on cities and municipalities to whom was referred

House Bill No. 398.

A bill for an act to provide for a commission system of government in cities which shall adopt the provisions of this act.

Have had the same under consideration and recommend that the same be amended as follows:

HOUSE BILL NO. 398.

At the end of section 1, original bill, insert the following: "Provided, that cities, towns or villages in this state which have heretofore voted upon and rejected the commission system of government shall not again vote upon the question within the period of four years after such rejection."

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 was adopted.

The committee on military affairs made the following report:

Mr. President:

Your committee on military affairs to whom was referred

House Bill No. 119.

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 be referred to the appropriation committee.

F. A. BAKER,
Chairman.

Mr. Baker moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on military affairs to whom was referred

House Bill No. 380.

A bill for an act to amend Section 1213 of the Revised Codes of 1905, of the state of North Dakota, relating to the board of trustees of the soldiers' home.

Have had the same under consideration and recommend that the same be amended as follows:

By inserting after the word "States" in line 8 of the printed bill the following words: "or members of the National Guard of North Dakota."

Also by inserting in line 9, after the word "Senate" the following words: "two of whom shall be from the county wherein the institution is located."

And when so amended recommend the same do pass.

F. A. BAKER,
Chairman.

Mr. Baker moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred House Bill No. 414.

A bill for an act entitled, an act to prevent infant blindness caused by the preventable disease known as ophthalmia neonatorum.

Have had the same under consideration and recommend that the same be indefinitely postponed.

F. T. GRONVOLD,
Chairman.

Mr. Gronvold moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on public health to whom was referred House Bill. No. 12.

A bill for an act to prohibit the use of public drinking cups in the state of North Dakota.

Have had the same under consideration and recommend that the same be indefinitely postponed.

F. T. GRONVOLD,
Chairman.

Mr. Gronvold moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

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 1, 1911.

Mr. President:

I have the honor to transmit herewith

House Bill No. 445.

A bill for an act to amend and re-enact Section 1189 of the Revised Codes of North Dakota for 1905.

Also,

House Bill No. 266.

A bill for an act to appropriate money for a root cellar and for the purchase of brood mares for the Edgeley experiment station, located at the city of Edgeley in LaMoure county.

Also

House Bill No. 443.

A bill for an act to amend Section 2020 of the Revised Codes of 1905, relating to registration fees and compensation of the state board of veterinary examiners.

Which the House has passed and your favorable consideration is respectfully requested.

Very Respectfully,

E. H. GRIFFIN,

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. 354.

A bill for an act to amend Section 5584 of the Revised Codes of North Dakota for the year 1905, relating to fees of clerks of district court.

Also

Senate Bill No. 104.

A bill for an act providing for correcting errors and deficiencies in city plats.

Also

Senate Bill No. 220.

A bill for an act to divide the state of North Dakota into three (3) congressional districts, and defining the boundaries of each said congressional district of the state of North Dakota.

Also,

Senate Bill No. 264.

A bill for an act to amend Section 10430 of the Revised Codes of 1905, of the state of North Dakota, relating to the appointment and obligations of jailers, and manner of fixing compensation to be allowed for jail services.

Also,

Senate Bill No. 285.

A bill for an act establishing a temporary educational commission and appropriating one thousand dollars for the expenses thereof.

Also,

Senate Bill No. 331.

A bill for an act to amend section 6796, Revised Codes of 1905, relating to limitations of actions or proceedings to foreclose real estate mortgages.

Also,

Senate Bill No. 351.

A bill for an act to provide for party registration of electors desiring to vote at the primary election in this state.

Also,

Senate Bill No. 361.

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. 362.

A bill for an act to amend Section 231 of the Revised Codes of 1905.

Also

Senate Bill No. 363.

A bill for an act to amend and re-enact Section 10393 of the Revised Codes of 1905, providing that twenty-five (25) per cent of the profits of the brick yard be set aside as a manufacturing and operating fund for making furniture and school supplies for sale to public institutions of this state.

Also

Senate Bill No. 364.

A bill for an act to prohibit lobbying and to regulate the employment of legislative counsel and legislative agents by persons or corporations.

Also

Senate Bill No. 366.

A bill for an act to amend and re-enact Section six (6) of Chapter 210 of the Laws of North Dakota for the year of 1909.

Also

Senate Bill No. 371.

A bill for an act making disposition of certain moneys now in the hands of the treasurer of the state of North Dakota, or that may hereafter come into his hands by reason of the act of congress approved May 23, 1908, making an appropriation for the national forest reserve, located in the county of Billings, state of North Dakota.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

March 1, 1911.

Mr. President:

I have the honor to transmit herewith the following resolution:

Resolution of the Impeachment of the Honorable John F. Cowan, Judge of the District Court of the Second Judicial District of the State of North Dakota.

Be it Resolved by the House of Representatives of the State of North Dakota:

WHEREAS, It appears from the testimony taken in the impeachment proceedings brought against Judge John F. Cowan on February 8, 1911, and which testimony has this day been considered by the committee of the whole house, and from other facts appearing before the committee of the whole house, that there is grave and probable cause to believe that the Honorable John F. Cowan, Judge of the District Court of the Second Judicial District of this state, is guilty of impeachable offenses; and

WHEREAS, The belief in the existence of such probable cause of impeachment is evidenced by common repute and public charges so extensive as to bring the administration of justice into disrepute and militate against and destroy the confidence of the people in the courts of said district, to the hurt and injury of the whole state; and

WHEREAS, That the said courts cannot be restored to the confidence of the people, or its former usefulness and standing, except by an open trial of the charges made,

Now, Therefore, Be it Resolved:

That said John F. Cowan, Judge of the District Court of the Second Judicial District of North Dakota, be and hereby is impeached of habitual drunkenness, crimes, corrupt conduct, malfeasance and misdemeanors in office, and that a board of managers, consisting of five members, be appointed by the speaker to conduct such impeachment proceedings, in accordance with law, and to draw up and present such impeachment charges to the bar of the Senate of the State of North Dakota for trial, and that said board of managers be and hereby is authorized and directed to employ counsel to assist it in the preparation of the articles of impeachment and in the prosecution of the articles of impeachment against the said John F. Cowan, judge as aforesaid, before the bar of the Senate of the state of North Dakota.

Which the House has adopted.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

The committee on insurance made the following report:
Mr. President:

Your committee on insurance to whom was referred

Senate Bill No. 254.

A bill for an act prohibiting combinations or agreements between two or more fire insurance companies, fixing rates and prescribing penalties therefor.

Have had the same under consideration and recommend that the same be reported without recommendation.

L. A. SIMPSON,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Bessesen moved

That Senate Bills Nos. 254 and 343 be made a special order for 3 o'clock today.

Which motion prevailed.

Mr. Plain moved

That Senate Bill No. 344 be recalled from the House.

Which motion prevailed.

Senate Bill No. 285.

A bill for an act establishing a temporary educational commission and appropriating one thousand dollars for the expenses thereof.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 41 ayes, no nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Baker
Bessesen
Carter
Cashel
Duis
Duncan
Elken
Ellingson
Ganssle

Messrs.—

Hookway
Jacobsen
Johnson
Kennedy
Kretschmar
LaMoure
Linde
McDonald
McLean

Messrs.—

Ruzicka
Simpson
Steel of Stutsman
Syvertson
Talcott
Thoreson
Trimble
Turner
Wallin

Messrs.—	Messrs.—	Messrs.—
Garden	Movius	Walton
Gibbens	Overson	Welo
Gilbert	Pierce	Whitcher
Gronvold	Plain	Williams
Gunderson	Putnam	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	McDowell	Welch
Davis	Steele of Renville	Young
Martin	Stevens	

So the bill passed and the title was agreed to.

Senate Bill No. 362.

A bill for an act to amend Section 231 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 47 ayes, no nays, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Jacobsen	Steele of Renville
Bessesen	Johnson	Stevens
Carter	Kennedy	Syverson
Cashel	Kretschmar	Talcott
Davis	LaMoure	Thoreson
Duis	Linde	Trimble
Duncan	McDonald	Turner
Elken	McLean	Wallin
Ellingson	Movius	Walton
Ganssle	Overson	Welo
Garden	Pierce	Welch
Gibbens	Plain	Whitcher
Gilbert	Putnam	Williams
Gronvold	Ruzicka	Young
Gunderson	Simpson	

Messrs. Martin and McDowell were absent and not voting.

So the bill passed and the title was agreed to.

Senate Bill No. 363.

A bill for an act to amend and re-enact Section 10393 of the Revised Codes of 1905, providing that twenty-five (25) per cent of the profits of the brick yard be set aside as a manufacturing and operating fund for making furniture

and school supplies for sale to public institutions 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 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Steel of Stutsman
Baker	Hookway	Steele of Renville
Bessesen	Jacobsen	Stevens
Carter	Johnson	Syverson
Cashel	Kennedy	Talcott
Davis	Kretschmar	Thoreson
Duis	Linde	Trimble
Duncan	McDonald	Turner
Elken	McLean	Wallin
Ellingson	Movius	Walton
Ganssle	Overson	Welo
Garden	Pierce	Welch
Gibbens	Plain	Whitcher
Gilbert	Putnam	Williams
Gronvold	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoire	McDowell	Simpson
Martin		

So the bill passed and the title was agreed to.

Senate Bill No. 364.

A bill for an act to prohibit lobbying and to regulate the employment of legislative counsel and legislative agents by persons or corporations.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 40 ayes, 5 nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Stevens
Baker	Johnson	Syverson
Bessesen	Kretschmar	Talcott
Carter	Linde	Thoreson

Messrs.—	Messrs.—	Messrs.—
Cashel	McDowell	Trimble
Duis	McLean	Turner
Duncan	Overson	Wallin
Elken	Plain	Walton
Ellingson	Putnam	Welch
Ganssle	Ruzicka	Welo
Gibbens	Simpson	Whitcher
Gilbert	Steel of Stutsman	Williams
Gronvold	Steele of Renville	Young
Gunderson		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Garden	Kennedy	Pierce
Jacobsen	Movius	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Martin	McDonald
LaMoure		

So the bill passed and the title was agreed to.

Senate Bill No. 366.

A bill for an act to amend and re-enact Section six (6) of Chapter 210 of the Laws of North Dakota for the year of 1909.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 46 ayes, no nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steel of Stutsman
Baker	Johnson	Steele of Renville
Carter	Kennedy	Stevens
Cashel	Kretschmar	Syvertson
Davis	Linde	Talcott
Duis	McDonald	Thoreson
Duncan	McDowell	Trimble
Elken	McLean	Turner
Ellingson	Movius	Wallin
Ganssle	Overson	Walton
Garden	Pierce	Welo
Gibbens	Plain	Welch
Gilbert	Putnam	Whitcher
Gronvold	Ruzicka	Williams
Gunderson	Simpson	Young
Hookway		

Absent and not voting:

Messrs.—

Bessesen

Messrs.—

LaMoure

Messrs.—

Martin

So the bill passed and the title was agreed to.

Mr. Steele asked permission to return to the 6th order of business.

Which permission was granted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 350.

A bill for an act creating the Thirteenth judicial district of the state of North Dakota, defining the boundaries thereof, providing for the appointment and election of a judge, and fixing the terms of court therein.

Have had the same under consideration and recommend that the same do not pass for the reason that the House has passed a similar bill.

H. H. STEELE,
Chairman.

Mr. Steele moved

That the report be adopted

Which motion prevailed, and

The report was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred

House Bill No. 63.

A bill for an act to amend Section 4466 of the Revised Codes of 1905, relating to insurance.

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 report was adopted.

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 1, 1911.

Mr. President:

I have the honor to return herewith

Senate Bill No. 344.

A bill for an act relating to mills and millers, providing for tolls for grinding, and prescribing penalties for the violation thereof.

As requested by the Senate.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to transmit herewith:

House Bill No. 378.

A bill for an act to amend and re-enact Chapter 196 of the Session Laws of 1909, relating to auditor's notice of tax sale.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 284.

A bill for an act making an appropriation for the purpose of re-imbursing members of the railroad commission of North Dakota for money actually and necessarily expended in the conduct of the business of the office, and for which bills there has never been funds with which to make payment.

Have had the same under consideration and recommend that the same be amended as follows:

Strike out the words and figures "two hundred twenty-nine (229)" in the body of the bill and insert the words "two hundred and eight dollars and forty-six cents."

Change the figures after the words "Secretary, 1907," to read "180.56."

Make the total figures read "\$208.46."

And when so amended recommend the same do pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted
Which motion prevailed, and
The report was adopted.

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred Senate Bill No. 292

A bill for an act to make uniform the law of sales of goods.

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 314.

A bill for an act to amend section 2, chapter 80, Laws of
1909, relating to practice in county courts.

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 report was adopted.

And the further consideration of the bill was indefinitely
postponed.

Also

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 349.

A bill for an act defining boundaries of the Fifth judicial
district, fixing the terms of court therein, and validating
certain judgments.

Have had the same under consideration and recommend
that the same do not pass, at request of the author.

H. H. STEELE,
Chairman.

Mr. Steele moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely
postponed.

The committee on state affairs made the following re-
port:

Mr. President:

Your committee on state affairs to whom was referred Senate Bill No. 237.

A bill for an act providing for the reconstruction of the present capitol building of the state of North Dakota; and for that purpose, creating a board of capitol commissioners, defining its powers and duties, providing for and appropriating the proceeds of sales of the capitol building lands, and authorizing the issuance of interest bearing certificates against said fund.

Have had the same under consideration and recommend that the same do not pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on public health made the following report:

Mr. President:

The committee on public health to whom was referred House Bill¹ No. 316.

A bill for an act entitled, an act to prevent procreation of confirmed criminals, idiots, imbeciles and repists; providing that superintendents and boards of managers of institutions where such persons are confined, shall have the authority and are empowered to appoint a committee of experts, consisting of two physicians, to examine into the mental condition of such inmates.

Have had the same under consideration and recommend that the same be amended as follows:

After the word "institution" in line 18, insert the following: "Provided, however, that in the case of a minor, this operation shall not be performed without the consent of his parents or guardians, if such minor has parents or guardians living."

And when so amended recommend the same do pass.

F. T. GRONVOLD,
Chairman.

Mr. Gronvold moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also,

Mr. President:

Your committee on public health to whom was referred
House Bill No. 315.

A bill for an act relating to the duties of local boards
of health, and sanitary regulations of school houses
churches and public halls.

Have had the same under consideration and recommend
that the same be amended as follows:

In the title of the bill, strike out the words "Board of Health" and
insert in lieu thereof the words "School Board."

In section 1, line 1 of the printed bill, strike out the words "Board of
Health" and insert in lieu thereof the words "School Board."

In section 1, line 3, strike out the words "church, theater and public
hall."

And when so amended recommend the same do pass.

F. T. GRONVOLD,
Chairman.

Mr. Gronvold moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

The committee on judiciary made the following report:

House Bill No. 216.

A bill for an act creating the Thirteenth judicial district
of the State of North Dakota, defining the boundaries
thereof, providing for the appointment and election of a
judge, and fixing the terms of court therein.

Have had the same under consideration and recommend
that the same be amended as follows:

In line 3 of section 1, page 1, strike out the words "Eddy, Foster and Wells," and insert in lieu thereof the words "LaMoure and Logan."

On page 2, strike out all of lines 13, 14, 15 and 16.

In line 17, page 2, strike out the word "Foster" and insert in lieu thereof the word "LaMoure."

In line 21, page 2, strike out the word "Wells" and insert in lieu thereof the word "Logan."

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 215.

A bill for an act defining the boundaries of the Fifth judicial district, fixing the terms of court therein, and validating certain judgments.

Have had the same under consideration and recommend that the same be amended as follows:

In lines 2 and 3, of section 1, page 1, strike out the words "LaMoure, Logan and McIntosh" and insert in lieu thereof "Foster, Eddy and Wells."

In line 9, section 2, page 1, strike out the word "LaMoure" and insert in lieu thereof the word "Foster."

In line 13, page 2, strike out the word "Logan" and insert in lieu thereof the word "Wells."

In line 18, page 2, strike out the word "McIntosh" and insert in lieu thereof the word "Eddy."

On page 2, strike out all of section 3.

In line 1 of section 4, page 2, strike out the number "4" and insert in lieu thereof the number "3."

In line 1 of section 5, on page 3, strike out the number "5" and insert in lieu thereof the number "4."

In line 1 of section 6, on page 3, strike out the number "6" and insert in lieu thereof the number "5."

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 150.

A bill for an act to amend Section 36, Chapter 128 of the Session Laws of 1909, relating to the hunting, shooting, killing and capturing of deer within the limits of the State of North Dakota, and providing for penalty for violation of the provisions of this act.

Have had the same under consideration and recommend that the same be indefinitely postponed at request of the author.

H. H. STEELE,
Chairman.

Mr. Steele moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 325.

A bill for an act entitled, an act fixing the terms of court in the various counties comprising the fourth judicial district of this state and the beginning and duration thereof.

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 367.

A bill for an act to legalize all notes and other written evidence of indebtedness, providing for more than seven per cent; but not exceeding twelve per cent per annum interest, and amending Section 5513 of the 1905 Code, relating to penalty for usury.

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 324.

A bill for an act to amend Section 6931 of the Revised Codes of 1905, relative to the time of granting injunctions.

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 50.

A bill for an act entitled, an act to provide for the determination of heirship and the share of such heirs respec-

tively in the claims to certain real estate by action in the district court.

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 279.

A bill for an act to provide that the counties of the state may adopt a uniform system of text books.

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 136.

A bill for an act declaring to be common nuisances bawdy houses, houses of ill fame, of assignation, of prostitution, or any other house, room or place for persons to visit for unlawful sexual intercourse or for any other lewd, obscene, indecent or disorderly purpose; and prescribing remedies and penalties for the prevention of the same.

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 239.

A bill for an act to amend Section 10433 of the Revised Codes of the State of North Dakota, for the year 1905, relating to the commitment of prisoners to jail from counties having no jail.

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 320.

For an act to amend and re-enact Section 9545 of the Revised Codes of 1905, relating to costs taxed and collected in criminal cases.

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 report was adopted.

And the further consideration of the bill was indefinitely postponed.

Mr. Plain moved

That the motion by which Senate Bill No. 344 was re-considered be taken from the table, and that the bill be recalled from the house.

Which motion prevailed.

Mr. Plain moved

That Senate Bill No. 344 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 1, 1911.

Mr. President:

I have the honor to transmit herewith

House Bill No. 282.

A bill for an act to regulate clearance of obstructions on railroads.

Also,

House Bill No. 326.

A bill for an act to provide that the counties of the state may adopt a uniform system of text books.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 352.

A bill for an act providing for a bailiff of the supreme court.

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 229.

A bill for an act amending Section 476 of the Revised Codes of North Dakota of 1905, relating to boundaries of, and terms of court in the Eighth judicial district.

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 347.

A bill for an act to amend and re-enact Section 498 of the Revised Codes of North Dakota for the year 1905, relating to admission to the bar.

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 264.

A bill for an act to amend Section 4112 of the Revised
Codes of 1905, relating to the adoption of minor children.

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 188.

A bill for an act to amend Section 521 of the Revised
Codes of 1905, relating to the furnishing of a list of jurors
to the clerk of the district court.

Have had the same under consideration and recommend
that the same do pass.

H. H. STEELE,
Chairman.

Mr. Steele moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 47.

A bill for an act fixing the rate of interest on the redemp-
tion of lands sold on execution or foreclosure.

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 report was adopted.

And the further consideration of the bill was indefinitely postponed.

Mr. Talcott moved
That the vote by which Senate Bills Nos. 361, 366, 364, 363, 362, 331 and 371 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 361.

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 41 ayes, 3 nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Allen
Baker
Bessesen
Carter
Cashel
Davis
Duis
Duncan
Elken
Ellingson
Garden
Gilbert
Gronvold
Gunderson

Messrs.—

Hookway
Jacobsen
Johnson
Kennedy
Kretschmar
McDonald
McDowell
McLean
Movius
Overson
Plain
Putnam
Ruzicka
Simpson

Messrs.—

Steel of Stutsman
Steele of Renville
Stevens
Syvertson
Talcott
Thoreson
Trimble
Wallin
Walton
Welo
Whitcher
Williams
Young

Those who voted in the negative were:

Messrs.—

Ganssle

Messrs.—

Pierce

Messrs.—

Turner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gibbens	LaMoure	Linde
Martin	Welch	

So the bill passed and the title was agreed to.

Senate Bill No. 331.

A bill for an act to amend Section 6798, Revised Codes of 1905, relating to limitations of actions or proceedings to foreclose real estate mortgages.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 42 ayes, 2 nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steel of Stutsman
Baker	Johnson	Steele of Renville
Bessesen	Kennedy	Syverson
Carter	Kretschmar	Talcott
Cashel	McDonald	Thoreson
Duis	McDowell	Trimble
Duncan	McLean	Turner
Elken	Movlus	Wallin
Ellingson	Overson	Walton
Ganssle	Pierce	Welo
Garden	Plain	Whitcher
Gilbert	Putnam	Williams
Gronvold	Ruzicka	Young
Hookwa	Simpson	

Messrs. Linde and Stevens voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Gunderson	Martin
Gibbens	LaMoure	Welch

So the bill passed and the title was agreed to.

Senate Bill No. 371.

A bill for an act making disposition of certain moneys now in the hands of the treasurer of the state of North Dakota, or that may hereafter come into his hands by reason of the act of congress approved May 23, 1908, making an appropriation for the national forest reserve, located in the county of Billings, 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 47 ayes, no nays, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Jacobsen	Steele of Renville
Bessesen	Johnson	Stevens
Carter	Kennedy	Syvertson
Cashel	Kretschmar	Talcott
Davis	Linde	Thoreson
Duis	McDonald	Trimble
Duncan	McDowell	Turner
Elken	McLean	Wallin
Ellingson	Movius	Walton
Ganssle	Overson	Welo
Garden	Pierce	Welch
Gibbens	Plain	Whitcher
Gilbert	Putnam	Williams
Gronvold	Ruzicka	Young
Gunderson	Simpson	

Messrs. LaMoure and Martin were absent and not voting.

So the bill passed and the title was agreed to.

Senate Bill No. 104.

A bill for an act providing for correcting errors and deficiencies in city plats.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 47 ayes, no nays, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Jacobson	Steel of Stutsman
Bessesen	Johnson	Steele of Renville
Carter	Kennedy	Stevens
Cashel	Kretschmar	Syvertson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbens	Pierce	Welch

Messrs.—	Messrs.—	Messrs.—
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway	Simpson	

Messrs. Allen and LaMoure were absent and not voting.

So the bill passed and the title was agreed to.

Senate Bill No. 351.

A bill for an act to provide for party registration of electors desiring to vote at the primary election 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 43 ayes, 4 nays, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Steele of Renville
Baker	Kennedy	Stevens
Bessesen	Kretschmar	Syverson
Carter	Linde	Talcott
Davis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McLean	Turner
Ellingson	Movius	Wallin
Ganssle	Overson	Walton
Garden	Plain	Welo
Gibbens	Putnam	Welch
Gilbert	Ruzicka	Whitcher
Gronvold	Simpson	Williams
Gunderson	Steel of Stutsman	Young
Hookway		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	Jacobsen	McDowell
Duis		

Messrs. LaMoure and Pierce were 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 1, 1911.

Mr. President:

I have the honor to transmit herewith

House Bill No. 418.

A bill for an act to aid assessors in valuing coal deposits reserved to grantors by providing that all deeds and transfers of real property which reserves the coal deposits to the grantor shall contain a full description of the coal deposits, so reserved, its length, width and thickness, and prohibiting the recording by register of deeds of any deed or transfer of real property that reserves to the grantor the coal deposits, unless such description is contained therein, and providing a penalty therefor.

Also,

House Bill No. 293.

A bill for an act providing for the extension of the state street car line from the capitol down 9th street to a point at or near Broadway in the city of Bismarck—thence to the state penitentiary; and providing for its equipment and making an appropriation therefor.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Senate Bill No. 264.

A bill for an act to amend Section 10430 of the Revised Codes of 1905, of the state of North Dakota, relating to the appointment and obligations of jailers, and manner of fixing compensation to be allowed for jail services.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 47 ayes, no nays, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steel o. Stutsman
Baker	Johnson	Steele of Renville
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syvertson
Cashel	LaMoure	Talcott
Davis	Linde	Thoreson
Duis	Martin	Trimble
Duncan	McDonald	Turner
Elken	McDowell	Wallin
Ellingson	McLean	Walton
Ganssle	Movius	Welo
Garden	Overson	Welch
Gibbens	Plain	Whitcher
Gilbert	Putnam	Williams
Gronvold	Ruzicka	Young
Hookway	Simpson	

Messrs. Gunderson and Pierce were absent and not voting.

So the bill passed and the title was agreed to.

Senate Bill No. 354.

A bill for an act to amend Section 5584 of the Revised Codes of North Dakota for the year 1905, relating to fees of clerks of district court.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 47 ayes, no nays, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Simpson
Baker	Jacobsen	Steel of Stutsman
Bessesen	Johnson	Steele of Renville
Carter	Kennedy	Stevens
Cashel	Kretschmar	Syvertson
Davis	LaMoure	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Trimble
Elken	McDonald	Turner
Ellingson	McDowell	Walton
Ganssle	McLean	Welo
Garden	Movius	Welch
Gibbens	Overson	Whitcher
Gilbert	Plain	Williams

Messrs.—
Gronvold
Gunderson

Messrs.—
Putnam
Ruzicka

Messrs.—
Young

Messrs. Pierce and Wallin were absent and not voting.

So the bill passed and the title was agreed to.

The committee on judiciary made the following report:

Mr. President:

A minority of your committee on judiciary to whom was referred

Senate Bill No. 329.

A bill for an act to repeal section 7229 of the Revised Codes of 1905.

Have had the same under consideration and the minority recommend that the same do pass.

H. H. STEELE,
Chairman.

Also,

Mr. President:

A majority of your committee on judiciary to whom was referred

Senate Bill No. 329.

A bill for an act to repeal section 7229 of the Revised Codes of 1905.

Have had the same under consideration and recommend that the same be indefinitely postponed.

H. H. STEELE,
Chairman.

Mr. Simpson moved

That the majority report be adopted.

Which motion prevailed, and

The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

A majority of your committee on judiciary to whom was referred

House Bill No. 267.

A bill for an act to amend and re-enact Chapter 172 of the laws of the state of North Dakota for 1907, relating to whom may solemnize marriages and to marriage license.

Have had the same under consideration and recommend that the same be indefinitely postponed.

H. H. STEELE,
Chairman.

Also,

Mr. President:

A minority of your committee on judiciary to whom was referred

House Bill No. 267.

A bill for an act to amend and re-enact Chapter 172 of the laws of the state of North Dakota for 1907, relating to whom may solemnize marriages and to marriage license.

Have had the same under consideration and recommend that the same do pass.

E. F. GILBERT,
L. A. SIMPSON.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

House Bill No. 271.

A bill for an act to create a state board of control, and provide for the management and control of the soldiers' home, the charitable, reformatory and penal institutions of the state, and to provide for supervisory powers over the state educational institutions, and to make an appropriation therefor, and for the defining of certain offenses and providing penalties therefor.

Have had the same under consideration and recommend that the same be amended as follows:

In line 11 of the printed bill, after the word "office" strike out "as designated by the governor for two, four and six years respectively," and insert in lieu thereof "for a term of two years."

In line 14, strike out the word "six" and insert "two" in lieu thereof.

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 64.

A bill for an act entitled, an act amending Section 1546 of the Revised Codes of the State of North Dakota of the year 1905, relating to the county treasurer and his duties.

Have had the same under consideration and recommend that the same do not pass.

H. H. STEELE,
Chairman.

Mr. Steele moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on agriculture made the following report:

Mr. President:

Your committee on agriculture to whom was referred
Senate Bill No. 357.

A bill for an act to repeal Article 24 of the Revised Codes of the state of North Dakota for 1905, entitled tree planting, said article 24 consisting of Sections 2082, 2083, 2084 and 2085; also Chapter 41 of the Session Laws of the state of North Dakota for 1907 and Chapter 50 of the Session Laws of the State of North Dakota for 1909.

Have had the same under consideration and recommend that the same be indefinitely postponed.

LIVY JOHNSON,
Chairman.

Mr. Johnson moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Mr. Talcott moved

That the vote by which Senate Bills Nos. 264, 371, 351, 104, 331 and 354 passed, be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,

March 1, 1911.

Mr. President:

I have the honor to transmit herewith:

House Bill No. 416.

A bill for an act fixing the terms of court in the various counties comprising the Fourth judicial district of this state and the beginning and duration thereof.

Also

House Bill No. 444.

A bill for an act to require the shipper of emigrant movables and live stock to deposit with the agent of the transportation company, paid tax receipts for the fiscal year in which such shipment is offered for transportation.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Steele asked permission to return to the 8th order of business.

Which permission was granted.

Mr. Steele introduced the following resolution:

WHEREAS, On the 28th day of February, 1911, certain proceedings were had in the House of Representatives, which for the time being have disqualified the Honorable John F. Cowan, Judge of the District Court of the Second Judicial District; and

WHEREAS, There is now no one authorized by law to perform the duties of the Judge of the Second Judicial District; and

WHEREAS, The disqualification of the Honorable John F. Cowan to perform the duties of the Second Judicial District will, according to law, continue until the said proceedings are heard and determined by the Senate; and

WHEREAS, The said determination cannot, in all probability, be had within the next thirty days; and

WHEREAS, The special term of the district in and for the county of Ramsey in said Second Judicial District has been called to be held, beginning on March first, 1911; and

WHEREAS, The regular term of the district court in and for the county of Ramsey, in said Second Judicial District, is by law set for the first Monday of March in each year; and

WHEREAS, There is in the Second Judicial District many pending matters requiring the immediate attention of a judge authorized to perform the duties of the office of judge of the Second Judicial District;

Therefore, Be it Resolved by the Senate, the House of Representatives Concurring:

That the governor is hereby requested to designate some suitable person to perform the duties of the office of judge of the Second Judicial District until the disability existing shall have been removed.

Mr. Gunderson moved

That it be made a special order for 4:30 today.

Which motion prevailed,

Mr. Kretchmar moved

That the rules be suspended and that Senate Bills 284, 292, 325 and 279 be considered re-engrossed, and placed on their third reading and final passage.

Which motion prevailed.

Mr. Welch asked permission to return to the 6th order of business.

Which permission was granted.

Mr. Trimble objected to the reading of the report.

Mr. Welch moved

That the rules be suspended, and the report be read.

Which motion prevailed.

The committee on apportionment made the following report:

Mr. President:

Your committee on apportionment to whom was referred
House Bill No. 25.

A bill for an act to re-district 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:

In paragraph 10, engrossed bill, strike out the words "one representative" and insert in lieu thereof the words "two representatives" in the last line.

In paragraph 13, engrossed bill, in the last line, strike out the words "one representative" and insert in lieu thereof the words "two representatives."

In paragraph 25, last line of engrossed bill, strike out the words "one representative" and insert the words "two representatives."

In paragraph 22, engrossed bill, in the last line, strike out the words "one representative" and insert the words "two representatives."

In paragraph 19, engrossed bill, in the last line, strike out the words "one representative" and insert the words "two representatives."

In paragraph 42, engrossed bill, strike out the words "one representative" in the last line, and insert the words "two representatives."

In paragraph 26, engrossed bill, in the last line, strike out the words "three representatives" and insert the words "four representatives."

In paragraph 12, engrossed bill, strike out the words "one representative" in the last line, and insert the words "two representatives."

In paragraph 7, engrossed bill, strike out the words "two representatives" in the last line of paragraph, and insert in lieu thereof the words "one representative."

In paragraph 8, engrossed bill, line 2, strike out the words "two representatives" and insert the words "three representatives" in lieu thereof.

In paragraph 27, line 2, engrossed bill, strike out the words "two representatives" and insert the words "three representatives" in lieu thereof.

In paragraph 31, last line, engrossed bill, strike out the words "two representatives" and insert in lieu thereof the words "three representatives."

In paragraph 49, second line, engrossed bill, strike out the words "and Sioux." Also in same line strike out the comma after "Adams" and insert in lieu thereof the word "and." Also in last line strike out the word "three" and insert in lieu thereof the words "two representatives."

In section 1, line 5, strike out the word "three" and insert in lieu thereof the word "twelve," and in line 6 of section 1, strike out the word "four" and insert in lieu thereof the word "thirteen."

And when so amended recommend the same do pass.

GEO. A. WELCH,
Chairman.

Mr. Welch 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, 1911.

Mr. President:

I have the honor to transmit herewith:

House Bill No. 393.

A bill for an act to prevent unfair discrimination in the purchase of dairy products.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Senate Bill No. 292

A bill for an act to make uniform the law of sales of goods.

Was read the third time.

Mr. Pierce moved
That the bill be indefinitely postponed.
Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 1, 1911.

Mr. President:

I have the honor to transmit herewith:

House Bill No. 74.

A bill for an act to amend Section 19, Chapter 169 of the Laws of 1907, entitled, an act to establish the Live Stock Sanitary Board of North Dakota and to provide for the suppression and control of dangerous, contagious and infectious diseases of domestic animals.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 364.

A bill for an act to amend Sections 620 and 650 of the Revised Codes, 1905, relating to elections.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 442.

For an act to amend section 3198 of the Revised Codes of 1905, as amended by chapter 224, Laws of 1909, relating to the issue of bonds by civil townships.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 62.

A bill for an act entitled, an act prohibiting and making it a misdemeanor to manufacture, sell, barter, exchange or give away cigarettes.

Was read the first and second times, and

Referred to the committee on public health.

House Bill No. 402.

A bill for an act to prohibit the manufacture, use and sale of blank cartridges, fire arms, certain fire crackers and certain other explosives.

Was read the first and second times and

Referred to the committee on state affairs.

House Bill No. 421.

A bill for an act entitled, an act to prevent the placing of dependent children in family homes, for pay, by midwives, maternity hospitals and others.

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 86.

A bill for an act to provide an appropriation for the erection of new buildings and for other necessary improvements at the state hospital for the insane of North Dakota, at Jamestown.

Was read the first and second times, and

Referred to the committee on appropriations.

House Bill No. 420.

A bill for an act to amend Section 2826 of the Revised Codes of North Dakota for the year 1905, as amended by Chapter 58 of the Session Laws, for the year 1909, 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 first and second times, and

Referred to the committee on corporations other than municipal.

House Bill No. 348.

A bill for an act to amend Section 2 of Chapter 126, Laws of 1909, defining the duties of the register of deeds, relating to foreclosure of mortgages on real property by

advertisement, and prescribing a penalty for violating the same.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 419.

A bill for an act to amend Section 10430 of the Revised Codes of North Dakota of 1905, relating to the appointment and obligations of jailers, and the manner of fixing compensations to be allowed for jailer's services.

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 286.

A bill for an act to provide for the completion of a school building and making necessary improvements at the school for the deaf and dumb at Devils Lake, North Dakota, and making an appropriation therefor.

Was read the first and second times and

Referred to the committee on appropriations.

House Bill No. 155.

A bill for an act to provide for the establishment and government of a State Tuberculosis sanitarium.

Was read the first and second times and

Referred to the committee on appropriations.

House Bill No. 182.

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. 61.

A bill for an act making an appropriation for the establishing of the Harvey Agricultural experiment station and for conducting agricultural experiments thereat.

Was read the first and second times, and

Referred to the committee on appropriations.

House Bill No. 154.

A bill for an act to amend Section 9363 of the Revised Codes of the State of North Dakota of 1905, as amended by Section 10 of Chapter 183 of the Laws of 1909.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 410.

A bill for an act to amend Sections 2231, 2232, 2233 and 2234 of the Revised Codes of 1905, relating to abstractors of titles.

Was read the first and second times and

Referred to the committee on state affairs.

House Bill No. 232.

A bill for an act providing for salary for sheriffs and providing for fees collected by sheriffs to be turned into the county treasurer of their respective counties, and prescribing for a penalty for failure to do so.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 359.

A bill for an act to amend and re-enact sections 4602 and 4603, Revised Codes of North Dakota for 1905, being an act to regulate the importation of dependent children from other states.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 400.

A bill for an act to amend and re-enact Section 1310 and adding new sections, relating to county and state aid of county fairs, and making appropriation therefor.

Was read the first and second times and

Referred to the committee on appropriations.

House Bill No. 293.

A bill for an act providing for the extension of the state street car line from the capitol down 9th street to a point at or near Broadway in the city of Bismarck—thence to the state penitentiary; and providing for its equipment and making an appropriation therefor.

Was read the first and second times, and

Referred to the committee on appropriations.

House Bill No. 157.

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. 357.

A bill for an act to amend section 4483 of the Revised Codes of 1905, relating to terms of office of boards of directors of county mutual companies.

Was read the first and second times and

Referred to the committee on state affairs.

House Bill No. 326.

A bill for an act to provide that the counties of the state may adopt a uniform system of text books.

Was read the first and second times and

Referred to the committee on education.

House Bill No. 378.

A bill for an act to amend and re-enact Chapter 196 of the Session Laws of 1909, relating to auditor's notice of tax sale.

Was read the first and second times and

Referred to the committee on state affairs.

House Bill No. 418.

A bill for an act to aid assessors in valuing coal deposits reserved to grantors by providing that all deeds and transfers of real property which reserves the coal deposits to the grantor shall contain a full description of the coal deposits,

so reserved, its length, width and thickness, and prohibiting the recording by register of deeds of any deed or transfer of real property that reserves to the grantor the coal deposits, unless such description is contained therein, and providing a penalty therefor.

Was read the first and second times and

Referred to the committee on mines and mining.

House Bill No. 282.

A bill for an act to regulate clearance of obstructions on railroads.

Was read the first and second times and

Referred to the committee on railroads.

House Bill No. 445.

A bill for an act to amend and re-enact Section 1189 of the Revised Codes of North Dakota for 1905.

Was read the first and second times and

Referred to the committee on public health.

House Bill No. 266.

A bill for an act to appropriate money for a root cellar and for the purchase of brood mares for the Edgeley experiment station, located at the city of Edgeley in LaMoure county.

Was read the first and second times and

Referred to the committee on appropriations.

House Bill No. 255.

A bill for an act to require coroners to conduct and hold inquests in cases of railroad accidents.

Was read the first and second times and

Referred to the committee on judiciary.

House Bill No. 443.

A bill for an act to amend Section 2020 of the Revised Codes of 1905, relating to registration fees and compensation of the state board of veterinary examiners.

Was read the first and second times and

Referred to the committee on live stock.

House Bill No. 74.

A bill for an act to amend Section 19, Chapter 169 of the Laws of 1907, entitled, an act to establish the Live Stock Sanitary Board of North Dakota and to provide for the suppression and control of dangerous, contagious and infectious diseases of domestic animals.

Was read the first and second times and

Referred to the committee on live stock.

House Bill No. 444.

A bill for an act to require the shipper of emigrant movables and live stock to deposit with the agent of the transportation company, paid tax receipts for the fiscal year in which such shipment is offered for transportation.

Was read the first and second times and

Referred to the committee on judiciary.

House Bill No. 416.

A bill for an act fixing the terms of court in the various counties comprising the Fourth judicial district of this state and the beginning and duration thereof.

Was read the first and second times and

Referred to the committee on judiciary.

House Bill No. 393.

A bill for an act to prevent unfair discrimination in the purchase of dairy products.

Was read the first and second times and

Referred to the committee on judiciary.

Mr. Bessesen moved

That the rules be suspended and Senate Bills Nos 353 and 102 be placed on third reading and final passage.

Which motion prevailed.

Senate Bill No. 353.

A bill for an act to provide for the expression by the qualified voters of the several political parties of their choice for nomination by their party for president and vice presi-

dent of the United States; to provide for and regulate direct primary election for the election of said political party's delegates to their respective national conventions, and for the payment of delegates' necessary expenses, not exceeding \$200 each, for the election of party candidates for the office of presidential elector, and for the election of national committeemen.

Was read the third time.

Mr. Talcott moved

That the bill be indefinitely postponed.

Roll call demanded.

The question being on the indefinite postponement of the bill.

The roll was called and there were 22 ayes, 25 nays, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ailen	LaMoure	Stevens
Baker	Martin	Talcott
Ganssle	McDonald	Trimble
Gronvold	McDowell	Walton
Gunderson	McLean	Welo
Jacobsen	Movius	Welch
Johnson	Simpson	Young
Kennedy		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Gilbert	Steele of Stutsman
Carter	Hookway	Steele of Renville
Cashel	Kretschmar	Syverson
Duis	Linde	Thoreson
Duncan	Overson	Turner
Elken	Plain	Wallin
Ellingson	Putnam	Whitcher
Garden	Ruzicka	Williams
Gibbens		

Messrs. Davis and Pierce were absent and not voting.

So the motion to indefinitely postpone was lost.

The question being on the final passage of the bill.

The roll was called and there were 26 ayes, 21 nays, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Gilbert	Steele of Renville
Carter	Hookway	Syverson
Cashel	Kretschmar	Thoreson
Duis	Linde	Turner
Duncan	Overson	Wallin
Elken	Plain	Welo
Ellingson	Putnam	Whitcher
Garden	Ruzicka	Williams
Gibbens	Steel of Stutsman	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Kennedy	Simpson
Baker	LaMoure	Stevens
Ganssle	Martin	Talcott
Gronvold	McDonald	Trimble
Gunderson	McDowell	Walton
Jacobsen	McLean	Welch
Johnson	Movius	Young

Messrs Davis and Pierce were absent and not voting.

So the bill passed and the title was agreed to.

Mr. Bessesen moved

That the vote by which Senate Bill No. 353 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. 102.

A concurrent resolution amending the Constitution of the State of North Dakota, establishing and locating a state agricultural college at the city of Beach, county of Billings.

Also

Senate Bill No. 284.

A bill for an act making an appropriation for the purpose of re-imbursing members of the railroad commission of North Dakota for money actually and necessarily expended in the conduct of the business of the office, and for

which bills there has never been funds with which to make payment.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

Senate Bill No. 102.

A concurrent resolution amending the Constitution of the State of North Dakota, establishing and locating a state agricultural college at the city of Beach, county of Billings.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 46 ayes, 1 nay, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Steel of Stutsman
Baker	Kennedy	Steele of Reaville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syverson
Duis	Linde	Talcott
Duncan	Martin	Thoreson
Elken	McDonald	Trimble
Ellingson	McDowell	Turner
Ganssle	McLean	Wallin
Garden	Movius	Walton
Gibbens	Overson	Welo
Gilbert	Plain	Welch
Gronvold	Putnam	Whitcher
Gunderson	Ruzicka	Williams
Hookway	Simpson	Young
Jacobson		

Mr. Bessesen voted in the negative.

Messrs. Davis and Pierce were absent and not voting.

So the bill passed and the title was agreed to.

Mr. Kretschmar moved

That the vote by which Senate Bill No. 102 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Bessesen explained his vote.

Senate Bill No. 284.

A bill for an act making an appropriation for the purpose of re-imbursing members of the railroad commission of North Dakota for money actually and necessarily expended in the conduct of the business of the office, and for which bills there has never been funds with which to make payment.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 47 ayes, no nays, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steel of Stutsman
Baker	Johnson	Steele of Renville
Bessessen	Kennedy	Stevens
Carter	Kretschmar	Syverson
Cashel	LaMoure	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Trimble
Elken	McDonald	Turner
Ellingson	McDowell	Wallin
Ganssle	McLean	Walton
Garden	Movius	Welo
Gibbens	Overson	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway	Simpson	

Messrs. Davis and Pierce were absent and not voting.

So the bill passed and the title was agreed to.

Mr. Kretschmar moved

That the vote by which Senate Bill No. 284 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Simpson moved

That Senate Bill No. 6 be placed on its third reading and final passage.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 1, 1911.

Mr. President:

I have the honor to return herewith
Senate Bill No. 222.

A bill for an act to amend and re-enact section 2, section 16 and section 24 of chapter 109 of the Session Laws of the year 1907, of the state of North Dakota, relating to primary election.

Also

Senate Bill No. 333.

A bill for an act to amend Section 4173 of the Revised Codes of 1905, relating to articles of incorporation.

Also

Senate Bill No. 334.

A bill for an act to amend Chapter 63, Laws of 1909, being Section 4210, Revised Codes of 1905, as amended by said chapter, relating to indebtedness of corporations.

Which the House has indefinitely postponed.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Senate Bill No. 6.

A bill for and act to create October 12th in each year a legal holiday to be known as "Columbus Day."

Was read the third time.

Mr. Bessesen moved
That Senate Bill No. 6 be indefinitely postponed.
Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were 33 ayes, 9 nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Kennedy	Simpson
Baker	Kretschmar	Steel of Stutsman
Cashel	LaMoure	Stevens
Glasse	Martin	Talcott
Garden	McDonald	Thoreson
Gibbens	McDowell	Trimble
Gronvold	McLean	Turner
Gunderson	Overson	Wallin
Hooker	Pierce	Walton
Jacobsen	Plain	Welch
Johnson	Ruzicka	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Duncan	Syverson
Davis	Ellingson	Whitcher
Duis	Putnam	Williams

Absent and not voting.

Messrs.—	Messrs.—	Messrs.—
Carter	Linde	Steele of Renville
Elken	Movius	Welo
Gilbert		

So the bill passed and the title was agreed to.

Mr. Simpson moved

That the vote by which Senate Bill No. 6 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. 325.

A bill for an act entitled, an act fixing the terms of court in the various counties comprising the fourth judicial district of this state and the beginning and duration thereof.

And find the same correctly engrossed.

C. W. PLAIN,
Chairman.

Senate Bill No. 325.

A bill for an act entitled, an act fixing the terms of court in the various counties comprising the Fourth judicial district of this state and the beginning and duration thereof.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel o Stutsman
Baker	Jacobsen	Steele of Renville
Bessesen	Johnson	Stevens
Cashel	Kennedy	Syvertson
Davis	Kretschmar	Talcott
Duis	LaMoure	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Elliingson	McLean	Wallin
Ganssle	Overson	Walton
Garden	Pierce	Welo
Gibbens	Plain	Welch
Gilbert	Putnam	Whitche
Gronvold	Ruzicka	Williams
Gunderson	Simpson	Young

Absent and not voting.

Messrs.—	Messrs.—	Messrs.—
Carter	Martin	Movius
Linde		

So the bill passed and the title was agreed to.

Senate Bill No. 220.

A bill for an act to divide the state of North Dakota into three (3) congressional districts, and defining the boundaries of each said congressional district of the state of North Dakota.

Was read the third time.

Mr. Simpson moved

That the consideration of Senate Bill No. 220 be deferred for one hour.

Which motion prevailed.

Mr. Welch moved

That House Bill No. 25 be now placed on its third reading and final passage.

Which motion prevailed.

Mr. Welch in the chair.

Mr. Talcott moved

That the Senate do now go into executive session.

Which motion prevailed.

OPEN SESSION.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:
governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA.

March 1, 1911.

To the Senate:

I have the honor to inform you that I have this day approved and filed with the Secretary of State:

Senate Bill No. 50.

A bill for an act to amend and re-enact Section 1576 of the Revised Codes of North Dakota of 1905, relating to the sale of real property for delinquent taxes and reducing the rate of interest on the purchase price of the lands so sold for delinquent taxes.

Also,

Senate Bill No. 56.

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. 75.

A bill for an act to prevent the spread of noxious weeds.

Also,

Senate Bill No. 87.

A bill for an act to amend Section 2767 of the Revised Codes of North Dakota for 1905, relating to the letting of contracts for sidewalks in cities.

Also,

Senate Bill No. 122.

A bill for an act requiring natural gas to be confined, and prescribing penalty for the violation thereof.

Also

Senate Bill No. 160.

A bill for an act to amend Section 3213, Revised Codes of North Dakota, relating to township boards.

Also

Senate Bill No. 169.

A bill for an act indemnifying owners for horses killed or destroyed according to law for being affected with the disease known as glanders.

Also,

Senate Bill No. 214.

A bill for an act to amend sub-division 3 of Section 5001 of the Revised Codes of North Dakota of 1905, relative to the recording of instruments in the office of register of deeds.

Also

Senate Bill No. 221.

A bill for an act providing for the transferring of the so-called "Oil Inspection Fund" in the hands of the state treasurer to the general fund of the state and providing that future collections by the state inspector of oils shall be credited to the general fund of the state.

Very respectfully,

JOHN BURKE,

Governor.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 1, 1911.

Mr. President:

I have the honor to transmit herewith

House Bill No. 427.

A bill for an act to withdraw from sale or rent certain school land in Dunn county.

Also

House Bill No. 447.

A bill for an act creating a commisison to have charge of installing and maintaining an exhibit of the products and resources of the state of North Dakota at the Panama-Pacific International Exposition, and appropriating money to pay the expenses thereof.

Also

House Bill No. 422.

A bill for an act to amend and re-enact Section 1385, Revised Codes of 1905, limiting the cost of bridges over navigable rivers.

Also

House Bill No. 295.

A bill for an act providing for the erection of an addition to power house upon the agricultural college grounds in which shall be given instructions in carpentry, plumbing, bricklaying and kindred trades, and to install therein necessary equipment, providing for the maintenance of the same, and making an appropriation therefor.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

The President in the chair.

SPECIAL ORDER.

The resolution introduced by Mr. Steele was laid before the Senate.

Mr. Simpson moved

That action be deferred on this matter until House Bill No. 25 is disposed of.

Which motion prevailed.

House Bill No. 25.

A bill for an act to re-district the state of North Dakota into senatorial districts and apportion the senators and representatives therein.

• Was read the third time.

Mr. Cashel moved, as an amendment:

In line 16 of printed bill, page 2, include the "village of Lankin."

Which motion prevailed, and
The amendment was adopted.

Mr. Overson moved, as an amendment:

In paragraph 41, where it reads "five" that "six" be substituted therefor.

Which motion was lost.

Mr. Talcott moved, as an amendment:

After "Hunter" in line 50, add "Hunter village." After "Page" in line 52, add "Page village." After "Tower," in line 53, add "Tower village."

Which motion prevailed, and
The amendment was adopted.

Mr. Overson moved

That the amendments of the Senate apportionment committee be stricken out.

Which motion was lost.

Mr. Welch moved

That the amendments proposed by the committee be adopted.

Which motion prevailed, and
The amendments were adopted.

Mr. Garden moved

That the bill be amended by taking one senator from Grand Forks and giving it to Bottineau, and that the districts be as they are today.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 45; 2 nays; 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Simpson
Baker	Johnson	Steel or Stutsman
Carter	Kennedy	Steele or Renville
Cashel	Kretschmar	Stevens
Davis	Linde	Syvertson
Duis	Martin	Talcott
Duncan	McDonald	Thoreson
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Gibbens	Overson	Welo
Gilbert	Pierce	Welch
Gronvold	Plain	Whitcher
Gunderson	Putnam	Williams
Hookway	Ruzicka	Young

Messrs. Garden and Trimble voted in the negative.

Messrs. Bessessen and LaMoure were absent and not voting.

So the bill passed and the title was agreed to.

Mr. Welch moved

That the vote by which House Bill No. 25 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

SPECIAL ORDER.

The resolution offered by Mr. Steele in regard to the temporary appointment of a judge for the second judicial district, was laid before the Senate.

Mr. Simpson moved

That the resolution be referred to the committee on judiciary.

Mr. Davis moved

That the previous question be put.

Which motion prevailed.

The question being on the original motion.

The motion was lost.

The question being on the original motion to adopt the resolution.

The resolution was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

March 1, 1911.

Mr. President:

I have the honor to transmit herewith

House Bill No. 433.

A bill for an act to amend Section 6237 of the Revised Codes of 1905, and Chapter 158 of the Session Laws of 1909, relating to the filing of mechanic's liens, the giving of notice of furnishing materials to contractors and sub-contractors.

Also

House Bill No. 396.

A bill for an act to amend Section 2335 of the Revised Codes of the state of North Dakota of 1905, as amended by Chapter 66 of the Session Laws of 1909, relating to the transcribing of records in newly organized counties.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Bessesen moved

That when the Senate goes into the committee of the whole on Senate Bill No. 254, that debate on the subject be limited to five minutes to each speaker.

Which motion prevailed.

Mr. Bessesen moved

That the Senate do now resolve itself into a committee of the whole for the consideration of Senate Bill No. 254.

Which motion prevailed.

The President called Mr. Talcott to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose it made the following report:

Mr. President:

Your committee of the whole to which was referred, Senate Bill No. 254 has had the same under consideration and report progress.

F. S. TALCOTT,
Chairman.

Mr. Stevens objected to the consideration of the report.

Mr. Simpson moved

That the Senate do now resolve itself into a committee of the whole for the consideration of Senate Bill No. 254.

Which motion prevailed.

The President called Mr. Davis to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose it made the following report:

Mr. President:

Your committee of the whole to which was referred, Senate Bill No. 254 has had the same under consideration and recommend that the same do pass.

J. E. DAVIS,
Chairman.

Mr. Bessesen moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 433.

A bill for an act to amend Section 6237 of the Revised Codes of 1905, and Chapter 158 of the Session Laws of 1909, relating to the filing of mechanic's liens, the giving of notice of furnishing materials to contractors and sub-contractors.

Was read the first and second times and

Referred to the committee on judiciary.

House Bill No. 447.

A bill for an act creating a commisison to have charge of installing and maintaining an exhibit of the products and resources of the state of North Dakota at the Panama-Pacific International Exposition, and appropriating money to pay the expenses thereof.

Was read the first and second times and

Referred to the committee on state affairs.

House Bill No. 427.

A bill for an act to withdraw from sale or rent certain school land in Dunn county.

Was read the first and second times and

Referred to the committee on public lands.

House Bill No. 422.

A bill for an act to amend and re-enact Section 1385, Revised Codes of 1905, limiting the cost of bridges over navigable rivers.

Was read the first and second times and

Referred to the committee on highways and bridges.

House Bill No. 396.

A bill for an act to amend Section 2335 of the Revised Codes of the state of North Dakota of 1905, as amended by Chapter 66 of the Session Laws of 1909, relating to the transcribing of records in newly organized counties.

Was read the first and second times and

Referred to the committee on state affairs.

House Bill No. 295.

A bill for an act providing for the erection of an addition to power house upon the agricultural college grounds in which shall be given instructions in carpentry, plumbing, bricklaying and kindred trades, and to install therein necessary equipment, providing for the maintenance of the same, and making an appropriation therefor.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 254.

A bill for an act prohibiting combinations or agreements between two or more fire insurance companies, fixing rates and prescribing penalties therefor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 28 ayes, 21 nays, none absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	McDonald	Talcott
Davis	McDowell	Thoresor.
Duncan	McLean	Trimble
Elken	Overson	Turner
Gibbens	Plain	Wallin
Hookway	Putnam	Welo
Jacobsen	Ruzicka	Whitcher
Johnson	Simpson	Williams
Linde	Syverson	Young
Martin		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Garden	Movius
Baker	Gilbert	Pierce
Carter	Gronvold	Steel of Stutsman
Cashel	Gunderson	Steele or Renville
Duis	Kennedy	Stevens
Ellingson	Kretschmar	Walton
Ganssle	LaMour	Welch

So the bill passed and the title was agreed to.

Mr. Bessesen moved

That the vote by which Senate Bill No. 254 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. LaMoure asked permission to return to the 6th order of business.

Which permission was granted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 68.

A bill for an act making an appropriation to determine the milling value of cereals, the baking and other economic properties, to provide for experiments and for the publication of the information obtained.

Have had the same under consideration and recommend that the same be amended as follows:

In line 4, strike out the figure "6" after the dollar sign and insert in lieu thereof the figure "2."

And when so amended recommend the same do pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Mr. Overson moved

That Senate Bill No. 68 be placed on its third reading and final passage.

Which motion prevailed.

Senate Bill No. 68.

A bill for an act making an appropriation to determine the milling value of cereals, the baking and other economic properties, to provide for experiments and for the publication of the information obtained.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 48 ayes, no nays, 1 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Ruzicka
Baker	Jacobsen	Steel of Stutsman
Bessesen	Johnson	Steele of Renville
Carter	Kennedy	Stevens
Cashel	Kretschmar	Syvertson
Davis	LaMoure	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Trimble
Elken	McDonald	Turner
Ellingson	McDowell	Wallin
Ganssle	McLean	Walton
Garden	Movius	Welo
Gibbens	Overson	Welch
Gilbert	Pierce	Whitcher
Gronvold	Plain	Williams
Gunderson	Putnam	Young

Mr. Simpson was 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 1, 1911.

Mr. President:

I have the honor to transmit herewith:

House Bill No. 436.

A bill for an act to license and regulate hospitals, sanitariums and other institutions, and for the protection of patients therein.

Also

House Bill No. 257.

A bill for an act to provide for the better preservation of all plats and plans on file in the register of deeds office in organized counties.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Senate Bill No. 293.

A bill for an act to regulate the practice of naturopathy in the state of North Dakota.

Was read the third time.

Mr. Welo moved, as an amendment:

In section 1, line 3, after the word "University" in the amended bill, insert: "or a practicing physician of ability and integrity."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill.

The roll was called and there were 26 ayes, 18 nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Carter	McDowell	Trimble
Cashel	Movius	Turner
Eiken	Plain	Wallin
Gibbens	Putnam	Walton
Gronvold	Ruzicka	Welo
Gunderson	Steel of Stutsman	Welch
Hookwa	Steele of Renville	Whitcher
LaMoire	Stevens	Williams
McDonald	Thoreson	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Billingson	Linde
Baker	Garden	Martin
Bessesen	Gilbert	McLean
Davis	Johnson	Syvertsen
Duis	Kennedy	Talcott
Duncan	Kretschmar	Young

Absent and not voting:		
Messrs.—	Messrs.—	Messrs.—
Ganssle	Overson	Simpson
Jacobsen	Pierce	

So the bill passed and the title was agreed to.

Mr. Welo moved

That the vote by which Senate Bill No. 293 passed, be reconsidered and the motion to reconsider be laid on the table—
Which motion prevailed.

Mr. Pierce moved

That the resolution from the gentleman from Renville be recalled from the House.
Which motion prevailed.

Mr. Gibbens moved

That the rules be suspended and that Senate Bill No. 295 be considered re-engrossed and placed upon its third reading and final passage.
Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 257.

A bill for an act to provide for the better preservation of all plats and plans on file in the register of deeds office in organized counties.

Was read the first and second times and

Referred to the committee on state affairs.

House Bill No. 436.

A bill for an act to license and regulate hospitals, sanitariums and other institutions, and for the protection of patients therein.

Was read the first and second times and

Referred to the committee on public health.

Senate Bill No. 295.

A bill for an act providing for the establishment of county agricultural and training schools and their joint maintenance by the state and the county wherein located, and providing for a levy of state tax for the raising of funds to meet the state share of said cost of maintenance.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 46 ayes, no nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steel of Stutsman
Baker	Johnson	Steele of Renville
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syvertson
Cashel	LaMoure	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Trimble
Elken	McDonald	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbens	Plain	Welch
Gilbert	Putnam	Whitcher
Gronvold	Ruzicka	Williams
Hunderson	Simpson	Young
Hookway		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	McDowell	Pierce

So the bill passed and the title was agreed to.

Senate Bill No. 220.

A bill for an act to divide the state of North Dakota into three (3) congressional districts, and defining the boundaries of each said congressional district of the state of North Dakota.

Was read the third time.

Mr. Bessesen moved

That all of Senate Bill No. 220, after "Section 1" be stricken out and the following be substituted therefor, to-wit:

Section 1. The state of North Dakota is hereby divided into three congressional districts, each of which is entitled to elect one representative to the Congress of the United States.

Sec. 2. First District Defined.) The counties of Pembina, Cavalier, Towner, Ramsey, Walsh, Nelson, Grand Forks, Steele, Traill, Cass, Ransom, Sargent and Richland shall constitute the first congressional district.

Sec. 3. Second District Defined.) The counties of Bottineau, Rolette, McHenry, Pierce, Benson, Sheridan, Wells, Eddy, Foster, Griggs, Stuts-

man, Barnes, Kidder, Burleigh, Emmons, Logan, McIntosh, LaMoure, and Dickey shall constitute the second congressional district.

Sec. 4. Third District Defined.) The counties of Divide, Burke, Renville, Ward, Mountrail, Williams, McKenzie, McLean, Dunn, Mercer, Oliver, Billings, Stark, Morton, Hettinger, Bowman and Adams shall constitute the third congressional district.

Which motion was lost.

Mr. Gilbert moved

A call of the Senate.

Mr. Linde moved

That further proceedings under the call be dispensed with.

Which motion prevailed.

Senate Bill No. 220.

A bill for an act to divide the state of North Dakota into three (3) congressional districts, and defining the boundaries of each said congressional district of the state of North Dakota.

Was read the third time.

Mr. Simpson moved

To amend Senate Bill No. 220 by striking out all after the word "to-wit" in line three, section one, of the printed bill, and inserting in lieu thereof the following:

The first congressional district shall consist of the counties of Pembina, Cavalier, Walsh, Ramsey, Nelson, Grand Forks, Griggs, Steele, Traill, Cass, Ransom, Sargent and Richland.

The second congressional district shall consist of the counties of Bottineau, Sheridan, Rolette, Towner, McHenry, Pierce, Benson, Wells, Foster, Stutsman, Barnes, Kidder, Logan, McIntosh, LaMoure and Dickey.

The third congressional district shall consist of the counties of Divide, Burke, Renville, McKenzie, McLean, Williams, Mountrail, Ward, Dunn, Mercer, Oliver, Burleigh, Emmons, Morton, Stark, Billings, Adams, Bowman and Hettinger.

Section 2. The provisions of this act shall become operative and in force upon the congress of the United States passing a law allowing to the state of North Dakota three representatives in congress."

The question being on the amendment.

The roll was called and there were 19 ayes, 30 nays, none absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Martin	Steele of Renville
Bessesen	McDowell	Trimble
Davis	Overson	Wallin
Garden	Putnam	Welch
Jacobsen	Simpson	Williams
Kretschmar	Steel of Stutsman	Young
Linde		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Cronvold	Plain
Carter	Gunderson	Ruzicka
Cashel	Hookway	Stevens
Duis	Johnson	Syverson
Duncan	Kennedy	Talcott
Elken	LaMoure	Thoreson
Ellingson	McDonald	Turner
Ganssle	McLean	Walton
Gibbens	Movius	Welo
Gilbert	Pierce	Whitcher

So the amendment was lost.

Mr. Davis moved

That a committee of one from each judicial district in the state be appointed to re-arrange this, and report tomorrow morning at 10:30.

Which motion prevailed.

Roll call demanded.

Mr. Overson moved

That the Senate take a recess until 10:30 a. m. tomorrow morning.

Which motion prevailed, and

The Senate took a recess until 10:30 a. m. tomorrow.

J. W. FOLEY,
Secretary.

FIFTY-EIGHTH DAY AFTER RECESS AND
FIFTY-NINTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

March 2, 1911.

The Senate convened at 10:30 o'clock, pursuant to recess taken.

The president presiding.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,

March 2, 1911.

Mr. President:

I have the honor to transmit herewith:

House Bill No. 448.

A bill for an act to provide for the direct election of delegates to the national convention of the different political parties, and for the expression of the popular choice for nominees for president and vice president and for the direct

election of national committeemen for different political parties.

A. so

House Bill No. 29.

A bill for an act to provide for the establishment and maintenance of department of agriculture, manual training and domestic economy in state, high, graded and consolidated schools.

Also,

House Bill No. 53.

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, Langdon and Hettinger.

Also,

House Bill No. 399.

A bill for an act to amend and re-enact Section 2402 of the Revised Codes of North Dakota for the year 1905.

Also,

House Bill No. 434.

A bill for an act entitled, an act for the purpose of governing the construction of public school buildings and providing for the inspection, ventilation and sanitation thereof.

Also

House Bill No. 259.

A bill for an act providing for the nomination of candidates for office by popular vote at a primary election, and the registration and enrollment of party affiliation.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

The question being upon the adoption of the motion by Mr. Davis for the appointment of a special committee, one from each judicial district, to report upon Senate Bill No. 220.

The roll was called and there were ayes 27; nays 17; absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—

Allen
Bessesen
Davis
Ganssle
Garden
Gibbens
Gilbert
Jacobsen
Johnson

Messrs.—

Kretschmar
LaMoure
Linde
Martin
McDonald
McLean
Overson
Pierce
Putnam

Messrs.—

Simpson
Steel of Stutsman
Steele of Renville
Stevens
Trimble
Wallin
Welo
Welch
Williams

Those who voted in the negative were:

Messrs.—

Baker
Carter
Cashel
Duis
Duncan
Elken

Messrs.—

Elingson
Gunderson
Kennedy
Movius
Plain
Ruzicka

Messrs.—

Syvertson
Talcott
Turner
Walton
Whitcher

Absent and not voting:

Messrs.—

Gronvold
Hookway

Messrs.—

McDowell
Thoreson

Messrs.—

Young

So the motion prevailed.

The president announced the appointment of the following members as such special committee:

Sixth district, Welch; third district, Talcott; second district, Gibbens; seventh district, Plain; tenth district, Simpson; eighth district, Steele of Renville; fifth district; Steele of Stutsman; fourth district, Pierce; first district, Stevens; eleventh district, Overson; ninth district, Garden.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,

March 2, 1911.

Mr. President:

I have the honor to return herewith

Senate Bill No. 63.

A bill for an act to prohibit the importation, manufacture, distribution, transportation, sale, or use of snuff, and providing a penalty therefor.

Which the House has amended as follows:

By inserting after the word "Section 3," the words "Construction of Act."

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith

Senate Bill No. 130.

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 annual statements of insurance companies.

Which the House has amended as follows:

In line 19 of the engrossed bill, strike out all of said line after the word "agency," all of lines 20 and 21, and all of line 22 up to the word "statements," and insert in lieu thereof the following amendment: "Provided, however, that the statements of state, county and town mutual insurance companies need only be published once in a newspaper selected at their annual meeting in the county wherein such company does business."

Very respectfully,
E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith

Senate Bill No. 171.

A bill for an act relating to payment of deposits in trust, in any bank, banking institution or trust company.

Which the House has failed to pass.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith

Senate Bill No. 201.

A bill for an act to prohibit certain designated officers from advising, counseling, or suggesting to persons upon whom process is served, the name of attorneys and prescribing a penalty for violation.

Which the House has indefinitely postponed.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith,

Senate Bill No. 148.

A bill for an act to amend Section 12 of Chapter 182, the same being Senate Bill No. 128 of the Session Laws for 1907, relating to the qualifications for registration of pharmacists.

Also

Senate Bill No. 236.

A bill for an act to amend and re-enact Section 2240, Article 45, Chapter 24, of the Revised Codes of North Dakota for the year 1905, relating to the duties of county auditors and prescribing how records of fees shall be kept.

Also,

Senate Bill No. 252.

A bill for an act to amend Section 1541 of the Revised Codes of 1905, relating to tax lists made out by county auditors.

Also

Senate Bill No. 212.

A bill for an act to provide for the refund of any tax upon land which shall have been paid through the error of a county official, or by mistake of the party so paying.

Also

Senate Bill No. 195.

A bill for an act regulating the discharge of liens, not dependent upon possession, and to provide for the release of liens, filed of record against real property and personal property, and the giving of an undertaking for the payment thereof.

Also

Senate Bill No. 229.

A concurrent resolution amending the Constitution of the State of North Dakota, empowering the legislative assembly to provide by law for erection, leasing, purchasing and operating terminal elevators in the State of North Dakota.

Also

Senate Bill No. 17.

A bill for an act to amend and re-enact Section 468 of the Revised Codes of North Dakota for the year, A. D., 1905, as amended by Chapter 159 of the Laws of 1907, relating to judicial districts within the state.

Also,

Senate Bill No. 309.

A bill for an act to provide for the purchase of the paintings of "Mink Woman," "Bear's Necklace" and "Bad Brave."

Also

Senate Bill No. 194.

A bill for an act defining the Tenth judicial district and providing for holding terms of court therein.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith the Senate Concurrent resolution relating to the judge of the second judicial district as requested by the Senate.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

REPORTS OF SELECT COMMITTEES.

Mr. President: Your special committee to whom was referred the matter of giving consideration to the various congressional apportionment bills now before the senate, have had all of the said apportionment bills under consideration and beg leave to report as follows:

We report and recommend that the state be divided into three Congressional districts, apportioned as follows, to-wit:

The first Congressional district to consist of the counties of Pembina, Walsh, Cavalier, Ramsey, Towner, Benson, Rolette, Pierce, Bottineau, McHenry, Renville, Ward, Burke, Mountrail, Divide, Williams.

The second Congressional district to consist of the following counties: Grand Forks, Traill, Cass, Richland, Steele, Barnes, Ransom, Sargent, Nelson, Griggs, Eddy, Foster, Stutsman, LaMoure, Dickey, Wells.

The third congressional district to consist of the following counties: Kidder, Sheridan, Burleigh, Emmons, Logan, McIntosh, McLean, Mercer, Oliver, Morton, Dunn, Stark, Hettinger, Adams, McKenzie, Billings and Bowman.

Respectfully submitted,

GEO. A. WELCH,
L. A. SIMPSON,
W. B. OVERSON,
E. L. GARDEN,
A. S. GIBBENS,
ED. PIERCE,
J. E. STEVENS,
ALFRED STEEL,
H. H. STEELE.

Mr. President: The minority of your special committee appointed to consider and report upon Senate Bill No. 220 desire to report that said bill do pass.

F. S. TALCOTT,
C. W. PLAIN.

Mr. Welch moved
The 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 21; nays 28; absent and not voting 0.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Gronvold	Syverson
Carter	Gunderson	Talcott
Cashel	Hookway	Thoreson
Duis	Kennedy	Turner
Elken	Movius	Walton
Ellingson	Plain	Welo
Gilbert	Ruzicka	Whitcher

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	LaMoure	Simpson
Bessessen	Linde	Steel of Stutsman
Davis	Martin	Steele of Renville
Duncan	McDonald	Stevens
Ganssle	McDowell	Trimble
Garden	McLean	Wallin
Gibbens	Overson	Welch
Jacobsen	Pierce	Williams
Johnson	Putnam	Young
Kretschmar		

So the minority report was lost.

The question being on the adoption of the majority report.

The roll was called and there were ayes 24; nays 25; absent and not voting 0.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	LaMoure	Steel of Stutsman
Davis	Linde	Steele of Renville
Ellingson	Martin	Stevens

Messrs.—	Messrs.—	Messrs.—
Ganssle	McDonald	Trimble
Garden	McLean	Wallin
Gibbens	Overson	Welch
Jacobsen	Pierce	Williams
Kretschmar	Simpson	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Gunderson	Ruzicka
Bessesen	Hookway	Syvertson
Carter	Johnson	Talcott
Cashel	Kennedy	Thoreson
Duis	McDowell	Turner
Duncan	Movius	Walton
Elken	Plain	Welo
Gilbert	Putnam	Whitcher
Gronvold		

So the majority report was not adopted.

Mr. Simpson moved, as an amendment:

To strike out all after line three in section one of the printed bill and insert in lieu thereof the following:

The first congressional district shall consist of the counties of Pembina, Walsh, Cavalier, Ramsey, Towner, Benson, Rolette, Pierce, Bottineau, McHenry, Renville, Ward, Burke, Mountrail Divide and Williams.

The second congressional district shall consist of the following counties: Grand Forks Traill, Cass, Richland, Steele, Barnes, Ransom, Sargent, Nelson, Griggs, Eddy, Foster, Stutsman, LaMoure Dickey and Wells.

The third congressional district shall consist of the following counties: Kidder, Sheridan, Burleigh, Emmons, Logan, McIntosh, McLean, Mercer, Oliver, Morton, Dunn, Stark, Hettinger, Adams, Billings, Bowman and McKenzie.

Roll call demanded.

The question being on the amendment:

The roll was called and there were ayes 25; nays 24; absent and not voting, 0.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	LaMoure	Steele of Stutsman
Bessesen	Linde	Steele of Renville
Davis	Martin	Stevens
Ganssle	McDonald	Trimble
Garden	McLean	Wallin
Gibbens	Overson	Welch
Jacobsen	Pierce	Williams
Johnson	Simpson	Young
Kretschmar		

Those who voted in the negative were:

Mossrs.—	Messrs.—	Messrs.—
Baker	Gronvold	Ruzicka
Carter	Gunderson	Syvertson
Cashel	Hookway	Talcott
Duis	Kennedy	Thoreson
Duncan	McDowell	Turner
Elken	Movius	Walton
Ellingson	Plain	Welo
Gilbert	Putnam	Whitcher

So the motion prevailed and
The amendments were adopted.

Mr. Bessesen moved

That Senate Bill No. 220 be amended as follows:

Strike out all of said bill after Section 1 and insert in place thereof the following:

Section 1. The state of North Dakota is hereby divided into three Congressional districts, each of which is entitled to elect one representative to the congress of the United States.

Sec. 2. First District Defined.) The counties of Pembina, Cavalier, Towner, Walsh, Nelson, Grand Forks, Steele, Traill, Cass, Ransom, Sargent, Richland and Griggs shall constitute the First Congressional District.

Sec. 3. Second District Defined.) The counties of Bottineau, Rolette, McHenry, Pierce, Benson, Sheridan, Wells, Eddy, Foster, Stutsman, Barnes, Kidder, Emmons, Logan, McIntosh, LaMoure, Dickey and Ramsey shall constitute the Second Congressional District.

Sec. 4. Third District Defined.) The counties of Divide, Burke, Renville, Ward, Mountrail, Williams, McKenzie, McLean, Dunn, Mercer, Oliver, Billings, Stark, Morton, Hettinger, Bowman, Adams and Burleigh shall constitute the Third Congressional District.

Which amendment was lost.

Mr. Talcott moved that the bill be changed to read as follows:

A BILL

For an Act to Divide the State of North Dakota into Three (3) Congressional Districts and Defining the Boundaries of Each of Said Congressional Districts of the State of North Dakota.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Until otherwise provided by law, the state of North Dakota shall be, and is hereby divided into three (3) congressional districts as follows, to-wit:

The First congressional district shall consist of the counties of Pembina, Walsh, Grand Forks, Ramsey, Cavalier, Towner, Benson, Pierce, McHenry, Rolette, Bottineau, Renville, Burke, Ward, Mountrail, Divide and Williams, 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 Traill, Cass, Richland, Sargent, Ransom, Barnes, Griggs, Eddy, Foster, Stuts-

man, LaMoure, Dickey, McIntosh, Logan, Wells and Steele, and shall be entitled to one representative in congress who shall be elected at the general election every two years.

The Third congressional district shall consist of the counties of McKenzie, Dunn, Mercer, McLean, Oliver, Morton, Stark, Billings, Bowman, Adams, Hettinger, Burleigh, Emmons, Kidder and Sheridan, and shall be entitled to one representative in congress, who shall be elected at the general election every two years.

Which motion was lost.

Mr. Simpson moved, as an amendment:

That the last section of the bill as amended read as follows:

The provisions of this act shall not be in force until the Congress of the United States has authorized three representatives to congress from the state of North Dakota.

Which motion prevailed, and
The amendment was adopted.

Senate Bill No. 220.

A bill for an act to divide the state of North Dakota into three (3) congressional districts, and defining the boundaries of each said congressional 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 26; nays 23; absent and not voting, 0.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	LaMoure	Steel of Stutsman
Davis	Linde	Stevens
Duncan	Martin	Syvertson
Ganssle	McDonald	Trimble
Garden	McLean	Wallin
Gibbens	Overson	Welch
Jacobsen	Pierce	Williams
Johnson	Simpson	Young
Kretschmar	Steele of Renville	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Gronvold	Ruzicka
Bessesen	Gunderson	Talcott
Carter	Hookway	Thoreson
Cashel	Kennedy	Turner
Duls	McDowell	Walton
Elken	Movius	Welo
Ellingson	Plain	Whitcher
Gilbert	Putnam	

So the bill passed and the title was agreed to.

Mr. Steele moved

That the vote by which Senate Bill No. 220 as amended was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,

March 2, 1911.

Mr. President:

I have the honor to transmit herewith

Senate Bill No. 252.

A bill for an act to amend Section 1541 of the Revised Codes of 1905, relating to tax lists made out by county auditors.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Williams moved

That the senate do now adjourn.

Which motion prevailed, and
The senate adjourned.

JAMES W. FOLEY,
Secretary.

FIFTY-NINTH DAY.

SENATE CHAMBER.

BISMARCK, NORTH DAKOTA,

March 2, 1911.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All 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 of the 57th day after recess, and 58th day, have carefully examined the same and recommend that the same be corrected as follows:

Page 27, line 24, word "according" be change to "pursuant."

Page 34, line 9, word "sale" be changed to "same."

Page 34, after line 9 from the bottom, insert the following: "continuation of his office."

Page 35, line 12 from the bottom, after the word "Laws" insert the following: "relating to druggist's permits."

Page 55, below line 30, insert the following: "Mr. President: Your committee on judiciary to whom was referred."

Page 65, in the list of those who voted in the affirmative on Senate Bill No. 331, between the names "Gronvold" and "Hookway" insert the name "Gunderson." In the list of those absent and not voting, same bill, strike out the name "Gunderson."

Page 75, strike out all of lines 3 and 4 from the bottom.

Page 77, after line 2, insert the words: "Mr. President:"

Page 91, line 10, change the word "communications" to "message."

Page 94, "Senate Bill No. 25" be changed to read "House Bill No. 25." Also change title following to that of House Bill No. 25.

Page 94, line 13 from the bottom, the word "prevailed" be stricken out and the words "was lost" be inserted in lieu thereof.

Page 95, in the list of affirmative votes, strike out the name "Bessesen." Insert name "Bessesen" in the list of those absent and not voting on same page.

Page 97, below line 22, insert the following: "Which motion prevailed."

Page 102, line 6, "House Bill No. 293" be changed to "Senate Bill No. 293." Also strike out title following and insert in lieu thereof the title to Senate Bill No. 293.

And when so amended recommend that the same be approved.

J. E. STEVENS,
Chairman.

Mr. Stevens moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

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. 145.

A bill for an act to provide for making permanent improvements at the State Normal school at Valley City, 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 be amended as follows:

That the line "for a building for industrial arts, \$50,000." be stricken out. That the figures at the end of section 1 be changed to read "\$55,000."

And when so amended recommend the same do pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 72.

A bill for an act to appropriate the sum of sixty-five thousand 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 figures in line 2 of section 1 of the engrossed bill be changed to read "sixty thousand dollars."

And when so amended recommend the same do pass.

J. LAMOURE,
Chairman

Mr. LaMoure moved
That the report be adopted
Which motion prevailed, and
The report was adopted.

Also,

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 300.

A bill for an act providing for the erection of a stand-pipe near the capitol building, the sinking of one or more wells, the improvement of the capitol grounds, the purchase of a pump and necessary machinery to operate same and making an appropriation therefor.

Have had the same under consideration and recommend that the same be amended as follows:

In section 2 of the engrossed bill strike out the words "In the state treasury, not otherwise appropriated," and insert in lieu thereof the words "in the capitol building fund."

And when so amended recommend the same do pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted

Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 155.

A bill for an act to provide for the establishment and gov-
ernment of a State Tuberculosis sanitarium.

Have had the same under consideration and recommend
that the same be amended as follows:

In section 8, strike out the figures "\$15,000." for an administration build-
ing, and insert in lieu thereof the figures "\$25,000."
That the total be changed to read "\$37,500."

And when so amended recommend the same do pass.

J. LaMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also,

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 283.

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 words "thirty thousand" in the original bill, in section 1
thereof, be stricken out and the words "fifteen thousand" be inserted in
lieu thereof.

And when so amended recommend the same do pass.

J. LaMOURE,
Chairman.

Mr. LaMoure moved

That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also,

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 52.

A bill for an act to appropriate money for the buildings,
live stock, machinery and other equipment for the Het-
tinger sub-experiment station.

Have had the same under consideration and recommend
that the same do pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 123.

A bill for an act making an appropriation for a store-
house on the Rock Island Military Wood reservation near
Devils Lake, North Dakota.

Have had the same under consideration and recommend
that the same do pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on appropriations to whom was referred

House Bill No. 122.

A bill for an act to provide furniture for the new dormitory, and to complete and make adequate the heating plant of the State Normal school at Valley City, and making appropriation therefor.

Have had the same under consideration and recommend that the same do pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 81.

A bill for an act to appropriate money for maintenance, equipment and permanent improvements at the state university of North Dakota.

Have had the same under consideration and recommend that the same do pass.

J. LAMOURE,
Chairman.

Mr. LaMoure Moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 274.

A bill for an act to run a survey or surveys from the Mouse river to Devils lake for the purpose of determining the feasibility of draining the surplus flood waters of the Mouse river into Devils lake; and making an appropriation therefor.

Have had the same under consideration and recommend that the same do pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also,

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 293.

A bill for an act providing for the extension of the state street car line from the capitol down 9th street to a point at or near Broadway in the city of Bismarck—thence to the state penitentiary; and providing for its equipment and making an appropriation therefor.

Have had the same under consideration and recommend that the same do pass.

J. LA MOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed.
The report was adopted.

Also,

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 276.

A bill for an act to provide for making needed 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.

J. LAMOURE,
Chairman.

Mr. LaMoure moved

That the report be adopted.
Which motion prevailed,
The report was adopted.

Also,

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 109.

A bill for an act appropriating money to provide needed equipment, permanent improvements, repairs, employes' wages, officers' salaries, messengers, railway fares and express charges in the transportation of fish, for the North Dakota state fish hatchery at Fish Lake in Rolette county, North Dakota.

Have had the same under consideration and recommend that the same do pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also,

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 176.

A bill for an act to amend Sections 2 and 4 of Chapter 174 of the Session Laws of 1907.

Have had the same under consideration and recommend that the same do pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 210.

A bill for an act to encourage elementary education in
North Dakota and appropriate money therefor.

Have had the same under consideration and recommend
that the same do pass.

J. LA MOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 190.

A bill for an act providing for aid to the poor, consisting
of persons convicted of crime who have been placed upon
probation subject to the provisions of law, or who have
been paroled or whose term of imprisonment has expired,
and making an appropriation therefor.

Have had the same under consideration and recommend
that the same do pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 11.

A bill for an act to create a permanent non-partizan tax
commission, defining its power and duties and making an
appropriation for the maintenance thereof.

Have had the same under consideration and recommend that the same be amended as follows:

In section 2 of the engrossed bill strike out the following words: "the three persons first to compose said board shall be appointed within ten days after the passage and approval of this act, and before the adjournment of the present legislature if practicable."

In section 14 strike out the figures "\$19,500," and insert the figures "\$4,000."

Strike out all of Section 15 after the word emergency, and insert the following: "Whereas, the finances of the state will not warrant the full expense to be incurred hereunder, it is hereby provided that this act shall take effect July 1, 1912, and that the appointments shall not be made until after July 1, 1912, the same to be thereafter confirmed by the senate in the legislative session of 1913."

And when so amended recommend the same do pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

The committee on live stock made the following report:

Mr. President:

Your committee on live stock to whom was referred

House Bill No. 443.

A bill for an act to amend Section 2020 of the Revised Codes of 1905, relating to registration fees and compensation of the state board of veterinary examiners.

Have had the same under consideration and recommend that the same be amended as follows:

In line 11 of the printed bill change "reserve" to "received."

And when so amended recommend the same do pass.

J. H. WHITCHER,
Chairman.

Mr. Whitcher moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on live stock to whom was referred
House Bill No. 74.

A bill for an act to amend Section 19, 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 re-referred to the committee on appropriations.

J. H. WHITCHER,
Chairman.

Mr. Whitcher moved
That the report be adopted.
Which motion prevailed, and
The report 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. 427.

A bill for an act to withdraw from sale or rent certain school land in Dunn county.

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 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. 422.

A bill for an act to amend and re-enact Section 1385, Revised Codes of 1905, limiting the cost of bridges over navigable rivers.

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 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. 436.

A bill for an act to license and regulate hospitals, sanitariums and other institutions, and for the protection of patients therein.

Have had the same under consideration and recommend that the same do pass.

F. T. GRONVOLD,
Chairman.

Mr. Gronvold moved

That the report be adopted

Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on public health to whom was referred
House Bill No. 62.

A bill for an act entitled, an act prohibiting and making it a misdemeanor to manufacture, sell, barter, exchange or give away cigarettes.

Have had the same under consideration and recommend that the same do pass.

F. T. GRONVOLD,
Chairman.

Mr. Gronvold moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 69.

A bill for an act to provide for the ascertaining and giving notice of the title of 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 do pass.

H. H. STEELE,
Chairman.

Mr. Steele moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 183.

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 do pass.

H. H. STEELE,
Chairman.

Mr. Steele moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

The committee on corporations other than municipal made the following report:

Mr. President:

Your committee on corporations other than municipal to whom was referred

House Bill No. 420.

A bill for an act to amend Section 2826 of the Revised Codes of North Dakota for the year 1905, as amended by Chapter 58 of the Session Laws, for the year 1909, 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.

C. W. HOOKWAY,
Chairman.

Mr. Hookway moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also

Mr. President:

Your committee on corporations other than municipal to whom was referred

House Bill No. 420.

A bill for an act to amend Section 2826 of the Revised Codes of North Dakota for the year 1905, as amended by Chapter 58 of the Session Laws, for the year 1909, 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.

C. W. HOOKWAY,
Chairman.

Mr. Hookway moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred

House Bill No. 385.

A bill for an act to require railroad companies to provide telephone connections with their offices in towns, cities and villages in this state, where there is a local telephone exchange, and providing penalty 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 was adopted.

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred

House Bill No. 241.

A bill for an act to amend Chapter 145, laws of 1907, being, an act to prohibit the issuance of non-participating policies of certain life insurance companies.

Have had the same under consideration and recommend that the same be referred back without recommendation.

L. A. SIMPSON,
Chairman.

Mr. Simpson moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 43.

A bill for an act appropriating money for the purpose
of parking and otherwise improving the grounds of the
White Stone Hills Memorial Park in the state of North
Dakota, and to pay for labor and improvements heretofore
made thereon.

Have had the same under consideration and recommend
that the same do not pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely
postponed.

Also

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 140.

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, hav-
ing a historical value.

Have had the same under consideration and recommend
that the same do not pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely
postponed.

Also,

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 346.

A bill for an act to create a commission for the purpose of inquiring into the present system of assessing and collecting taxes; and to make a report thereof, and to make recommendations according to its findings and conclusions, to the Thirteenth legislative assembly.

Have had the same under consideration and recommend that the same do not pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 125.

A bill for an act to create a legislative "committee on uniform methods for public accounts," prescribing its powers, duties and the service it shall render in creating and enforcing the use of standard and uniform accounting methods, for all state officers, state institutions, all public institutions under the control of the state, county officers, municipalities, and school districts, as hereinafter provided.

Have had the same under consideration and recommend that the same do not pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 190.

A bill for an act creating and establishing an agricultural experiment station to be located at or near the town of Ellendale, in Dickey county, in connection with the state normal-industrial school, under the management of the board of trustees of said institution, and under the direction of the North Dakota Agricultural college, and making an appropriation therefor.

Have had the same under consideration and recommend that the same do not pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 127.

A bill for an act appropriating money for erecting and equipping a dairy laboratory, a recitation hall and a boys' dormitory at the North Dakota Agricultural college at Fargo.

Have had the same under consideration and recommend that the same do not pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 291.

A bill for an act authorizing the state auditing board to audit any claims the county of Dickey in said state, may have against the state of North Dakota, for moneys paid the state on collections of taxes by sale of lands, which sales were thereafter declared illegal and the county was compelled to refund the amount of such sales money with interest and no part of which has been refunded the county, which was paid the state on such sales, and making an appropriation therefor.

Have had the same under consideration and recommend that the same do not pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 111.

A bill for an act amending Section 1070 of the Revised Codes of North Dakota for 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 do not pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.

Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 191.

A bill for an act making an appropriation for permanent improvements at the state normal-industrial school, located at Ellendale, Dickey county, North Dakota.

Have had the same under consideration and recommend that the same do not pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 83.

A bill for an act to provide an appropriation for the current and contingent expenses of the state hospital for the insane of North Dakota, at Jamestown.

Have had the same under consideration and recommend that the same do not pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

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 to provide funds to reimburse the counties whose treasurers paid reward for arrest and conviction of violaters of the prohibition law, according to Section 9395, of the Revised Codes of 1905, which section provides for a reward of fifty (\$50) dollars for each conviction, to be paid by the county treasurer upon the order of the court in which the conviction was made, and for which payment the county treasurer shall be allowed to withhold taxes due the state any such amounts as he may have paid.

Have had the same under consideration and recommend that the same do not pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on appropriations to whom was referred House Bill No. 295.

A bill for an act providing for the erection of an addition to power house upon the agricultural college grounds in which shall be given instructions in carpentry, plumbing, bricklaying and kindred trades, and to install therein necessary equipment, providing for the maintenance of the same, and making an appropriation therefor.

Have had the same under consideration and recommend that the same do not pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 73.

A bill for an act making an appropriation to meet the deficiency incurred by the State Live Stock Sanitary board in carrying out the purpose of Chapter 169 of the Session Laws of 1907.

Have had the same under consideration and recommend that the same do not pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 127.

A bill for an act making appropriation for the Mayville State Normal school located at Mayville, North Dakota, for hospital, green house, fuel bin, library, museums, boiler, grounds, lecture course, manual training and domestic science, and improvements on ventilating system, and for re-

imbursement of money transferred from local and interest and income funds.

Have had the same under consideration and recommend that the same do not pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 376.

A bill for an act to provide for the carrying on of a campaign of education against tuberculosis and making an appropriation therefor

Have had the same under consideration and recommend that the same do not pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 7.

A bill for an act making appropriation to pay balance due on girls' dormitory and domestic science laboratory, and for the equipment and furnishing of same; for the installation of a boiler and smoke stack for the heating plant,

and for the purchase of additional land for the use of the government experiment station at Fargo.

Have had the same under consideration and recommend that the same do not pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 43.

A bill for an act appropriating money for the purpose of building and equipping a chemistry building and laboratories for the North Dakota Agricultural college at Fargo, North Dakota.

Have had the same under consideration and recommend that the same do not pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 165.

A bill for an act to create a bureau of inspection and supervision of public offices, and to establish a uniform

system of public accounting, auditing and reporting, under the administration of the state examiner.

Have had the same under consideration and recommend that the same do not pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 218.

A bill for an act making an appropriation for the normal school at the city of Minot to meet the expenditure for the erection of buildings and permanent improvements necessary in connection therewith, and for furnishings, equipment and maintenance.

Have had the same under consideration and recommend that the same do not pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on appropriations to whom was referred

House Bill No 66.

A bill for an Act to provide additional maintenance for the Government Experiment Station and North Dakota Agricultural College at Fargo.

Have had the same under consideration and recommend that the same do not pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on appropriations to whom was referred

House Bill No. 400.

A bill for an act to amend and re-enact Section 1310 and adding new sections, relating to county and state aid of county fairs, and making appropriation therefor.

Have had the same under consideration and recommend that the same do not pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on appropriations to whom was referred

House Bill No. 266.

A bill for an act to appropriate money for a root cellar and for the purchase of brood mares for the Edgeley ex-

periment station, located at the city of Edgeley in LaMoure county.

Have had the same under consideration and recommend that the same do pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also,

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 182.

A bill for an act making appropriations for the current and contingent expenses of the State Reform school of North Dakota, and for making permanent improvements thereto.

Have had the same under consideration and recommend that the same do not pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 286.

A bill for an act to provide for the completion of a school building and making necessary improvements at the school for the deaf and dumb at Devils Lake, North Dakota, and making an appropriation therefor.

Have had the same under consideration and recommend that the same do not pass.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

J. LAMOURE,
Chairman.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 119.

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 not pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 337.

A bill for an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

Have had the same under consideration and recommend that the same do not pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 112.

A bill for an act amending Section 2400 of the Revised Codes of 1905, relating to additional powers of the board of county commissioners.

Have had the same under consideration and recommend that the same do not pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 313.

A bill for an act to provide for the establishment, organization, regulation, and management of a state board of health, county boards of health, township boards of health, city boards of health and village boards of health, and making an appropriation for the expenses of the state board of health.

Have had the same under consideration and recommend that the same do not pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 193.

A bill for an act to amend and re-enact Section 2401, Article 10, Chapter 28 of the Revised Codes of 1905, relating to the duties of boards of county commissioners, superintend county fiscal affairs and providing for auditing and checking of officers.

Have had the same under consideration and recommend that the same do pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 378.

A bill for an act to amend and re-enact Chapter 196 of the Session Laws of 1909, relating to auditor's notice of tax sale.

Have had the same under consideration and recommend that the same do pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted.
Which motion prevailed, and
The report was adopted

Also

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 402.

A bill for an act to prohibit the manufacture, use and sale of blank cartridges, fire arms, certain fire crackers and certain other explosives.

Have had the same under consideration and recommend that the same do pass.

J. E. DAVIS,
Chairman,

Mr. Davis moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on state affairs to whom was referred

House Bill No. 419.

A bill for an act to amend Section 10430 of the Revised Codes of North Dakota of 1905, relating to the appointment and obligations of jailers, and the manner of fixing compensations to be allowed for jailer's services.

Have had the same under consideration and recommend that the same do pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted.
Which motion prevailed, and

The report was adopted.

Also,

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 357.

A bill for an act to amend section 4483 of the Revised
Codes of 1905, relating to terms of office of boards of
directors of county mutual companies.

Have had the same under consideration and recommend
that the same do pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 257.

A bill for an act to provide for the better preservation
of all plats and plans on file in the register of deeds office
in organized counties.

Have had the same under consideration and recommend
that the same do pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on state affairs to whom was referred .

House Bill No. 421.

A bill for an act entitled, an act to prevent the placing of dependent children in family homes, for pay, by midwives, maternity hospitals and others.

Have had the same under consideration and recommend that the same do pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 410.

A bill for an act to amend Sections 2231, 2232, 2233 and 2234 of the Revised Codes of 1905, relating to abstractors of titles.

Have had the same under consideration and recommend that the same be amended as follows:

In line 18, page 2 of the printed bill, strike out the word "surety."
In line 22, page 2, strike out the word "surety."
In line 41, page 3, change "two" to "three."
In line 43, page 3, change "three" to "five."
In line 44, page 3, change "four" to "eight."
In line 46, page 3, change "five" to "ten."

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on state affairs to whom was referred

House Bill No. 447.

A bill for an act creating a commisison to have charge of installing and maintaining an exhibit of the products and resources of the state of North Dakota at the Panama-Pacific International Exposition, and appropriating money to pay the expenses thereof.

Have had the same under consideration and recommend that the same be amended as follows:

In line 1, section 2, of the printed bill, strike out the word "five" and insert "one" in lieu thereof.

In line 4, section 2, strike out the word "and" and insert "or" in lieu thereof.

In line 4½ of section 2, after the word "deputy" strike out "and."

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also,

Mr. President:

Your committee on state affairs to whom was referred

House Bill No. 344.

A bill for an act to prohibit the appointment to any state, county or municipal situation, of clerks, bookkeepers, typewriters, shorthand writers or other office amanuensis who are not citizens of the United States (or who have not declared intention to become such) or who are not bona fide residents of North Dakota.

Have had the same under consideration and recommend that the same do not pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

The committee on appropriations made the following report:

Mr. President:

A minority of your committee on appropriations to whom was referred

House Bill No. 61.

A bill for an act making an appropriation for the establishing of the Harvey Agricultural experiment station and for conducting agricultural experiments thereat.

Have had the same under consideration and recommend that the same be amended as follows:

Strike out all of said bill after the words "A Bill" in the title, and insert in place thereof the following:

"For an Act Making an Appropriation for an Agricultural Expert to be Employed for the Purpose of Giving Expert Advice to the Farmers of Wells County in Matters Relating to General Farming and Farm Management, and to Have his Headquarters at Harvey, North Dakota.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Appropriation.) There is hereby appropriated out of the funds of the state treasury, not otherwise appropriated, the sum of twenty-five hundred dollars annually for the purpose of providing for an agricultural expert, to be employed at the city of Harvey in Wells county for the purpose of giving expert advice to the farmers of said county in matters relating to general farming and farm management. Said expert shall also, if desired, be required to teach agriculture in the high school of Harvey for a period of not less than four months each winter; and also, if desired, aid in the organization of agricultural clubs or societies in said city of Harvey and in Wells county. Provided, however, that said agricultural expert shall be a regular graduate of an agricultural college and shall be appointed by and shall act under the direction and superintendence of the directors of the government experiment station at Fargo. Provided, further, that the annual salary of said expert shall be eighteen hundred dollars, and his annual expense shall not exceed the sum of seven hundred dollars, which expenses shall be paid upon the itemized voucher of the president of the agricultural college, duly certified and filed with the state auditor.

Section 2. Emergency.) Whereas, an emergency exists in that the legislative assembly of 1909 established an experiment station at Harvey, North Dakota; and whereas, there is no appropriation for the same; and whereas, there is great and urgent need for an agricultural expert to instruct the farmers in that territory; therefore this act will take effect and be in force from and after its passage and approval."

And when so amended recommend the same do pass.

H. J. LINDE,
P. T. KRETSCHMAR,
L. A. SIMPSON,
T. WELO.

Mr. Bessesen moved
That the minority report be adopted.
Which motion was lost.

Also

Mr. President:

A majority of your committee on appropriations to whom
was referred

House Bill No. 61.

A bill for an act making an appropriation for the estab-
lishing of the Harvey Agricultural experiment station and
for conducting agricultural experiments thereat.

Have had the same under consideration and recommend
that the same do not pass.

J. LAMOURE,
Chairman.

Mr LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely
postponed.

REPORT OF CONFERENCE COMMITTEE.

Pursuant to the motion made and carried in the House
on the 25th day of February to the effect "that the House
did not concur in the Senate amendments to House Bill No.
23, and that a conference committee be appointed, the
President appointed upon said committee Messrs. Putnam,
Talcott and Davis of the Senate, and the Speaker appointed
upon said committee Messrs. Nestos, Burnett and Harty
of the House. Said conference committee begs leave to
report as follows:

Said conference committee met on March 1st, 1911, and thoroughly con-
sidered House Bill No. 23, and agreed to the following, viz.:

That after the word "all" in the first line of section 179, the word "tax-
able" be inserted.

That the first word "all" in line 4 of section 179 be stricken out, and
the word "the" inserted, and that the words "including franchises" be in-
serted after the word "property" in the same line, and that at the close of
section 179 the following sentence be added:

"But should any railroad allow any portion of its railway to be used for any purpose other than the operation of a railroad thereon, such portion of its roadway, while so used, shall be assessed in the manner provided for the assessment of other real property."

And when so amended, your conference committee unanimously recommends that said House Bill No. 23 do pass.

Dated, March 1st, 1911.

S. N. PUTNAM,
F. S. TALCOTT,
J. E. DAVIS,
W. J. BURNETT,
H. C. HARTY,
R. E. NESTOS.
Conference Committee.

Mr. Putnom 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 2, 1911.

Mr. President:

I have the honor to return herewith

Senate Bill No. 246.

A bill for an act to prohibit the carrying and use of firearms by children and minors.

Also

Senate Bill No. 198.

A bill for an act to amend and re-enact Section 7387 of Article 4 of Chapter 27 of the Revised Codes of North Dakota for the year 1905.

Also,

Senate Bill No. 275.

A bill for an act authorizing the county commissioners to condemn and purchase right of way for highways when-

ever the cost of constructing such highway or any part thereof is to be borne by the county.

Which the House has passed unchanged.

Very Respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith

Senate Bill No. 142.

A bill for an act to amend Sections 1821 and 1828 of the Revised Codes of 1905, as amended in Chapter 93 of the Session Laws of 1907, and also to amend Section 1825 of the Revised Codes of 1905, relating to drainage.

Which the House has amended as follows:

Add after the word "thereto" on line 60, page 4 of the printed bill, the following words: "Should two-thirds of the land owners whose land is subject to assessment for the construction of the proposed drain believe that the benefits to be derived are not equal to the expense of the construction, they may petition the Board of Drain Commissioners to have further proceedings discontinued, whereupon the said board shall by resolution order further proceedings discontinued."

In line 19, page 5 of the printed bill, after the word "should" add the following words, "two-thirds of," and after the word "owners" on the same line, strike out the words "representing the major portion of the land."

In line 20, page 5, strike out the last three words and all in lines 21, 22, 23 and the first six words in line 24.

In line 40, page 6, strike out the last three words and all of lines 41, 42, 43, 44, 45, 46, 47, 48 and 49 inclusive.

Section 3. Amendment.) Condemning Right of Way Under Certain Conditions.) Any person, firm or corporation, either alone or in company with others, may petition the drainage board for a drain, and deposit with the chairman of the drainage board a good and sufficient bond to be approved by the drainage board, conditioned that the petitioner will pay all costs of the proposed drain. Then the drainage board shall, within ten days commence proceedings for the construction of said drain according to the provisions of chapter 23 of the Code of North Dakota of 1905. No person, firm or corporations, except the petitioners above mentioned, shall dig or construct any lateral ditch or drain that will conduct the flow of water from any land or lands into any drain constructed under the provisions of this section. Provided, that any person or persons, firm or corporation, may petition the drainage board for the privilege of digging ditches or lateral drains into the original ditch; and thereupon the drainage board shall estimate and determine the proportionate share of the cost of the main or original drain and the exact amount which should be paid by such petitioners. The said petitioners may pay into the county treasury

the amount so determined, and they shall then be allowed to connect their lateral ditches or drains with the main drain under the direction and superintendence of the drainage board, but at their own cost and expense. The money paid into the county treasury, as aforesaid, shall be divided among those persons, their heirs or assigns, who paid for the original or main drain, in proportion to the amount paid by each.

Section 4. Compensation.) The drain commissioners shall receive for their services such amount not less than three nor exceeding four dollars per day for the time actually spent by them in the performance of the duties of their office, such per diem to be fixed by the board of county commissioners; provided, the said drain commissioners shall render an itemized and varified statement showing the date or dates when their services were rendered, and not more than the compensation for one day shall be allowed to them for services rendered in any one calendar day of twenty-four hours.

In the printed bill, change section 3 to 5 and section 4 to 6.

In the heading strike out the words "Senator Cashel," and insert the words "Messrs. Cashel and Burnett."

In the title after the word "Drainage," strike out the period and add: "Protest. Right of Way. Compensation."

And passed as amended.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith

Senate Bill No. 69.

A bill for an act to amend Section 2592 of the Revised Codes of North Dakota for 1905, as amended by Chapter 70 of the Laws of the State of North Dakota for 1907, relating to the salary of county auditors.

Also,

Senate Bill No. 21.

A bill for an act to appropriate the sum of sixty thousand 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. 129.

A bill for an act concerning insurance contracts and providing that contracts of insurance made by any company belonging to or member of or in any way connected with any tariff association or such like thing by whatever name called, shall be construed to add twenty-five per cent to the

face of the policy or contract of insurance in addition to the actual loss or damage suffered; providing that the jury or court finding certain facts must add the amount of said penalty to the verdict, and providing for a liberal construction of this act.

Also,

Senate Bill No. 183.

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. 245.

A bill for an act to amend and re-enact Sections 1, 2, 3, 4, 7, 8 of Chapter 260 of the Session Laws of the state of North Dakota for the year 1907, to repeal Sections 5 and 6 thereof and to repeal Chapter 258 of the Session Laws of the state of North Dakota for the year 1907, relating to the prohibition of unfair discrimination between different sections, communities or localities, unfair competition and providing penalties for the violation thereof.

Which the House has indefinitely postponed.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith

Senate Bill No. 312.

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

Senate Bill No. 315.

A bill for an act to amend Section 5642 of the Revised Codes of the state of North Dakota for the year 1905, providing for the termination of liability of common carriers.

Also

Senate Bill No. 336.

A bill for an act to amend and re-enact Section 6187 of the Revised Codes of North Dakota, for 1905.

Also,

Senate Bill No. 342.

A bill for an act to amend Section 8089 of the Revised Codes of the state of North Dakota for 1905, relating to exempt personal property and the disposition thereof.

Also,

House Bill No. 344.

A bill for an act to prohibit the appointment to any state, county or municipal situation, of clerks, bookkeepers, typewriters, shorthand writers or other office amanuensis who are not citizens of the United States (or who have not declared intention to become such) or who are not bona fide residents of North Dakota.

Also

Senate Bill No. 368.

A bill for an act defining the crime of inveighling females into houses of ill fame or of assignation, or elsewhere, for the purpose of prostitution or immoral relations, and prescribing the punishment therefor.

Which the House has indefinitely postponed.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith

Senate Bill N. 210.

A bill for an act to amend sections 4638, 4641, and 4664 of the Revised Codes of 1905, relating to state banking corporations; creating a separate banking department; and providing for placing banking and other financial corporations within the jurisdiction and control of the same.

Which the House has amended as follows :

On page 13, section 5, line 3 of the printed bill, strike out the word "twenty" and substitute the word "twenty-nine."

Where the words "twenty thousand" appear they shall be stricken out and words "ten thousand" inserted in lieu thereof, and where the words "thirty-five thousand" appear, they shall be stricken out and the words "twenty-five thousand" inserted in lieu thereof.

And passed as amended.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith
House Bill No. 23.

A concurrent resolution amending the constitution of the state of North Dakota, relating to uniformity of taxation and permitting the classification of property for the purpose of taxation and relating further to the assessment and taxation of certain public utility companies.

As requested by the Senate.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

MOTIONS AND RESOLUTIONS.

Mr. Pierce introduced the following resolution:

WHEREAS, The House of Representatives of this Legislative Assembly has resolved to present articles of impeachment against one of the honorable judges of the District Court of this state; and

WHEREAS, It is desirable to effect arrangements satisfactory to the Senate and to the parties to said proceedings to the end that such impeachment proceedings may be speedily determined and the ends of justice fully attained;

Therefore, Be it Resolved:

That the chair appoint a committee of three, to confer with the managers of said impeachment proceedings appointed by the house, and with the accused and his representatives, and to ascertain and report to this body before the close of today's session, such a date as will best suit the convenience of the Senate and of the parties to the said impeachment proceedings for the trial thereof, and such other details as may be necessary or proper for the further conduct of such proceedings by the Senate.

Mr. Pierce moved

That the resolution be adopted.
Which motion prevailed, and
The resolution was adopted.

The President announced the appointment of Messrs. Pierce, Davis and Duis as Senate members on the conference committee in connection with the Cowan impeachment proceedings.

Mr. Hookway introduced the following resolution:

WHEREAS, The salary allowance of the chief clerk of the Senate mailing force was inadvertently fixed at the rate of four dollars per day, instead of five dallars; and

WHEREAS, The salary of the mailing force of the House was fixed at five dollars per day. In order to have the pay for each branch of the Assembly the same,

Therefore, Be it Resolved:

That an extra allowance of one dollar per day, or a total allowance of sixty dollars, be given to W. C. Mitchell, chief mailing cerk, and the secretary of the Senate be authorized to prepare proper voucher therefor as a legitimate legislative expense.

Mr. Hookway moved
That the resolution be adopted.
Mr. Steele moved

That the resolution be referred to the committee on state affairs.

Which motion was lost.

The question being on the original motion.

The motion prevailed, and
The resolution was adopted.

Mr. Martin moved

That House Bill No. 414 be placed on its third reading and final passage.

Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 259.

A bill for an act providing for the nomination of candidates for office by popular vote at a primary election, and the registration and enrollment of party affiliation.

Was read the first and second times and

Referred to the committee on judiciary.

House Bill No. 448.

A bill for an act to provide for the direct election of delegates to the national convention of the different political parties, and for the expression of the popular choice for nominees for president and vice president and for the direct election of national committeemen for different political parties.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 29.

A bill for an act to provide for the establishment and maintenance of department of agriculture, manual training and domestic economy in state, high, graded and consolidated schools.

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 399.

A bill for an act to amend and re-enact Section 2402 of the Revised Codes of North Dakota for the year 1905.

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 53.

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, Langdon and Hettinger.

Was read the first and second times, and

Referred to the committee on appropriations.

House Bill No. 434.

A bill for an act entitled, an act for the purpose of governing the construction of public school buildings and providing for the inspection, ventilation and sanitation thereof.

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 252.

A bill for an act to divide the State of North Dakota into three (3) congressional districts, and defining the boundaries of each of said congressional districts of the state of North Dakota.

Was read the first and second times, and

Referred to the committee on apportionment.

House Bill No. 23.

A concurrent resolution amending the constitution of the state of North Dakota, relating to uniformity of taxation and permitting the classification of property for the purpose of taxation and relating further to the assessment and taxation of certain public utility companies.

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 48 ayes, 1 nay, none absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs:—	Messrs.—
Allen	Hookway	Simpson
Baker	Jacobsen	Steel of Stutsman
Bessesen	Johnson	Steele of Renville
Carter	Kennedy	Stevens
Cashel	Kretschmar	Syverson
Davis	LaMoure	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Trimble
Elken	McDonald	Turner
Ellingson	McDowell	Wallin
Ganssle	McLean	Walton
Garden	Overson	Welo
Gibbens	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young

Mr. Movius voted in the negative.

So the bill passed and the title was agreed to.

House Bill No. 353.

A bill for an act to amend sections 1295, 1297 and 1298 of the Revised Codes of North Dakota of 1905, and section 1296 of the Revised Codes of 1905 as amended by the Legis-

lative Assembly of 1909, being chapter 13 of the Revised Codes of 1905, 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 47 ayes, no nays, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steele of Renville
Baker	Johnson	Steel of Stutsman
Bessesen	Kennedy	Stevens
Carter	LaMoure	Syvertson
Cashel	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welch
Gibbens	Pierce	Welo
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway	Simpson	

Messrs. Davis and Kretschmar were absent and not voting.

So the bill passed and the title was agreed to.

House Bill No. 110.

A bill for an act to provide for the distribution of Blue Books among the district schools 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 46 ayes, no nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Simpson
Baker	Johnson	Steel of Stutsman
Bessesen	Kennedy	Steele of Renville
Carter	LaMoure	Stevens
Cashel	Linde	Syvertson
Duis	Martin	Talcott
Duncan	McDonald	Thoreson

Messrs.—	Messrs.—	Messrs.—
Elken	McDowell	Trimble
Ellingson	McLean	Turner
Ganssle	Movius	Wallin
Garden	Overson	Walton
Gibbens	Pierce	Welo
Gilbert	Plain	Welch
Gronvold	Putnam	Whitcher
Gunderson	Ruzicka	Young
Hookway		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Kretschmar	Williams

So the bill passed and the title was agreed to.

House Bill No. 124.

A bill for an act relating to the construction of public buildings, prescribing the duties of boards of trustees thereof in the matter of securing plans and specifications, advertising for bids, letting contracts, allowance and payment of estimates, payment of premiums on contractor's bonds,

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 42 ayes, 7 nays, none absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Ruzicka
Baker	Jacobsen	Simpson
Bessesen	Johnson	Steel o. Stutsman
Carter	Kennedy	Stevens
Cashel	Kretschmar	Syverson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Turner
Ellingson	McDowell	Wallin
Ganssle	McLean	Walton
Garden	Movius	Welch
Gibbens	Pierce	Whitcher
Gilbert	Plain	Williams
Gronvold	Putnam	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Elken	Overson	Trimble
Hookway	Steele of Renville	Welo
LaMoure		

So the bill passed and the title was agreed to.

House Bill No. 288.

A bill for an act to amend Section 9319 of the Revised Codes of North Dakota for 1905, relating to the abuse of domestic animals and providing punishment therefor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 47 ayes, no nays, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steel of Stutsman
Baker	Johnson	Steele of Renville
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syverson
Cashel	LaMoure	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Trimble
Elken	McDonald	Turner
Ellingson	McDowell	Wallin
Ganssle	McLean	Walton
Garden	Movius	Welo
Gibbens	Overson	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway	Simpson	

Messrs. Davis and Pierce were 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 2, 1911.

Mr. President:

I have the honor to return herewith

Senate Bill No. 74.

A bill for an act to amend Section 1608 of the Revised Codes of 1905, relating to revenue and taxation.

Also

Senate Bill No. 185.

A bill for an act providing for the establishing of savings banks and defining the powers and restrictions of the same.

Also,

Senate Bill No. 265.

A bill for an act to amend Sections 2772, 2775, 2776, 2777, 2786, Revised Codes of 1905, relating to the creation of improvement districts and the purposes for which special assessments may be levied in this state.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith

Senate Bill No. 3C.

A bill for an act amending Section 616 of Article 6, Chapter 8 of the Revised Codes of 1905, titled Elections.

Which the House has amended as follows:

In line 12 of section 616 of the printed bill, after the word "printed" insert the following: "Where there is more than one person to be elected to an office, there shall be printed in plain type immediately under the designation of the office to be voted for, the following words: 'Vote for (number) names only. Mark X after the name to be voted for and cross out names not desired.' The names of the greatest number of candidates for such an office appearing in either of the two left-hand columns, or if said two left-hand columns have an equal number of names, then the first left-hand column, and every second column to the right thereof on said ballot shall be alternated in the printing of said official ballot for each precinct by changing the position of the names in each office division as many times as there are candidates for such office."

And passed as amended.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to inform you that the House has concurred in the amendments to House Bill No. 23 as made by the conference committee, and the House has passed House Bill No. 23 as amended.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

House Bill No. 340.

A bill for an act to amend Section 605 of the Revised Codes of North Dakota for 1905, relating to who is entitled to vote.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 47 ayes, no nays, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Jacobson	Steele of Renville
Bassesen	Johnson	Stevens
Carter	Kennedy	Syvertson
Cashel	Kretschmar	Talcott
Davis	LaMoure	Thoreson
Duis	Linde	Trimble
Duncan	Martin	Turner
Elken	McDonald	Wallin
Ellingson	McDowell	Walton
Ganssle	McLean	Welo
Garden	Movius	Welch
Gibbens	Overson	Whitcher
Gilbert	Plain	Williams
Gronvold	Putnam	Young
Gunderson	Ruzicka	

Messrs. Pierce and Simpson were absent and not voting.

So the bill passed and the title was agreed to.

House Bill No. 237.

A concurrent resolution for amendment of the Constitution, providing for the initiative and referendum, recall of public officers and future amendments to the constitution.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 43 ayes, 6 nays, none absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Simpson
Baker	Jacobsen	Steel of Stutsman
Bessesen	Johnson	Stevens
Carter	Kretschmar	Syvertson
Cashel	LaMoure	Thoreson
Davis	Linde	Trimble
Duis	McDonald	Turner
Duncan	McDowell	Wallin
Ellingson	Movius	Walton
Ganssle	Overson	Welo
Garden	Pierce	Welch
Gibbens	Plain	Whitcher
Gilbert	Putnam	Williams
Gronvold	Ruzicka	Young
Gunderson		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Elken	Martin	Steele of Renville
Kennedy	McLean	Talcott

So the bill passed and the title was agreed to.

House Bill No. 316.

A bill for an act entitled, an act to prevent procreation of confirmed criminals, idiots, imbeciles and repists; providing that superintendents and boards of managers of institutions where such persons are confined, shall have the authority and are empowered to appoint a committee of experts, consisting of two physicians, to examine into the mental condition of such inmates.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 17 ayes, 29 nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Gilbert	Putnam
Bessesen	Gronvold	Steel of Stutsman
Cashel	Gunderson	Stevens
Davis	Jacobsen	Walton
Ellingson	Johnson	Williams
Garden	Overson	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Linde	Syvertson
Carter	Martin	Talcott
Duis	McDonald	Thoreson
Duncan	McDowell	Turner
Elken	McLean	Wallin
Ganssle	Movius	Welch
Gibbens	Plain	Welo
Hookway	Ruzicka	Whitcher
Kennedy	Simpson	Young
Kretschmar	Steele of Renville	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Pierce	Trimble

So the bill was lost.

House Bill No. 401.

A bill for an act to amend and re-enact Section 2979 of the Revised Codes of North Dakota of 1905, relating to increasing the debt limit.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 48 ayes, no nays, 1 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Simpson
Baker	Johnson	Steel of Stutsman
Bessesen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syvertson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welch
Gibbens	Pierce	Welo
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young

Mr. Hookway was absent and not voting.

So the bill was 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, 1911.

Mr. President:

I have the honor to return herewith

Senate Bill No. 102.

A concurrent resolution amending the Constitution of the State of North Dakota, establishing and locating a state agricultural college at the city of Beach, county of Billings.

Also

Senate Bill No. 187.

A bill for an act to encourage elementary education in North Dakota, and appropriate money therefor.

Also

House Bill No. 202.

A bill for an act to appropriate the sum of nine hundred dollars with which to pay the amounts due, under Section 9202, Revised Codes of 1905, for the capture of horse thieves who were afterwards convicted.

Also,

House Bill No. 322.

A bill for an act prescribing a form of venue of notary public, taking acknowledgment to an instrument in a county other than the one in which he resides.

Also

Senate Bill No. 68.

A bill for an act making an appropriation to determine the milling value of cereals, the baking and other economic properties, to provide for experiments and for the publication of the information obtained.

Which the House has indefinitely postponed.

Very respectfully,
E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith
Senate Bill No. 65.

A bill for an act to authorize cities to levy and collect a tax to pay judgments obtained against such cities.

Also

Senate Bill No. 228.

A bill for an act to amend and re-enact Section 1599 of the Revised Codes of 1905, relating to the platting of irregular tracts of land.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to transmit herewith the following concurrent resolution:

WHEREAS, The United States government and state government have from time to time taken steps to preserve places of historic importance or of great natural beauty; and

WHEREAS, Some of these are fast losing their historic and economic value because of the occupation thereof and the changes made therein by society; and

WHEREAS, Killdeer Mountains, in Dunn county, North Dakota, have been adorned by nature with numerous varieties of trees, and its many brooks are used for the propagation of fish; and

WHEREAS, In the said Killdeer Mountains, deer, antelope and other game of many descriptions may be found and some of the many brooks thereof are now used for the propagation of fish; and

WHEREAS, This place was the scene of one of the fiercest and bloodiest battles fought in the Northwest in subduing the Indians and in reclaiming the land to civilized occupation. This battle, "Tahkahokuty," was fought on the 28th day of July, 1864, the American forces being led by Brigadier-General Alfred Sully. Companies of cavalry and infantry from Iowa, Minnesota and Dakota engaged in this battle, in which 2,200 United States soldiers fought and defeated over 6,000 Indians. In this battle several United States soldiers were killed and more were wounded, while 150 Indians were killed; and

WHEREAS, This place is fast losing its historic value and its natural beauty is bemarred by the reasons of the trespass of society thereon; and

WHEREAS, With slight care and an attempt at conservation, its forests would be preserved, its game would increase and multiply, and the propagation of fish would be promoted and advanced;

Therefore, Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Herein:

That we respectfully urge upon the United States Congress at Washington at its earliest opportunity to set aside the land hereinafter described in Dunn county as a natural park and game and fish preserve, the description of the land referred herein being as follows:

In township No. 146, north range No. 96, west of the 5th principal meridian; to-wit:

S. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of section 10.

The S. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of section 10.

The S. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of section 10.

The S. W. $\frac{1}{4}$ of section 10.

All of section 16.

All of section 20.

The N. W. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ and the S. W. $\frac{1}{4}$ of section 22.

The N. W. $\frac{1}{4}$ and the N. $\frac{1}{2}$ of S. W. $\frac{1}{4}$ of section 28.

All of section 30.

The N. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of section 32, containing 3,000 acres, more or less, according to government survey thereof.

Be it Further Resolved:

That a copy of this resolution be transmitted by the secretary of the Senate to the President of the Senate and the Speaker of the House of Representatives at Washington, and to each of our senators and representatives in Congress.

Which the House has adopted and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,

Chief Clerk.

Mr. Simpson moved

That the resolution be adopted.

Which motion prevailed.

House Bill No. 35.

A bill for an act to amend Section 1571 of the 1905 Revised Codes of North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 34 ayes, 8 nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Johnson	Steele of Renville
Carter	Kennedy	Syverson
Duis	Martin	Talcott
Duncan	McDonald	Thoreson
Ellingson	McDowell	Trimble
Ganssle	McLean	Turner
Garden	Movius	Wallin
Gibbens	Overson	Weich
Gronvold	Plain	Welo
Gunderson	Putnam	Whitcher
Hookway	Steel of Stutsman	Young
Jacobsen		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gilbert	Ruzicka
Bessen	LaMcure	Williams
Cashel	Linde	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Pierce	Stevens
Elken	Simpson	Walton
Kretschmar		

So the bill passed and the title was agreed to.

House Bill No. 310.

A bill for an act entitled, an act to amend and re-enact Section 2478 of the Revised Codes of North Dakota of the year 1905, relating to taxes.

Was read the third time.

Mr. Movius moved

That the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Mr. Martin moved

That the vote by which House Bill No. 223 passed, be re-considered.

Which motion prevailed.

House Bill No. 223.

A bill for an act to amend Section 2613 of the Revised Codes of 1905, relating to the compensation and office hours of county commissioners.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 34 ayes, 7 nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Overson
Baker	Hookway	Putnam
Bessesen	Jacobsen	Steel of Stutsman
Carter	Johnson	Steele of Renville
Davis	Kennedy	Turner
Duis	LaMoure	Wallin
Duncan	Linde	Walton
Elken	Martin	Wich
Ganssle	McDonald	Welo
Garden	McDowell	Whitcher
Gibbens	Movius	William
Gilbert		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Ellingson	Plain	Syvertson
Gronvold	Ruzicka	Thoreson
McLean		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	Simpson	Trimble
Kretschmar	Stevens	Young
Pierce	Talcott	

So the bill passed and the title was agreed to.

Mr. Martin moved

That the consideration of House Bill No. 223 be made a special order for 3 o'clock tomorrow.

Which motion prevailed.

House Bill No. 299.

A bill for an act authorizing county mutual insurance companies to borrow money.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 36 ayes, 8 nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Gilbert	Steel of Stutsman
Bessesen	Gronvold	Steele of Renville
Carter	Hookway	Stevens
Cashel	Jacobsen	Syvertson
Davis	Johnson	Thoreson
Duis	LaMoure	Turner
Duncan	McDonald	Wallin
Ellingson	McLean	Walton
Elken	Pierce	Welo
Ganssle	Plain	Welch
Garden	Putnam	Whitche
Gibbens	Ruzicka	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Martin	Movius
Gunderson	Linde	Talcott
Kennedy	McDowell	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kretschmar	Simpson	Williams
Oversor	Trimble	

So the bill passed and the title was agreed to.

House Bill No. 335.

A bill for an act to amend Section 4494 of the Revised Codes of North Dakota of 1905, relating to county mutual companies.

Was read the third time.

Mr. Overson moved, as an amendment:

That the title be amended after "1905" by adding: "as amended by Chapter 146 of the Laws of 1909."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill,

The roll was called and there were 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Simpson
Baker	Hookway	Steel of Stutsman
Bessesen	Jacobsen	Steele of Renville
Carter	Johnson	Stevens
Cashel	Kennedy	Talcott
Davis	Linde	Thoreson
Duis	Martin	Trimble
Duncan	McDonald	Turner
Elken	McDowell	Wallin
Ellingson	McLean	Walton
Ganssle	Movius	Welch
Garden	Overson	Whitcher
Gibbens	Plain	Williams
Gilbert	Putnam	Young
Gronvold		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kretschmar	Pierce	Syverson
LaMoure	Ruzicka	Welo

So the bill passed and the title was agreed to.

House Bill No. 130.

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, and Chapter 187 of the Laws of 1909, defining intoxicating liquors.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 40 ayes, 3 nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Ruzicka
Baker	Hookway	Steel of Stutsman
Bessesen	Jacobsen	Steele of Renville
Carter	Johnson	Syverson
Cashel	Kennedy	Talcott
Davis	Kretschmar	Trimble
Duis	LaMoure	Turner
Duncan	Martin	Wallin
Elken	McDonald	Walton
Ellingson	McDowell	Welch
Ganssle	Overson	Whitcher
Garden	Plain	Williams
Gibbens	Putnam	Young
Gilbert		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Gunderson	Linde	Movius

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
McLean	Simpson	Thoreson
Pierce	Stevens	Welo

So the bill passed and the title was agreed to.

House Bill No. 351.

A bill for an act to amend and re-enact section 164 of the Revised Codes of North Dakota for 1905.

Was read the third time.

Mr. Bessesen moved, as an amendment:

That "\$3,000" be stricken out and "\$2,500" be inserted in lieu thereof.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were 42 ayes, 4 nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Steel of Stutsman
Baker	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syvertson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ganssle	Movius	Wallin
Garden	Overson	Walton
Gibbens	Plain	Welch
Gilbert	Putnam	Whitcher
Hookway	Ruzicka	Williams
Jacobsen	Simpson	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Gronvold	Gunderson
Ellingson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
McLean	Pierce	Welo

So the bill passed and the title was agreed to.

House Bill No. 297.

A bill for an act to amend Section 1168 of the Revised Codes of 1905, as amended by Section 3 of Chapter 237 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 45 ayes, no nays 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Ruzicka
Baker	Jacobsen	Simpson
Bessesen	Johnson	Steel of Stutsman
Cashel	Kennedy	Stevens
Carter	Kretschmar	Syverson
Davis	LaMoure	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Turner
Elken	McDonald	Wallin
Ellingson	McDowell	Walton
Ganssle	McLean	Welo
Gibbens	Movius	Welch
Gilbert	Overson	Whitcher
Gronvold	Plain	Williams
Gunderson	Putnam	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Garden	Steele of Renville	Trimble
Pierce		

So the bill passed and the title was agreed to.

House Bill No. 284.

A bill for an act to amend Section 4177 of the Revised Codes of North Dakota of 1905, as amended by Chapter 64 of the Laws of North Dakota of 1909, relating to fees for filing articles of incorporation.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Ruzicka
Baker	Jacobsen	Simpso
Besseser	Johnson	Steel of Stutsman
Carter	Kennedy	Stevens
Cashel	Kretschmar	Syvertson
Davis	LaMoure	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Turner
Elken	McDonald	Wallin
Ellingson	McDowell	Walton
Ganssle	McLean	Welo
Gibbens	Movius	Welch
Gilbert	Overson	Whitcher
Gronvold	Plain	Williams
Gunderson	Putnam	Young

Absent and not voting.

Messrs.—	Messrs.—	Messrs.—
Garden	Steele of Renville	Trimble
Pierce		

So the bill passed and the title was agreed to.

House Bill No. 31.

A bill for an act to amend Section 2247 of the Revised Code of 1905, defining public warehouses.

Was read the third time.

Mr. Cashel moved, as an amendment:

Following the enacting clause, add: "Sec. 1. That section 2247 be amended to read as follows: Line 1, section 2247."

Which motion prevailed, and
The amendment was adopted.

The question being on the final passage of the bill,

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Johnson	Steele of Renville
Bessen	Kennedy	Stevens
Carter	LaMoure	Syvertson
Cashel	Linde	Talcott
Davis	Martin	Thoreson
Duis	McDonald	Turner
Duncan	McDowell	Wallin
Elken	McLean	Walton

Messrs.—	Messrs.—	Messrs.—
Ellingson	Movius	Welo
Ganssle	Overson	Welch
Gibbens	Plain	Whitcher
Gilbert	Putnam	Williams
Gronvold	Ruzicka	Young
Gunderson	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Garden	Kretschmar	Trimble
Jacobsen	Pierce	

So the bill passed and the title was agreed to.

House Bill No. 369.

A bill for an act to amend sub-division 30 of article 4 of the Political Code of North Dakota, being sub-division 30 of section numbered 2678 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 46 ayes, no nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Ruzicka
Baker	Johnson	Simpson
Bessesen	Kennedy	Steel of Stutsman
Carter	Kretschmar	Stevens
Cashel	LaMoure	Talcott
Davis	Linde	Thoreson
Duis	Martin	Trimble
Duncan	McDonall	Turner
Elken	McDowell	Walton
Ellingson	McLean	Welch
Ganssle	Movius	Welo
Garden	Overson	Wallin
Gibbens	Pierce	Whitcher
Gilbert	Plain	Williams
Gronvold	Putnam	Young
Gunderson		

absent and not voting.

Messrs.—	Messrs.—	Messrs.—
Jacobsen	Steele of Renville	Syverson

So the bill passed and the title was agreed to.

Mr. Talcott moved

That the Senate do now go into 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. 17.

A bill for an act to amend and re-enact Section 468 of the Revised Codes of North Dakota for the year, A. D., 1905, as amended by Chapter 159 of the Laws of 1907, relating to judicial districts within the state.

Also

Senate Bill No. 194.

A bill for an act defining the Tenth judicial district and providing for holding terms of court therein.

Also,

Senate Bill No. 229.

A concurrent resolution amending the Constitution of the State of North Dakota, empowering the legislative assembly to provide by law for erection, leasing, purchasing and operating terminal elevators in the State of North Dakota.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The Secretary announced that the President was about to sign

Senate Bill No. 17.

A bill for an act to amend and re-enact Section 468 of the Revised Codes of North Dakota for the year, A. D., 1905, as amended by Chapter 159 of the Laws of 1907, relating to judicial districts within the state.

Also

Senate Bill No. 194.

A bill for an act defining the Tenth judicial district and providing for holding terms of court therein.

Also

Senate Bill No. 229.

A concurrent resolution amending the Constitution of the State of North Dakota, empowering the legislative assembly to provide by law for erection, leasing, purchasing and operating terminal elevators in the State of North Dakota.

And the President signed the same in the presence of the Senate.

House Bill No. 137.

A bill for an act to reimburse district judges called to sit in hearing of cases before supreme court when regular members thereof are disqualified.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 47 ayes, no nays, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Allen
Baker
Bessesen
Carter
Cashel
Davis
Duis
Duncan
Elken
Ellingson
Ganssle
Gibbens
Gilbert
Gunderson
Gronvold
Hookway

Messrs.—

Johnson
Kennedy
Kretschmar
LaMoure
Linde
Martin
McDonald
McDowell
McLean
Movius
Overson
Pierce
Plain
Putnam
Ruzicka
Simpson

Messrs.—

Steel of Stutsman
Steele of Renville
Stevens
Syvertson
Talcott
Thoreson
Trimble
Turner
Wallin
Walton
Welo
Welch
Whitcher
Williams
Young

Messrs. Garden and Jacobson were absent and not voting.

So the bill passed and the title was agreed to.

House Bill No. 11.

A bill for an act to create a permanent non-partizan tax commission, defining its power and duties and making an appropriation for the maintenance thereof.

Was read the third time.

Mr. Gunderson moved
That the bill be indefinitely postponed.
Which motion was lost.

The question being on the final passage of the bill,

The roll was called and there were 21 ayes, 23 nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Jacobsen	Steele of Renville
Davis	Johnson	Steel o. Stutsman
Duis	Kretschmar	Syvertson
Elken	McDowell	Thoreson
Ellingson	Overson	Turner
Gibbens	Putnam	Wallin
Gilbert	Ruzicka	Williams

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Linde	Talcott
Baker	Martin	Trimble
Carter	McDonaid	Walton
Cashel	McLean	Welch
Ganssle	Movius	Welo
Gunderson	Plain	Whitcher
Kennedy	Simpson	Young
LaMoure	Stevens	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duncan	Gronvold	Pierce
Garden	Hookway	

So the bill was lost.

Mr. Gunderson moved
That the vote by which House Bill No. 11 was lost 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. 195.

A bill for an act regulating the discharge of liens, not dependent upon possession, and to provide for the release of liens, filed of record against real property and personal property, and the giving of an undertaking for the payment thereof.

Also

Senate Bill No. 212.

A bill for an act to provide for the refund of any tax upon land which shall have been paid through the error of a county official, or by mistake of the party so paying.

Also

Senate Bill No. 246.

A bill for an act to prohibit the carrying and use of firearms by children and minors.

Also

Senate Bill No. 275.

A bill for an act authorizing the county commissioners to condemn and purchase right of way for highways whenever the cost of constructing such highway or any part thereof is to be borne by the county.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman,

The Secretary announced that the President was about to sign

Senate Bill No. 195.

A bill for an act regulating the discharge of liens, not dependent upon possession, and to provide for the release of liens, filed of record against real property and personal property, and the giving of an undertaking for the payment thereof.

Also

Senate Bill No. 212.

A bill for an act to provide for the refund of any tax upon land which shall have been paid through the error of a county official, or by mistake of the party so paying.

Also

Senate Bill No. 246.

A bill for an act to prohibit the carrying and use of fire-arms by children and minors.

Also

Senate Bill No. 275.

A bill for an act authorizing the county commissioners to condemn and purchase right of way for highways whenever the cost of constructing such highway or any part thereof is to be borne by the county.

And the President signed the same in the presence of the Senate.

Roll call demanded on the vote by which the reconsideration of House Bill No. 11 was laid on the table.

The roll was called and there were 24 ayes, 25 nays, none absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Kennedy	Simpson
Baker	LaMoure	Syvertson
Carter	Martin	Talcott
Cashel	McDonald	Trimble
Ganssle	McLean	Walton
Gronvold	Movius	Welo
Gunderson	Pierce	Welch
Hookway	Plain	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Jacobsen	Steel of Stutsman
Davis	Johnson	Steele of Renville
Duis	Kretschmar	Stevens
Duncan	Linde	Thoreson
Elken	McDowell	Turner
Ellingson	Overson	Wallin
Garden	Putnam	Whiteher
Gibbens	Ruzicka	Williams
Gilbert		

Mr. Linde moved

That the vote by which House Bill No. 11 was lost, be re-considered.

Which motion prevailed,

Mr. Welo moved

That the previous question be put.

Which motion prevailed.

House Bill No. 11.

A bill for an act to create a permanent non-partizan tax commission, defining its power and duties and making an appropriation for the maintenance thereof.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 24 ayes, 23 nays, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Gilbert	Ruzicka
Davis	Johnson	Steel of Statsman
Duis	Kretschmar	Steele of Renville
Duncan	Linde	Syverson
Elken	McDowell	Thoreson
Ellingson	Overson	Turner
Garden	Pierce	Wallin
Gibbens	Putnam	Williams

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Kennedy	Talcott
Baker	LaMoure	Trimble
Carter	Martin	Walton
Cashel	McDonald	Welo
Ganssle	McLean	Welch
Gronvold	Movius	Whitcher
Gunderson	Plain	Young
Hookway	Stevens	

Messrs. Jacobson and Simpson were 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 2, 1911.

Mr. President:

I have the honor to return herewith
Senate Bill No. 306.

A bill for an act amending Section 9358 of the Revised Codes of 1905, as amended and re-enacted by Section 5 of Chapter 183 of the Laws of 1909, regulating the sale of intoxicating liquors by druggists who are registered pharmacists, and to provide a method of such sales in cases of emergency.

Also

Senate Bill No. 151.

A bill for an act to require county commissioners in all counties in the State of North Dakota, elected or appointed to the office of county commissioner, to furnish an official bond for the faithful performance of their duties, and providing for the approval of the bond.

Also

Senate Bill No. 248.

A bill for an act to provide for the better preservation of section corner, quarter section corner and meander corner monuments on any government line of survey, and to provide a penalty for their destruction or defacement.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

The secretary announced that the President was about to sign:

House Bill No. 307.

A bill for an act to amend Section 4277 of the Revised Codes of North Dakota for the year 1905.

Also

House Bill No. 172.

A bill for an act to amend Section 2084 of the Revised Codes of North Dakota of 1905, relating to proof of planting trees.

Also

House Bill No. 273.

A bill for an act to regulate the size and construction of caboose cars.

Also

House Bill No. 197.

A bill for an act to provide information to the resident tax payers of the state in respect to the various publications which are published for free distribution by the agricultural college and prescribing the duties of the agricultural college and of the county auditors in relation thereto.

Also

House Bill No. 207.

A bill for an act to regulate the sale of nursery stock to provide for a nursery inspector.

Also

House Bill No. 170.

A bill for an act to amend Section 10243 of the Revised Codes of North Dakota for 1905.

Also

House Bill No. 332.

A bill for an act prohibiting the placing of screens or other obstructions across the windows and doors of pool halls and providing a penalty therefor.

And the President signed the same in the presence of the Senate.

House Bill No. 176.

A bill for an act to amend Sections 2 and 4 of Chapter 174 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 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Johnson	Steele of Renville
Bessesen	Kennedy	Stevens
Carter	LaMoure	Syverson
Cashel	Linde	Talcott
Duls	Martin	Thoreson
Duncan	McDowell	Trimble
Ellingson	McDonald	Turner
Elken	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welch
Gibbens	Plain	Welo
Gilbert	Putnam	Whitcher
Gronvold	Ruzicka	Williams
Gunderson	Simpson	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Kretschmar	Pierce
Jacobsen		

So the bill passed and the title was agreed to.

House Bill No. 109.

A bill for an act appropriating money to provide needed equipment, permanent improvements, repairs, employes' wages, officers' salaries, messengers, railway fares and express charges in the transportation of fish, for the North Dakota state fish hatchery at Fish Lake in Rolette 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 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Steele of Renville
Baker	Kennedy	Stevens
Bessesen	Kretschmar	Syverson
Carter	LaMoure	Talcott
Cashel	Linde	Thoreson
Duncan	Martin	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welch
Gibbens	Plaf.	Welo
Gilbert	Putnam	Whitcher
Gronvold	Ruzicka	Williams
Gunderson	Simpson	Young
Hookway	Steel of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Jacobsen	Pierce
Duls	McDonald	

So the bill passed and the title was agreed to.

House Bill No. 276.

A bill for an act to provide for making needed 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 38 ayes, no nays, 11 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steele of Renville
Baker	Kennedy	Stevens
Bessesen	Kretschmar	Syverson
Carter	LaMoure	Thoreson
Cashel	Martin	Trimble
Duncan	McDowell	Turner
Elken	McLean	Wallin
Ellingson	Movius	Walton
Ganssle	Overson	Welch
Garden	Plaf.	Whitcher
Gibbens	Putnam	Williams
Gronvold	Ruzicka	Young
Gunderson	Steel of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Johnson	Simpson
Duls	Linde	Talcott
Gilbert	McDonald	Welo
Jacobsen	Pierce	

So the bill passed and the title was agreed to.

House Bill No. 274.

A bill for an act to run a survey or surveys from the Mouse river to Devils lake for the purpose of determining the feasibility of draining the surplus flood waters of the Mouse river into Devils lake; 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 38 ayes, 4 nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gundersón	Stevens
Baker	Jacobsen	Syvertson
Bessezen	Johnson	Talcott
Cashel	Kennedy	Thoreson
Carter	Linde	Turner
Duncan	Martin	Wallin
Elken	McDonald	Walton
Ellingson	McDowell	Welch
Ganssle	Overson	Welo
Garden	Putnam	Whitcher
Gibbens	Ruzicka	Williams
Gilbert	Simpson	Young
Gronvold	Steel of Stutsman	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Hookvaar	McLean	Plain
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Movius	Steele of Renville
Duls	Pierce	Trimble
Kretschmar		

So the bill passed and the title was agreed to.

House Bill No. 81.

A bill for an act to appropriate money for maintenance, equipment and permanent improvements at the state university of North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 47 ayes, no nays, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steel of Stutsman
Baker	Johnson	Steele of Renville
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syverson
Cashel	LaMoure	Talcott
Duls	Linde	Thoreson
Duncan	Martin	Trimble
Elken	McDonald	Turner
Ellingson	McDowell	Wallin
Ganssle	McLean	Walton
Garden	Movius	Welo
Gibbens	Overson	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway	Simpson	

Messrs. Davis and Pierce were absent and not voting.

So the bill passed and the title was agreed to.

House Bill No. 123.

A bill for an act making an appropriation for a storehouse on the Rock Island Military Wood reservation near Devils Lake, North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 42 ayes, 3 nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Ruzicka
Baker	Johnson	Simpson
Bessesen	Kennedy	Steel of Stutsman
Carter	Kretschmar	Stevens

Messrs.—	Messrs.—	Messrs.—
Cashel	LaMoure	Syverson
Duis	Martin	Talcott
Duncan	McDonald	Thoreson
Ellingson	McDowell	Turner
Ganssle	McLean	Wallin
Garden	Movius	Walton
Gibbens	Overson	Welo
Gilbert	Pierce	Whitcher
Gronvold	Plain	Williams
Gunderson	Putnam	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Davis	Elken	Hookway

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Linde	Trimble	Welch
Steele of Renville		

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, 1911.

Mr. President:

I have the honor to return herewith

Senate Bill No. 128.

A bill for an act regulating marriages and the issuance of marriage licenses, prohibiting marriages in certain cases, providing penalties for the violation of the provisions of this act and repealing all acts or parts of acts in conflict herewith.

Also

Senate Bill No. 311.

A bill for an act to amend and re-enact Sections 6240 and 6241 of Chapter 79 of the Revised Codes of North Dakota for 1905, relating to accounts to be filed with clerk of court in mechanic's liens; and clerk's records thereof.

Also,

Senate Bill No. 204.

A bill for an act to authorize boards of trustees of incorporated villages to regulate and license liverys, dray and express lines, and other vehicles used for the carrying of passengers, messages, or property for hire.

Which the House has indefinitely postponed.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith,

Senate Bill No. 282.

A bill for an act to amend and re-enact Section 2563 of the Revised Codes of the state of North Dakota for the year 1905, relating to the power of counties to issue bonds for the purpose of purchasing sites and constructing county buildings.

Also

Senate Bill No. 257.

A bill for an act entitled, an act regulating the erection of telegraph, telephone, electric light, power and other poles carrying wires conveying electricity in incorporated cities.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith

Senate Bill No. 281.

A concurrent resolution for an amendment to the Constitution of the state of North Dakota, providing for the recall of public officers by the people.

Which the House has amended as follows:

In line 14, on page 1 of the printed bill, strike out the word and figure "thirty (30)" and insert in lieu thereof the word and figure "twenty-five (25)."

In line 42, on page 3, strike out the word "five" and insert in lieu thereof the word "fifteen."

And passed as amended.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith

Senate Bill No. 280.

A bill for an act to amend and re-enact Section 9 of the Session Laws for the year 1907, of the state of North Dakota, relating to primary election.

Which the House has failed to pass.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith

Senate Bill No. 27.

A bill for an act making an appropriation for the normal school at Minot to meet the expenditure for the erection of buildings and permanent improvements necessary in connection therewith, and for furnishings, equipment and maintenance.

Also

Senate Bill No. 253.

A bill for an act transferring funds from the state wolf bounty fund of this state to the general fund of the state.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

The committee on enrolled and engrossed bill made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 74.

A bill for an act to amend Section 1608 of the Revised Codes of 1905, relating to revenue and taxation.

Also

Senate Bill No. 198.

A bill for an act to amend and re-enact Section 7387 of Article 4 of Chapter 27 of the Revised Codes of North Dakota for the year 1905.

Also,

Senate Bill No. 236.

A bill for an act to amend and re-enact Section 2240, Article 45, Chapter 24, of the Revised Codes of North Dakota for the year 1905, relating to the duties of county auditors and prescribing how records of fees shall be kept.

Also,

Senate Bill No. 252.

A bill for an act to amend Section 1541 of the Revised Codes of 1905, relating to tax lists made out by county auditors.

And find the same correctly enrolled.

C. W. PLAIN.

Chairman.

The Secretary announced that the President was about to sign

Senate Bill No. 74.

A bill for an act to amend Section 1608 of the Revised Codes of 1905, relating to revenue and taxation.

Also,

Senate Bill No. 198.

A bill for an act to amend and re-enact Section 7387 of Article 4 of Chapter 27 of the Revised Codes of North Dakota for the year 1905.

Also,

Senate Bill No. 236.

A bill for an act to amend and re-enact Section 2240, Article 45, Chapter 24, of the Revised Codes of North Dakota for the year 1905, relating to the duties of county auditors and prescribing how records of fees shall be kept.

Also,

Senate Bill No. 252.

A bill for an act to amend Section 1541 of the Revised Codes of 1905, relating to tax lists made out by county auditors.

And the President signed the same in the presence of the Senate.

House Bill No. 52.

A bill for an act to appropriate money for the buildings, live stock, machinery and other equipment for the Hettinger sub-experiment station.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 47 ayes, no nays, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Ruzicka
Baker	Jacobsen	Simpson
Bessesen	Johnson	Steel of Stutsman
Carter	Kennedy	Steele of Renville
Cashel	Kretschmar	Stevens
Davis	LaMoire	Syvertson
Duis	Linde	Talcott
Duncan	Martin	Thoreson
Elken	McDonald	Turner
Ellingson	McDowell	Wallin
Ganssle	McLean	Walton
Garden	Movius	Welo
Gibbens	Overson	Whitcher
Gilbert	Pierce	Williams

Messrs.—
Gronvold
Gunderson

Messrs.—
Plain
Putnam

Messrs.—
Young

Messrs. Trimble and Welch were absent and not voting.

So the bill passed and the title was agreed to.

House Bill No. 122.

A bill for an act to provide furniture for the new dormitory, and to complete and make adequate the heating plant of the State Normal school at Valley City, and making appropriation therefor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—
Allen
Baker
Bessesen
Cashel
Davis
Duis
Duncan
Elken
Ellingson
Ganssle
Garden
Gibbens
Gilbert
Gronvold
Gunderson

Messrs.—
Hookway
Jacobsen
Johnson
Kennedy
Kretschmar
Linde
McDonald
McDowell
McLean
Overson
Pierce
Plain
Putnam
Ruzicka
Simpson

Messrs.—
Steel of Stutsman
Steele of Renville
Stevens
Syvertson
Talcott
Thoreson
Turner
Wallin
Walton
Welo
Welch
Whitcher
Williams
Young

Absent and not voting:

Messrs.—
Carter
LaMoure

Messrs.—
Martin
Movius

Messrs.—
Trimble

So the bill passed and the title was agreed to.

House Bill No. 155.

A bill for an act to provide for the establishment and government of a State Tuberculosis sanitarium.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steele of Renville
Baker	Johnson	Steel of Stutsman
Bessesen	Kennedy	Stevens
Cashel	Kretschmar	Syverson
Davis	Linde	Talcott
Duncan	McDonald	Thoreson
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Overson	Walton
Garden	Pierce	Welo
Gibbens	Plain	Welch
Gilbert	Putnam	Whitche
Gronvold	Ruzicka	Williams
Gunderson	Simpson	Young
Hookway		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carter	LaMoure	Movius
Duis	Martin	Trimble

So the bill passed and the title was agreed to.

House Bill No. 300.

A bill for an act providing for the erection of a stand-pipe near the capitol building, the sinking of one or more wells, the improvement of the capitol grounds, the purchase of a pump and necessary machinery to operate same 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 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Steel of Stutsman
Baker	Kennedy	Steele of Renville
Bessesen	Kretschmar	Stevens
Cashel	LaMoure	Syverson
Davis	Linde	Talcott
Elken	Martin	Thoreson
Ellingson	McDonald	Trimble
Ganssle	McDowell	Turner
Garden	McLean	Wallin

Messrs.—	Messrs.—	Messrs.—
Gibbens	Overson	Walton
Gilbert	Pierce	Welo
Gronvold	Plain	Welch
Gunderson	Putnam	Whitcher
Hookway	Ruzicka	Williams
Jacobsen	Simpson	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carter	Duncan	Movius
Duis		

So the bill passed and the title was agreed to.

House Bill No. 72.

A bill for an act to appropriate the sum of sixty-five thousand dollars, or as much thereof as may be necessary to indemnify persons who have lost animals from the disease known as glanders.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Kennedy	Steele of Renville
Baker	Kretschmar	Stevens
Bessesen	LaMoure	Syvertson
Cashel	Linde	Talcott
Davis	Martin	Thoresor.
Ellingson	McDonald	Trimble
Ganssle	McDowell	Turner
Garden	McLean	Wallin
Gibbens	Overson	Walton
Gilbert	Plain	Welo
Gronvold	Putnam	Welch
Gunderson	Ruzicka	Whitcher
Hookway	Simpson	Williams
Jacobsen	Steel of Stutsman	Young
Johnson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carter	Duncan	Movius
Duis	Elken	Pierce

So the bill passed and the title was agreed to.

House Bill No. 145.

A bill for an act to provide for making permanent improvements at the State Normal school at Valley City, 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 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Ruzicka
Baker	Hookway	Steel o Stutsman
Bessesen	Jacobsen	Steele of Renville
Carter	Johnson	Stevens
Cashel	Kennedy	Talcott
Davis	Kretschmar	Thoreson
Duis	LaMoure	Trimble
Duncan	Linde	Turner
Elken	Martin	Wallin
Ellingson	McDonald	Walton
Ganssle	McDowell	Welo
Garden	McLean	Welch
Gibbens	Overson	Whitche
Gilbert	Plain	Williams
Gronvold	Putnam	Young

Absent and not voting.

Messrs.—	Messrs.—	Messrs.—
Movius	Simpson	Syvertson
Pierce		

So the bill passed and the title was agreed to.

House Bill No. 190.

A bill for an act providing for aid to the poor, consisting of persons convicted of crime who have been placed upon probation subject to the provisions of law, or who have been paroled or whose term of imprisonment has expired, 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 41 ayes, no nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Stevens
Baker	Jacobsen	Syvertson
Bessesen	Johnson	Talcott
Carter	LaMoure	Thoreson
Cashel	Linde	Trimble
Davis	Martin	Turner
Duls	McDonald	Wallin
Elken	McDowell	Walton
Ganssle	McLean	Welo
Garden	Overson	Welch
Gibbens	Plain	Whitcher
Gilbert	Ruzicka	Williams
Gronvold	Steele of Renville	Young
Gunderson	Steel of Stutsman	

Absent and not voting.

Messrs.—	Messrs.—	Messrs.—
Duncan	Kretschmar	Putnam
Ellingson	Movius	Simpson
Kennedy	Pierce	

So the bill passed and the title was agreed to.

House Bill No. 293.

A bill for an act providing for the extension of the state street car line from the capitol down 9th street to a point at or near Broadway in the city of Bismarck—thence to the state penitentiary; and providing for its equipment and making an appropriation therefor.

Was read the third time.

Mr. Welch moved

To amend House Bill No. 293, as follows:

After the word "building" in line 14 of the engrossed bill, by inserting the words "down Ninth street and Broadway to the penitentiary, connecting," and striking out the words "by the route deemed most practicable by them to the state penitentiary and to connect."

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 35 ayes, 6 nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	LaMoure	Talcott
Cashel	Linde	Thoreson
Davis	Martin	Trimble
Ganssle	McDonald	Turner
Garden	McLean	Wallin
Gibbens	Plain	Walton
Gronvold	Putnam	Welch
Gunderson	Ruzicka	Welo
Hookway	Steele of Renville	Whitcher
Johnson	Steel of Stutsman	Williams
Kennedy	Stevens	Young
Kretschmar	Syverson	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Elken	Jacobsen
Bessesen	Gilbert	Overson

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carter	Ellingson	Pierce
Duis	McDowell	Simpson
Duncan	Movius	

So the bill passed and the title was agreed to.

Mr. Welch moved

That the vote by which House Bill No. 293 passed, be reconsidered and the motion to reconsider be laid on the table.^e
Which motion prevailed.

House Bill No. 210.

A bill for an act to encourage elementary education in 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 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steel of Stutsman
Baker	Johnson	Stevens
Bessesen	Kennedy	Syverson
Carter	Kretschmar	Talcott
Cashel	LaMoure	Thoreson
Davis	Linde	Trimble

Messrs.—
 Duis
 Elken
 Ganssle
 Garden
 Gibbens
 Gilbert
 Gronvold
 Gunderson
 Hookway

Messrs.—
 Martin
 McDonald
 McDowell
 Movius
 Overson
 Plain
 Putnam
 Ruzicka
 Simpson

Messrs.—
 Turner
 Wallin
 Walton
 Welch
 Welo
 Whitcher
 Williams
 Young

Absent and not voting:

Messrs.—
 Duncan
 Ellingson

Messrs.—
 McLean
 Pierce

Messrs.—
 Steele of Renville

So the bill was passed and the title was agreed to.

House Bill No. 266.

A bill for an act to appropriate money for a root cellar and for the purchase of brood mares 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 47 ayes, no nays, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—
 Allen
 Baker
 Bessesen
 Carter
 Cashel
 Davis
 Duis
 Duncan
 Elken
 Ellingson
 Ganssle
 Garden
 Gibbens
 Gilbert
 Gronvold
 Gunderson

Messrs.—
 Hookway
 Jacobsen
 Johnson
 Kennedy
 Kretschmar
 LaMoure
 Linde
 Martin
 McDowell
 McLean
 Movius
 Overson
 Plain
 Putnam
 Ruzicka
 Simpson

Messrs.—
 Steele of Renville
 Steel of Stutsman
 Stevens
 Syvertson
 Talcott
 Thoreson
 Trimble
 Turner
 Wallin
 Walton
 Welch
 Welo
 Whitcher
 Williams
 Young

Messrs. McDonald and Pierce were absent and not voting.

So the bill passed and the title was agreed to.

The Secretary announced that the President was about to sign

Senate Bill No. 74.

A bill for an act to amend Section 1608 of the Revised Codes of 1905, relating to revenue and taxation.

Also

Senate Bill No. 198.

A bill for an act to amend and re-enact Section 7387 of Article 4 of Chapter 27 of the Revised Codes of North Dakota for the year 1905.

Also

Senate Bill No. 236.

A bill for an act to amend and re-enact Section 2240, Article 45, Chapter 24, of the Revised Codes of North Dakota for the year 1905, relating to the duties of county auditors and prescribing how records of fees shall be kept.

Also

Senate Bill No. 252.

A bill for an act to amend Section 1541 of the Revised Codes of 1905, relating to tax lists made out by county auditors.

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, 1911.

Mr. President:

I have the honor to return herewith

Senate Bill No. 247.

A concurrent resolution amending Section 185 of the Constitution of the state of North Dakota, relating to state

aid in the construction and improvement of public highways.

Also,

Senate Bill No. 153.

A concurrent resolution amending the Constitution of the State of North Dakota, providing for the future amendment thereof.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith

Senate Bill No. 290.

A bill for an act to amend and re-enact Section 496 of the Revised Codes of North Dakota, relating to qualifications of applicants for admission to the bar of the state of North Dakota.

Which the House has amended as follows:

In the second line of the title, after the word "Dakota" insert the words "as amended by Chapter 154 of the Session Laws of 1909."

In line 18 of the printed bill, insert "Section 2. Repeal.)"

And passed as amended.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith

Senate Bill No. 5.

A concurrent resolution for an amendment to the constitution providing for the initiative and referendum.

Which the House has amended as follows:

In line 12, on page 2 of the printed bill, strike out the word "from" and insert in lieu thereof the word "in."

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Jacobson in the chair.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,

March 2, 1911.

Mr. President:

I have the honor to return herewith
Senate Bill No. 310.

A bill for an act to amend and re-enact Section 733 of the Revised Codes of 1905 relating to the registration of voters.

Also

Senate Bill No. 339.

A bill for an act to prescribe legal rates for the publication of political announcements.

Also

Senate Bill No. 326.

A bill for an act to amend Section 1350, Revised Codes of 1905, relating to the laying out, altering or discontinuing roads.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

House Bill No. 215.

A bill for an act defining the boundaries of the Fifth judicial district, fixing the terms of court therein, and validating certain judgments.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 25 ayes, 18 nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Beresen	LaMoure	Steele of Renville
Davis	Linde	Syvertson
Duis	McDonald	Talcott
Ganssle	Overson	Thorson
Garden	Plain	Turner
Gibbens	Putnam	Wallin
Gunderson	Ruzicka	Whitcher
Hookway	Simpson	Williams
Kennedy		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Movius
Baker	Jacobsen	Steel of Stutsman
Carter	Johnson	Stevens
Cashel	Martin	Walton
Duncan	McDowell	Welch
Ellingson	McLean	Young

Absent and not voting.

Messrs.—	Messrs.—	Messrs.—
Elken	Kretschmar	Trimble
Gilbert	Pierce	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 2, 1911.

Mr. President:

I have the honor to return herewith

Senate Bill No. 58.

A bill for an act amending and re-enacting Section 2597 of the Revised Codes of 1905, relating to the fees in the office of the register of deeds.

Which the House has amended as follows:

Page 2, second line of the printed bill, add the following: "Making chattel mortgage abstract, for the first entry, \$1.00, and for each additional entry, 10c (ten cents.)"

Page 2, eighth line, insert after the word "a" the following "Satisfaction of mortgage on real estate."

Add "Section 2. Repeal.) All acts or parts of acts in conflict with this act are hereby repealed."

Add "Section 3. Emergency.) Whereas, an emergency exists in that the present law is not construed by all registers of deeds alike, therefore this act shall take effect and be in full force from and after its passage and approval."

And passed as amended.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith

Senate Bill No. 226.

A bill for an act giving the court authority to require the defendant to provide for the temporary support and maintenance of the plaintiff in divorce actions.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith

Senate Bill No. 338.

A bill for an act providing for the publication of the names of candidates before the primary.

Which the House has amended as follows:

In line 2 of section 3 of the printed bill, after the word "clerk" and before the word "and" insert the following: "and inspector of elections in un-organized townships."

And passed as amended.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Bessesen moved a call of the Senate.

Mr. Steele moved

That further proceedings under the call be dispensed with.

Which motion prevailed.

House Bill No. 216.

A bill for an act creating the Thirteenth judicial district of the State of North Dakota, defining the boundaries thereof, providing for the appointment and election of a judge, and fixing the terms of court therein.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 33 ayes, 13 nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bessessen	Kennedy	Syvertson
Carter	Kretschmar	Talcott
Davis	Linde	Thoreson
Duis	McDonald	Trimble
Duncan	Movius	Turner
Elken	Overson	Wallin
Ganssle	Plain	Welo
Garden	Putnam	Welch
Gibbens	Ruzicka	Whitcher
Gunderson	Simpson	Williams
Hookway	Steele of Renville	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	McLean
Baker	Johnson	Steel of Stutsman
Cashel	Martin	Stevens
Ellingson	McDowell	Walton
Gronvold		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	LaMoure	Pierce

So the bill passed and the title was agreed to.

Mr. Bessesen moved

That the vote by which House Bills No. 215 and 216 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Stevens moved

That the Senate take a recess until 7:30 p. m.

The Senate took a recess until 7:30 p. m.

J. W. FOLEY,
Secretary.

AFTER RECESS.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 2, 1911.

The Senate convened at 7:30 o'clock pursuant to adjournment.

The president presiding.

Senate Bill No. 331.

A bill for an act to amend section 6796, Revised Codes of 1905, relating to limitations of actions or proceedings to foreclose real estate mortgages.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 26 ayes, no nays, 23 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Gronvold	McLean
Bessesen	Gunderson	Ruzicka
Carter	Hookway	Stevens
Cashel	Jacobsen	Syvertson
Davis	Johnson	Turner
Duncan	Kennedy	Wallin
Garden	LaMoure	Whitcher
Gibbens	Linde	Young
Gilbert	McDowell	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Movius	Talcott
Duis	Overson	Thoreson

Messrs.—	Messrs.—	Messrs.—
Elken	Pierce	Trimble
Ellingson	Plain	Walton
Ganssle	Putnam	Welo
Kretschmar	Simpson	Welch
Martin	Steel of Stutsman	Williams
McDonald	Steele of Renville	

Mr. Davis moved

That the vote by which House Bill No. 331 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 278.

A bill for an act to provide for the payment of the expenses of district judges when acting outside of their judicial districts.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 34 ayes, no nays, 15 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Gunderson	Steel of Stutsman
Bessesen	Hookway	Stevens
Carter	Jacobson	Syverson
Cashel	Johnson	Talcott
Davis	Kennedy	Thoreson
Duncan	Linde	Trimble
Ellingson	McDowell	Turner
Ganssle	McLean	Wallin
Garden	Overson	Welch
Gibbens	Pierce	Whitcher
Gilbert	Plain	Young
Gronvold	Ruzicka	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Martin	Steele of Renville
Duis	McDonald	Walton
Elken	Movius	Welo
Kretschmar	Putnam	Williams
LaMoure	Simpson	

So the bill passed and the title was agreed to.

Mr. Pierce moved

That the vote by which House Bill No. 278 passed be reconsidered and the motion to reconsider be laid on the table.

House Bill No. 239.

A bill for an act to amend Section 10433 of the Revised Codes of the State of North Dakota, for the year 1905, relating to the commitment of prisoners to jail from counties having no jail.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 35 ayes, no nays, 14 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Gunderson	Steel of Stutsman
Bessesen	Hookwa.	Stevens
Carter	Jacobsen	Syvertson
Cashel	Johnson	Talcott
Davis	Kennedy	Thoreson
Duncan	Linde	Trimble
Ellingson	McDowell	Turner
Ganssle	McLean	Wallin
Garden	Overson	Welch
Gibbens	Plain	Whitcher
Gilbert	Ruzicka	Young
Gronvold		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Martin	Simpson
Duis	McDonald	Steele of Renville
Elken	Movius	Walton
Kretschmar	Pierce	Welo
LaMoure	Putnam	Williams

So the bill passed and the title was agreed to.

House Bill No. 398.

A bill for an act to provide for a commission system of government in cities which shall adopt 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 32 ayes, no nays, 17 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Gronvold	Steel of Stutsman
Bessesen	Gunderson	Stevens
Carter	Hookway	Syverson
Cashel	Johnson	Talcott
Davis	Kennedy	Thoreson
Duncan	Linde	Turner
Ellingson	McDowell	Wallin
Ganssle	McLean	Welch
Garden	Overson	Whitcher
Gibbens	Plain	Young
Gilbert	Ruzicka	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allèn	Martin	Steele of Renville
Duis	McDonald	Trimble
Elken	Movius	Walton
Jacobsen	Pierce	Welo
Kretschmar	Putnam	Williams
LaMoure	Simpson	

So the bill passed and the title was agreed to.

House Bill No. 136.

A bill for an act declaring to be common nuisances bawdy houses, houses of ill fame, of assignation, of prostitution, or any other house, room or place for persons to visit for unlawful sexual intercourse or for any other lewd, obscene, indecent or disorderly purpose; and prescribing remedies and penalties for the prevention 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 34 ayes, no nays, 15 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Gronvold	Steel of Stutsman
Bessesen	Gunderson	Steele of Renville
Carter	Hookway	Stevens
Cashel	Johnson	Syverson

Messrs.—	Messrs.—	Messrs.—
Davis	Kennedy	Talcott
Duncan	Linde	Thoreson
Ellingson	McDowell	Turner
Ganssle	McLean	Wallin
Garden	Overson	Welch
Gibbens	Pierce	Whitcher
Gilbert	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Martin	Simpson
Duis	McDonald	Trimble
Elken	Movius	Walton
Jacobsen	Plain	Welo
Kretschmar	Putnam	Williams
LaMoure		

So the bill passed and the title was agreed to.

House Bill No. 229.

A bill for an act amending Section 476 of the Revised Codes of North Dakota of 1905, relating to boundaries of, and terms of court in the Eighth judicial district.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Gunderson	Steel or Stutsman
Bessessen	Hookway	Steele of Renville
Carter	Jacobsen	Stevens
Cashel	Johnson	Syverson
Davis	Kennedy	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Overson	Walton
Garden	Pierce	Welo
Gibbens	Plain	Welch
Gilbert	Putnam	Whitcher
Gronvold	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	McDonald	Simpson
Kretschmar	Movius	Williams
LaMoure		

So the bill passed and the title was agreed to.

House Bill No. 347.

A bill for an act to amend and re-enact Section 498 of the Revised Codes of North Dakota for the year 1905, relating to admission to the bar.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 40 ayes, 2 nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Gronvold	Ruzicka
Bessesen	Gunderson	Simpson
Carter	Jacobsen	Steel of Stutsman
Cashel	Johnson	Steele of Renville
Devis	Kennedy	Syverson
Duis	Linde	Talcott
Duncan	Martin	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Overson	Walton
Garden	Pierce	Welo
Gibbens	Plain	Whitcher
Gilbert	Putnam	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	McDonald	Welch
Kretschmar	Movius	Williams
LaMoure	Thoreson	

Messrs. Hodkway and Stevens voted in the negative.

So the bill passed and the title was agreed to.

House Bill No. 352.

A bill for an act providing for a bailiff 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 40 ayes, no nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Putnam
Baker	Gundersop	Ruzicka
Bessesen	Hookway	Simpson
Carter	Jacobsen	Steel of Stutsman
Cashel	Johnson	Steele of Renville
Davis	Kennedy	Stevens
Duls	Linde	Syverson
Duncan	Martin	Talcott
Elken	McDowell	Trimble
Ellingson	McLean	Turner
Ganssle	Overson	Welo
Garden	Pierce	Whitcher
Gibbens	Plain	Young
Gilbert		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kretschmar	Movius	Walton
LaMoure	Thoreson	Welch
McDonald	Wallin	Williams

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, 1911.

Mr. President:

I have the honor to return herewith

Senate Bill No. 60.

A bill for an act to provide a system of free public schools for the state of North Dakota and to repeal Sections 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835,

836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, and section 1038 of the Revised Codes of 1905, with any and all amendments thereto, and also Chapters 49, 98, 100, 103, 124, 153, and 201 of the Session Laws of 1909.

Also

Senate Bill No. 95.

A bill for an act regulating the conditions and provisions to be contained in policies of health or accident insurance issued in this state.

Also

Senate Bill No. 267.

A bill for an act to amend Sections 2, 3, 4, 10, 14 and 28, of Chapter 92 of the Session Laws of the state of North Dakota of 1909, relating to the creation of 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 assistant dairy commissioners, fixing their compensation, defining their powers and duties, prescribing rules and regulations for the manufacture and sale of dairy products, prescribing penalties for violations, providing for a license for creameries, cream stations, cheese factories and renovating or process butter factories, throughout the state.

Also

Senate Bill No. 269.

A bill for an act creating a reserve at Devils Lake, North Dakota, and providing for the protection of birds and their nests within such reserve.

Which the House has passed unchanged.

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith

Senate Bill No. 278.

A bill for an act to amend and re-enact Section 13 of the Session Laws for the year 1907 of the state of North Dakota, relating to primary election.

Which the House has amended as follows:

In the title of the engrossed bill, between the figure "13" and the word "of" insert "of Chapter 109."

In line 1 of section 1 of the engrossed bill, between the figure "13" and the word "of" insert "of Chapter 109."

And passed as amended.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith

Senate Bill No. 18.

A bill for the regulation and control of fraternal benefit societies.

Which the House has failed to pass.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith:

Senate Bill No. 307.

A concurrent resolution for an amendment to the Constitution of the state of North Dakota, relating to the term of office of the judges of the supreme court.

Which the House has failed to pass.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

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 committees appointed under a joint resolution of the Senate and the House to visit certain of the state institutions, as shown by said concurrent resolution, be allowed the expenses of their trips as follows:

That members of the committee visiting the Agricultural College at Fargo be each allowed ten dollars per day for two days for necessary expenses, and their railroad fare paid out by each of them; and

That members of the committee visiting the State University at Grand Forks and the State School for the Deaf at Devils Lake be each allowed ten dollars per day for four days for their necessary expenses, and their actual railroad fare paid out by each of them; and

That the members of the committee visiting the Mayville Normal School and the State Science School at Wahpeton be each allowed ten dollars per day for four days for their necessary expenses, and for the railroad fare actually paid out by each of them; and

That the members of the committee visiting the School for the Blind at Bathgate and the School for the Feeble-Minded at Grafton be each allowed ten dollars per day for four days for their necessary expenses, and for their actual railroad fare paid out by each of them; and

That the members of the committee visiting the Industrial School at Ellendale be each allowed ten dollars per day for three days for their necessary expenses, and also actual railroad fare paid out by each of them; and

That the members visiting the University Sub-station at Hebron be each allowed ten dollars per day for three days for necessary expenses and their actual railroad fare paid out by each of them; and

That the House members visiting the Hospital for the Insane at Jamestown and the Valley City Normal School be each allowed ten dollars per day for three days for their necessary expenses, and in addition thereto the railroad fare actually paid out by them, and that the Senate members of the committee visiting the Hospital for the Insane at Jamestown and the Valley City Normal School prior thereto be each allowed ten

dollars per day for two days for their necessary expenses, and their actual railroad fare paid out by them; and

Since one House member was upon the committee that visited the Agricultural College at Fargo and also upon the committee that visited the State Science School at Wahpeton; therefore,

That such member be only allowed ten dollars per day for four days as his necessary expenses for the entire trip, as well as for his actual railroad fare paid out by him; and

That vouchers 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:

Wherever the words "ten dollars" appear in the resolution, strike them out and insert in lieu thereof the words "five dollars." In the tenth paragraph (i. e., next to the last paragraph), strike out the words "only" and "entire." Strike out the words "ten dollars" and insert in lieu thereof "five dollars." Strike out the words "as well as for" and insert in lieu thereof the word "and."

And concurred in as amended.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Overson requested permission to return to the eighth order of business.

Which permission was granted.

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, The navigable rivers are the heritage of all of the people of the commonwealth, and

WHEREAS, The Yellowstone river is a navigable stream and has in the past served a mighty purpose in the transportation of merchandise and produce thereon; and

WHEREAS, The stream is now and always will be valuable for commerce and may become the controlling factor in the matter of rates throughout that fertile valley;

Be it Resolved:

That the state of North Dakota, through her legislature, heartily endorses the policy of maintaining the navigability of said Yellowstone river and of preventing any obstruction thereof that will impede or obstruct or prevent the navigation of said river, or so much thereof as is, in fact, navigable; that it will be detrimental to the interests of the territory through which the navigable portion of said river runs and to this state to permit any dam to be maintained in the Yellowstone river below Glendive, Montana, for any purpose unless there shall be constructed in connection with such dam, such lock or locks as may amply and surely keep said stream open for navigation; and the Legislative Assembly of North Dakota does

hereby urge the United States senators and representatives in Congress from the state of North Dakota and each of them to appear before the Board of Engineers for Rivers and Harbors at Washington, D. C., and urge the construction of a lock or locks in any dam that may be built across the Yellowstone river below Glendive, Montana, so that the navigability of said river shall be maintained and to urge such other measures and improvements as may be essential and necessary to perpetually protect and maintain the navigability of the Yellowstone and the upper Missouri rivers.

Further Be it Resolved:

That the Legislature of North Dakota deplores the fact that no mention of the upper Missouri river is contained in the recently enacted river and harbor bill, nor is any provision made therein for the continued improvement of either the Yellowstone or Upper Missouri rivers, and urges adequate appropriations be provided in future river and harbor enactments for the improvement of these rivers.

Mr. Overson moved
That the resolution be adopted.
Which motion prevailed, and
The resolution was adopted.

House Bill No. 264.

A bill for an act to amend Section 4112 of the Revised Codes of 1905, relating to the adoption of minor children.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 33 ayes, 3 nays, 13 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Garden	Ruzicka
Baker	Gilbert	Simpson
Bessesen	Hookway	Syvertson
Carter	Jacobsen	Talcott
Cashel	Johnson	Turner
Davis	Kennedy	Wallin
Duis	Martin	Walton
Duncan	McDowell	Welo
Elken	McLean	Welch
Ellingson	Pierce	Whitcher
Ganssle	Putnam	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Linde	Overson	Stevens

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gibbens	McDonald	Steele of Renville
Gronvold	Movius	Thoreson
Gunderson	Plain	Trimble
Kretschmar	Steel of Stutsman	Williams
LaMoure		

So the bill passed and the title was agreed to.

House Bill No. 188.

A bill for an act to amend Section 521 of the Revised Codes of 1905, relating to the furnishing of a list of jurors to the clerk of the district court.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 40 ayes, no nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Simpson
Baker	Gunderson	Steele of Renville
Bessesen	Hookway	Stevens
Carter	Jacobson	Syverson
Cashel	Johnson	Talcott
Davis	Kennedy	Trimble
Duis	Linde	Turner
Duncan	Martin	Wallin
Elken	McDowell	Walton
Ellingson	McLean	Welo
Ganssle	Movius	Welch
Garden	Overson	Whitcher
Gibbens	Pierce	Young
Gilbert	Putnam	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kretschmar	Plain	Thoreson
LaMoure	Ruzicka	Williams
McDonald	Steel of Stutsman	

So the bill passed and the title was agreed to.

House Bill No. 279.

A bill for an act to make it a felony, and providing a penalty for a guardian, county commissioner, or official

or employe in a penal, correctional or eleemosynary institution, to induce a female ward, or pauper under his care, or an inmate of such institution, to have illicit sexual intercourse with him by threatening to withhold the necessities of life, or threatening physical violence.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 40 ayes, no nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Simpson
Baker	Gunderson	Steel of Stutsman
Bessesen	Hookway	Stevens
Carter	Jacobsen	Syverson
Cashel	Johnson	Talcott
Davis	Kennedy	Trimble
Duis	Linde	Turner
Duncan	Martin	Wallin
Elken	McDowell	Walton
Ellingson	McLean	Welo
Ganssle	Overson	Welch
Garden	Pierce	Whitcher
Gibbens	Putnam	Young
Gilbert		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kretschmar	Movius	Steele of Renville
LaMoure	Plain	Thoreson
McDonald	Ruzicka	Williams

So the bill passed and the title was agreed to.

House Bill No. 50.

A bill for an act entitled, an act to provide for the determination of heirship and the share of such heirs respectively in the claims to certain real estate by action in the district court.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 40 ayes, no nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Simpson
Baker	Gunderson	Steel of Stutsman
Bessesen	Hookway	Stevens
Carter	Jacobsen	Syvertson
Cashel	Johnson	Talcott
Davis	Kennedy	Trimble
Duis	Linde	Turner
Duncan	Martin	Wallin
Elken	McDowell	Walton
Ellingson	McLean	Welo
Ganssle	Overson	Welch
Garden	Pierce	Whitcher
Gibbens	Putnam	Young
Gilbert	Ruzicka	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kretschmar	Movius	Thoreson
LaMoure	Plain	Williams
McDonald	Steele o. Renville	

So the bill passed and the title was agreed to.

House Bill No. 324.

A bill for an act to amend Section 6931 of the Revised Codes of 1905, relative to the time of granting injunctions.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 40 ayes, no nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Simpson
Baker	Hookway	Steel of Stutsman
Bessesen	Jacobsen	Stevens
Carter	Johnson	Syvertson
Cashel	Kennedy	Talcott
Davis	Linde	Trimble
Duis	Martin	Turner
Duncan	McDowell	Wallin
Elken	McLean	Walton
Ellingson	Overson	Welo
Ganssle	Pierce	Welch
Garden	Putnam	Whitcher
Gibbens	Ruzicka	Young
Gronvold		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	McDonald	Steele of Renville
Kretschmar	Movius	Thoreson
LaMoure	Plain	Williams

So the bill passed and the title was agreed to.

House Bill No. 367.

A bill for an act to legalize all notes and other written evidence of indebtedness, providing for more than seven per cent, but not exceeding twelve per cent per annum interest, and amending Section 5513 of the 1905 Code, relating to penalty for usury.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Simpson
Baker	Hookway	Steel of Stutsman
Bessesen	Jacobsen	Steele of Renville
Carter	Johnson	Stevens
Cashel	Kennedy	Syverson
Davis	Linde	Talcott
Duis	Martin	Trimble
Duncan	McDowell	Turner
Elken	McLean	Wallin
Ellingson	Overson	Walton
Ganssle	Pierce	Welo
Garden	Plain	Welch
Gibbens	Putnam	Whitcher
Gilbert	Ruzicka	Young
Gronvold		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kretschmar	McDonald	Thoreson
LaMoure	Movius	Williams

So the bill passed and the title was agreed to.

SENATE COMMITTEE ON ENROLLED AND ENGROSSED BILLS.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and grossed bills have examined:

Senate Bill No. 65.

A bill for an act to authorize cities to levy and collect a tax to pay judgments obtained against such cities.

Also

Senate Bill No. 148.

A bill for an act to amend Section 12 of Chapter 182, the same being Senate Bill No. 128 of the Session Laws for 1907, relating to the qualifications for registration of pharmacists.

Also

Senate Bill No. 185.

A bill for an act providing for the establishing of savings banks and defining the powers and restrictions of the same.

Also

Senate Bill No. 228.

A bill for an act to amend and re-enact Section 1599 of the Revised Codes of 1905, relating to the platting of irregular tracts of land.

Also,

Senate Bill No. 248.

A bill for an act to provide for the better preservation of section corner, quarter section corner and meander corner monuments on any government line of survey, and to provide a penalty for their destruction or defacement.

Also,

Senate Bill No. 309.

A bill for an act to provide for the purchase of the paintings of "Mink Woman," "Bear's Necklace" and "Bad Brave."

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The Secretary announced that the President was about to sign

Senate Bill No. 65.

A bill for an act to authorize cities to levy and collect a tax to pay judgments obtained against such cities.

Also

Senate Bill No. 148.

A bill for an act to amend Section 12 of Chapter 182, the same being Senate Bill No. 128 of the Session Laws for 1907, relating to the qualifications for registration of pharmacists.

Also,

Senate Bill No. 185.

A bill for an act providing for the establishing of savings banks and defining the powers and restrictions of the same.

Also

Senate Bill No. 228.

A bill for an act to amend and re-enact Section 1599 of the Revised Codes of 1905, relating to the platting of irregular tracts of land.

Also,

Senate Bill No. 248.

A bill for an act to provide for the better preservation of section corner, quarter section corner and meander corner monuments on any government line of survey, and to provide a penalty for their destruction or defacement.

Also

Senate Bill No. 309.

A bill for an act to provide for the purchase of the paintings of "Mink Woman," "Bear's Necklace" and "Bad Brave."

And the President signed the same in the presence of the Senate.

House Bill No. 315.

A bill for an act relating to the duties of local boards of health, and sanitary regulations of school houses churches and public halls.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 35 ayes, 4 nays, 10 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Ruzicka
Baker	Jacobsen	Simpson
Bessesen	Johnson	Steel of Stutsman
Carter	Kennedy	Steele of Renville
Cashel	Linde	Stevens
Davis	Martin	Syvertson
Duncan	McDowell	Talcott
Garden	McLean	Turner
Gibbens	Overson	Walton
Gilbert	Pierce	Whitcher
Gronvold	Plain	Young
Gunderson		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Elken	Wallin	Welo
Trimble		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duis	LaMoure	Welch
Ganssle	McDonald	Williams
Ellingson	Movius	Thoreson
Kretschmar	Putnam	

So the bill passed and the title was agreed to.

House Bill No. 196.

A bill for an act to amend Section 2972 of the Political Code of the Revised Codes of North Dakota of 1905.

The roll was called and there were 39 ayes, no nays, 10 absent and not voting.

Was read the third time.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Plain
Baker	Gunderson	Putnam

Messrs.—	Messrs.—	Messrs.—
Bessesen	Hookway	Ruzicka
Carter	Jacobsen	Steel of Stutsman
Cashel	Johnson	Stevens
Davis	Kennedy	Syverson
Duncan	Linde	Talcott
Elken	Martin	Turner
Ellingson	McDonald	Walton
Ganssle	McDowell	Welo
Garden	McLean	Welch
Gibbens	Movius	Whitcher
Gilbert	Overson	Young

Absent and not voting.

Messrs.—	Messrs.—	Messrs.—
Duis	Simpson	Trimble
Kretschmar	Steele of Renville	Wallin
LaMoure	Thoreson	Williams
Pierce		

So the bill passed and the title was agreed to.

Mr. Steele in the chair.

House Bill No. 209.

A bill for an act to amend Chapter 70, Laws of 1909, relating to the investment of county sinking funds.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 40 ayes, no nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Putnam
Baker	Gunderson	Ruzicka
Bessesen	Hookway	Steel of Stutsman
Carter	Jacobson	Stevens
Cashel	Johnson	Syverson
Davis	Kennedy	Talcott
Duncan	Linde	Turner
Elken	Martin	Wallin
Ellingson	McDowell	Walton
Ganssle	McLean	Welo
Garden	Movius	Welch
Gibbens	Pierce	Whitcher
Gilbert	Plain	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duis	Overson	Thoreson
Kretschmar	Simpson	Trimble
LaMoure	Steele of Renville	Williams
McDonald		

So the bill passed and the title was agreed to.

House Bill No. 291.

A bill for an act to amend Section 687 of the Revised Codes of 1905, as amended by Chapter 93 of the Session Laws of 1909, relating to compensation of election officers.

Was read the third time.

Mr. Elken moved

That the bill be indefinitely postponed.

Which motion prevailed.

And the further consideration of the bill was indefinitely postponed.

House Bill No. 151.

A bill for an act to amend Section 2437 of the Revised Codes of North Dakota for 1905,, relating to proposals and acceptance of bonds of county depositaries.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Putnam
Baker	Hookway	Ruzicka
Bessesen	Jacobsen	Simpson
Carter	Johnson	Steel of Stutsman
Cashel	Kennedy	Stevens
Davis	Linde	Syverson
Duis	Martin	Talcott
Duncan	McDonald	Thoreson
Elken	McDowell	Turner
Elungson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbens	Pierce	Whitcher
Gilbert	Plain	Young
Gronvold		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kretschmar	Steele of Renville	Welch
LaMoire	Trimble	Williams

So the bill passed and the title was agreed to.

House Bill No. 245.

A bill for an act specifying that certain county offices shall be kept open for business during business hours of business days.

Mr. Stevens moved, as an amendment:

That the words "county judge" be inserted in line 2, after the word "treasurer."

Which motion prevailed, and
The amendment was adopted.

Mr. Talcott moved, as an amendment:

That sections 3, 4 and 5 be stricken out, "section 6" be numbered "section 3," and in line 3 of section 1 the words "county clerk of court" be stricken out, and insedt "clerk of district court" in lieu thereof.

Which motion prevailed, and
The amendment was adopted.

The question being on the final passage of the bill,

The roll was called and there were 18 ayes, 25 nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Hookway	Steel of Stutsman
Cashel	Martin	Stevens
Elken	McDonald	Wallin
Ellingson	McDowell	Walton
Gibbens	Plain	Welo
Gronvold	Ruzicka	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Pierce
Baker	Jacobsen	Simpson
Carter	Johnson	Syvertson
Davis	Kennedy	Talcott
Duis	Linde	Thoreson
Duncan	McLean	Trimble

Messrs.—
Ganssle
Garden
Gilbert

Messrs.—
Movius
Overson

Messrs.—
Turner
Whitcher

Absent and not voting:

Messrs.—
Kretschmar
LaMoure

Messrs.—
Putnam
Steele of Renville

Messrs.—
Welch
Williams

So the bill was lost.

House Bill No. 112.

A bill for an act amending Section 2400 of the Revised Codes of 1905, relating to additional powers of the board of county commissioners.

Was read the third time.

The question being on the final passage of the bill,
The roll was called and there were 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—
Allen
Baker
Bessesen
Carter
Cashel
Davis
Duis
Duncan
Elken
Ellingson
Ganssle
Garden
Gibbens
Gilbert
Gronvold

Messrs.—
Gunderson
Hookway
Jacobsen
Johnson
Kennedy
Linde
Martin
McDowell
McLean
Movius
Overson
Pierce
Plain
Putnam
Ruzicka

Messrs.—
Simpson
Steel of Stutsman
Steele of Renville
Stevens
Syvertson
Talcott
Thoreson
Trimble
Turner
Wallin
Walton
Welo
Welch
Whitcher
Young

Absent and not voting.

Messrs.—
Kretschmar
LaMoure

Messrs.—
McDonald

Messrs.—
Williams

So the bill passed and the title was agreed to.

House Bill No. 152.

A bill for an act to specify and authorize a state flag.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 45 ayes, 1 nay, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Simpson
Baker	Hookway	Steel of Stutsman
Bessesen	Jacobsen	Steele of Renville
Carter	Johnson	Stevens
Cashel	Kennedy	Syverson
Davis	Linde	Talcott
Juis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McLean	Turner
Ellingson	Movius	Wallin
Ganssle	Overson	Walton
Garden	Pierce	Welo
Gibbens	Plain	Welch
Gilbert	Putnam	Whitcher
Gronvold	Ruzicka	Young

Mr. McDowell voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kretschmar	LaMoure	Williams

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, 1911.

Mr. President:

I have the honor to return herewith:

Senate Bill No. 186.

A bill for an act to amend and re-enact Section 9371 of Revised Codes of the State of North Dakota for the year

1905, relating to the enforcement of the prohibition law by state's attorneys, providing for a special fund in each county for the fines and penalties and the payment of prosecution expenses.

Which the House has failed to pass.

Very respectfully,

E. H. GRIFFIN.
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith:

Senate Bill No. 46.

A bill for an act establishing a hail insurance department and making the commissioner of agriculture and labor also the commissioner of hail insurance; prescribing rules, regulations and duties of all officers and persons connected therewith; prescribing how premiums, expenses and indemnity for losses by hail shall be paid.

Which the House has amended as follows:

Section 3, line 19 of engrossed bill, after the word "September" strike out the words "first" and insert in lieu thereof the word "fifteenth."

Section 2, line 24, after the word "the" and before the word "promptly" strike out the word "same" and insert the word "application."

Section 3, line 15, strike out the first word in the line "money" and insert in lieu thereof the word "premium."

Section 11, line 18, after the words "in full" insert "as allowed by the adjusters."

And passed as amended.

Very respectfully,

E. H. GRIFFIN.
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith:

Senate Bill No. 223.

A bill for an act to amend and re-enact Section 39 and Section 40 of Chapter 109 of the Session Laws of the year 1907, of the State of North Dakota, relating to primary election.

Which the House has amended as follows:

In section 39, in line 7 of the printed bill, on page 14 of the Senate Journal of February 14th, after the word "party" add the following: "Upon the canvass of the returns the county auditor shall immediately notify in writing each precinct committeeman so selected, together with those provided for in section 40 of this act, of their selection and the date of the meeting of the county central committee."

In line 9 of section 40, between the words "appoint" and "one" insert the words "in writing." In line 9, after the word "which" add the words: "appointment shall be immediately filed with the county auditor." In line 11, insert the word "the" before "committeemen" at the beginning of the line. In line 13, strike out the word "second" and insert the word "third." In line 16, between the words "committee" and "of" insert the words "consisting of from five to nine persons chosen from the county committee." In line 21, after the word "district" at the beginning of the line, insert the words "the precinct committeemen from each legislative district." In line 21, strike out the word "they." In line 21, strike out the word "each" and insert the words "their respective." In line 3, on page 15, strike out the word "third" and insert the word "fourth."

And passed as amended.

Very respectfully,

E. H. GRIFFIN,

Chief Clerk.

Also

Mr. President:

I have the honor to return herewith:

Senate Bill No. 235.

A bill for an act to amend Sections 3, 4, 5, 6, 7, 8, 12, 15, 28, 35, 42, 43, 44 and 45 of Chapter 128 of the Session Laws of 1909, being 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, for the protection, propagation, preservation, taking, use and transportation of game, fish, wild birds, fur bearing animals and certain harmless birds and animals.

Which the House has amended as follows:

In first line of the title, after the figure "44" add the following figures, "23, 36." In line 2 of the title of the printed bill, after the figure "1909" insert the following: "and adding new sections thereto."

In line 6 of section 1 of the printed bill, strike out after the word "governor" the balance of line 6, all of line 7, all of line 8, all of line 9 to the word "thereafter" on line 10, and insert in lieu thereof the following: "one member of such board shall be appointed for a term of one year commencing on the first day of April, 1911, and one member of such board shall be appointed for a term of two years commencing on the first day of April, 1911, and one member of such board shall be appointed for a term of three years commencing on the first day of April, 1911."

In line 11, section 1 of the printed bill, strike out the word "four" and insert in lieu thereof the word "three."

In line 16, section 1 of the printed bill, after the word "secretary" insert the following: "who shall receive as compensation for his services not to exceed the sum of one hundred dollars per month for keeping and maintaining the secretary's office."

In line 25, section 2 of the printed bill, strike out after the word "for" the balance of section and insert in lieu thereof the following: "carrying out the provisions of this section as said board may deem most expedient."

In line 3, section 5 of the printed bill, after the word "commissioner" insert the following: "How Appointed. Powers and Duties Of.)"

Also in line 3, same page and section, strike out after the word "the" the word "board" and insert in lieu thereof the word "governor."

In line 3, section 5 of the printed bill, after the word "shall" insert the following: "on or before the first day of April, 1911."

In line 4, section 5 of the printed bill, after the word "commissioner" insert the following: "who shall serve for a term of two years or until his successor has been appointed."

In line 5, section 5 of the printed bill, strike out after the word "therefore" the word "to" and all of line 6, and insert in lieu thereof the following: "the sum of."

Line 10, section 4 of the printed bill, after the word "direction" insert the following: "He shall not be engaged in or have any other business that will in any way require any of his time or interfere with his duties as such chief game warden. It shall be his duty to devote all of his time to the practical and actual work of enforcing the provisions of this act in seasons requiring the actual work of deputy wardens in the field. He shall devote all his time to field work, advise, instruct and supervise the work of all deputies under him."

In line 14, section 4 of the printed bill, after the word "faithful" insert the following: "performance of his duties and the."

Line 3, section 6 of the printed bill, strike out the word "three" and insert in lieu thereof the word "four."

In line 4, section 6 of the printed bill, strike out the period after the word "district," the word "In" following to be written "in," and after the word "warden" on the same line, strike out the comma and insert in lieu thereof a period.

Line 6, section 6 of the printed bill, strike out the word "four" and insert in lieu thereof the word "five."

Strike out in section 6 all of line 7 and the words in line 8 preceding the word "such" and insert in lieu thereof the following: "which months shall be designated by the Game and Fish Board of Control. Provided, however, the Board of Control may, and they are hereby authorized to appoint one of the above mentioned regular deputy game wardens in each district to serve for a period of one year, if in their judgment such action is necessary and for the better protection of the game of the state. Provided further, the chief game warden in each district may appoint one or more resident county game wardens in each county in their respective districts, who shall

serve for such a time and in such a manner as the chief game warden may direct. They shall serve as such resident county game wardens without compensation, except as provided in section 24, Chapter 128, Session Laws of 1909."

In line 11, section 6, after the word "duties" insert the following: "provided, the board may designate and they are hereby expressly authorized to fix the amount of compensation such regular deputy game wardens shall receive from time to time, but in no case shall such compensation exceed the sum of one hundred dollars per month and expenses, as provided in this section."

In line 14, section 6 of the printed bill, strike out the word "month" and insert in lieu thereof the word "week." Also on the same line, strike out after the word "the" the following words: "secretary of the board of control," and insert in lieu thereof the following: "chief game warden."

In line 17, same section, strike out the word "month" and insert in lieu thereof the word "week."

In line 21, section 6 of the printed bill, strike out after the word "provided" the words "by law" and insert in lieu thereof the following: "as provided in section 14 of this act."

In line 10 of section 7 of the printed bill, strike out after the word "state" the following words: "district game and fish wardens" and insert in lieu thereof the following: "chief game wardens and fish commissioner."

In line 13, section 10 of the printed bill, strike out the word "turtle-dove." Also on line 14, same section, strike out the words "ruffed grouse."

Line 17, section 10 of the printed bill, strike out after the word "following" the balance of line 17, all of line 18, all of line 19 and all of line 20.

Line 22 of section 10 of the printed bill strike out the word "swan."

In line 26 of section 14 of the printed bill, strike out the word "or" after the words "red horse" and insert after the word "carp" the words "or pickerel."

In line 32 of section 14 of the printed bill, strike out the period and insert in lieu a comma and the following words: "and for the distribution of the products of said fish hatchery."

Section 16. Amendment.) Section 36 is hereby amended so as to read as follows:

Section 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 with antlers 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 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 dollars nor more than fifty dollars for each deer and cost of prosecution, or by imprisonment in the county jail for not less than twenty days or more than thirty 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 act.

Section 14. Claims Against the Game and Fish Fund Verified How.) No bill, claim, account or demand against the game and fish fund shall be audited, allowed or paid until a full itemized statement in writing shall

be filed with the secretary of the board. And where charges are made for money expended in attending meetings of the board or for money expended in the performance of official duties, all items of one dollar or more shall be covered by a sub-voucher signed by the party to whom the money was paid. The sub-voucher shall show the date, at what price, and for what the money was paid. The sub-voucher shall be forwarded with the statement, and said statement shall be verified by the oath of the party making it. All statements, bills or claims filed with the secretary, when duly certified to by the president of said board, shall be mailed to the state auditor. The state auditing board shall audit such claims and draw warrants upon the state treasurer for the amounts so allowed, to be paid out of the game and fish fund.

Section 15. Angler's Fishing License.) Every person is prohibited from taking from the public waters of this state wherein the state or government have planted or stocked with fish any species of fish protected by this act unless they shall have first procured and have on their person a license therefor from any county auditor of this state. Which said license shall not be transferable. County auditors shall issue such angler's license upon the payment of a license fee of one dollars; provided, however, that the head of a family holding the license entitles all his family to the rights of fishing, and children under the age of sixteen years shall not be required to have a license under this act.

On or before October fifteenth of each year county auditors shall return to the secretary of the game and fish board of control all unused angler's license blanks and remit to the state treasurer all money received from the sale of such licenses, excepting ten cents for each license issued, which he shall retain as his fee. The state treasurer shall credit the money so received to the state game and fish fund.

Section 17. Amendment.) Section 23 is hereby amended to read as follows:

Section 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 accumulated to the credit of the Game and Fish Commission Fund may be used for the propagation of fish and game birds and for other purposes at the discretion of the board.

Line 1, section 14 of the printed bill, strike out the figure "14" and insert in lieu thereof the figure "18."

Section 15, line 1, of the printed bill, strike out the figures "15" and insert in lieu thereof the figure "19."

And passed as amended.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

House Bill No. 91.

A bill for an act to provide for fixing the amount to be allowed for labor on highways when performed in payment of road taxes.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 45 ayes, 1 nay, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Simpson
Baker	Hookway	Steel of Stutsman
Bessesen	Jacobsen	Steele of Renville
Carter	Johnson	Stevens
Cashel	Kennedy	Syvertson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbens	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Ruzicka	Young

Mr. Putnam voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kretschmar	LaMoure	Williams

So the bill passed and the title was agreed to.

House Bill No. 118.

A bill for an act to amend subdivisions six (6) and seven (7) of Section five (5) of Chapter one seventy-nine (179) of the Session Laws of 1907, in relation to the powers of the board of park commissioners.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Simpson
Baker	Hookway	Steel of Stutsman
Bessesen	Jacobsen	Stevens
Carter	Johnson	Syvertson
Cashel	Kennedy	Talcott
Davis	Martin	Thoreson
Duis	McDonald	Trimble
Duncan	McDowell	Turner
Elken	McLean	Wallin

Messrs.—	Messrs.—	Messrs.—
Ellingson	Movius	Walton
Ganssle	Overson	Welo
Garden	Pierce	Welch
Gibbens	Plain	Whitcher
Gilbert	Putnam	Williams
Gronvold	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kretschmar	Linde	Steele of Renville
LaMoure		

So the bill passed and the title was agreed to.

House Bill No. 380.

A bill for an act to amend Section 1213 of the Revised Codes of 1905, of the state of North Dakota, relating to the board of trustees of the soldiers' home.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 46 ayes, no nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Jacobsen	Steele of Renville
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syvertson
Cashel	Martin	Talcott
Davis	McDonald	Thoreson
Duis	McDowell	Trimble
Duncan	McLean	Turner
Elken	Movius	Wallin
Ellingson	Overson	Walton
Ganssle	Pierce	Welo
Garden	Plain	Welch
Gibbens	Putnam	Whitcher
Gilbert	Ruzicka	Williams
Gronvold	Simpson	Young
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	LaMoure	Linde

So the bill passed and the title was agreed to.

House Bill No. 225:

A bill for an act to amend and re-enact Section 537 of the Revised Codes of North Dakota for 1905, 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 47 ayes, no nays, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steel of Stutsman
Baker	Johnson	Steele of Renville
Carter	Kennedy	Stevens
Cashel	Kretschmar	Syvertson
Davis	Martin	Talcott
Duis	McDonald	Thoreson
Duncan	McDowell	Trimble
Elken	McLean	Turner
Ellingson	Movius	Wallin
Ganssle	Overson	Walton
Garden	Pierce	Welo
Gibbens	Plain	Welch
Gilbert	Putnam	Whitcher
Gronvold	Ruzicka	Williams
Gunderson	Simpson	Young
Hookway		

Messrs. LaMoure and Linde being absent and not voting.

House Bill No. 84.

A bill for an act to amend Section 7575 of the Revised Codes of North Dakota for A. D. 1905, and prescribing the instances where the right of eminent domain may be exercised for public uses.

Was read the third time.

Mr. Duis moved

That the bill be indefinitely postponed.

Which motion prevailed.

And the further consideration of the bill was indefinitely postponed.

House Bill No. 54.

A bill for an act to amend Section 3062 of the Revised Codes of 1905, and to provide for the appointment of overseers of highways.

Was read the third time.

The question being on the final passage of the bill:

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steele of Renville
Bessesen	Johnson	Stevens
Carter	Kennedy	Syverson
Cashel	Kretschmar	Talcott
Davis	Linde	Thoreson
Duis	Martin	Trimble
Duncan	McDonald	Turner
Elken	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbens	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway	Steel of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baker	LaMoire	Simpson
Ellingson	McDowell	

So the bill passed and the title was agreed to.

Mr. Overson requested permission to return to the sixth order of business.

Which permission was given.

The committee on mines and minerals made the following report:

Mr. President:

Your committee on mines and minerals to whom was referred

House Bill No. 418.

A bill for an act to aid assessors in valuing coal deposits reserved to grantors by providing that all deeds and transfers of real property which reserves the coal deposits to the grantor shall contain a full description of the coal deposits, so reserved, its length, width and thickness, and prohibiting the recording by register of deeds of any deed or transfer of real property that reserves to the grantor the coal deposits, unless such description is contained therein, and providing a penalty therefor.

Have had the same under consideration and recommend that the same do pass.

W. B. OVERSON,
Chairman.

A. L. MARTIN,
H. P. JACOBSON,
JNO. YOUNG,
J. E. DAVIS,
H. McLEAN,
GEO. A. WELCH,
L. A. SIMPSON.

Mr. Overson moved
The report was adopted.
Which motion prevailed, and
The amendments were adopted.

House Bill No. 443.

A bill for an act to amend Section 2020 of the Revised Codes of 1905, relating to registration fees and compensation of the state board of veterinary examiners.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 42 ayes, 2 nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Allen
Baker
Bessesen
Carter
Cashel

Messrs.—

Gunderson
Hookway
Jacobsen
Johnson
Kennedy

Messrs.—

Ruzicka
Steel of Stutsman
Steele of Renville
Stevens
Syvertson

Messrs.—
 Davis
 Duis
 Duncan
 Elken
 Ellingson
 Ganssle
 Garden
 Gibbens
 Gilbert
 Gronvold

Messrs.—
 Linde
 Martin
 McDonald
 McDowell
 McLean
 Movius
 Overson
 Pierce
 Putnam

Messrs.—
 Talcott
 Thoreson
 Trimble
 Turner
 Wallin
 Walton
 Whitcher
 Williams
 Young

Absent and not voting:

Messrs.—
 Kretschmar
 LaMoure

Messrs.—
 Simpson

Messrs.—
 Welo

Messrs. Plain and Welch voted 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 2, 1911.

Mr. President:

I have the honor to return herewith:

Senate Bill No. 10.

A bill for an act to amend Sections 1031, 1034, 1035 and 1036, of the Revised Codes of 1905, relating to education.

Which the House has amended as follows:

In the engrossed bill, section 1, line 5, after the word "university" insert the words "and the president of the North Dakota Agricultural College."

Same section, same line, strike out the words "two members" and insert in lieu thereof the words "one members."

And passed as amended.

Also

Mr. President:

I have the honor to return herewith:

Senate Bill No. 181.

A bill for an act to provide for the levy and collection of

taxes in the villages of the state of North Dakota, and to repeal Sections 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882 and 2883 of the Revised Codes of 1905.

Also

Senate Bill No. 234.

A bill for an act to authorize and empower the state auditing board to audit, approve and order paid, bills contracted by the capitol commission under Chapter 166 of the Session Laws of 1905, and making an appropriation therefor.

Also

Senate Bill No. 262.

A bill for an act to establish a revolving fund out of the net profits derived from the operation of the twine plant at the state penitentiary, and to provide for the disposal thereof.

Also

Senate Bill No. 256.

A bill for an act to amend Section 1833 of the Revised Codes of North Dakota for the year 1905, relating to additional assessments for drains.

Also,

Senate Bill No. 332.

A bill for an act to amend section 7530, Revised Codes of 1905, relating to adjustment of cross judgment in actions to determine conflicting claims to real property.

Also

Senate Bill No. 24.

A bill for an act to appropriate money for maintenance, equipment and permanent improvements at the State university and School of Mines of North Dakota.

Also

Senate Bill No. 138.

A concurrent resolution to amend Section 158 of the Con-

stitution of the State of North Dakota, governing the sale of school lands to railroad companies.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith:

Senate Bill No. 304.

A bill for an act requiring a more thorough and comprehensive system of instruction in all common and high schools of this state, and providing a penalty for the violation thereof.

Which the House has amended as follows:

Of the printed bill, section 1, line 2, strike out the word "and."
Same section, line 3, strike out the words "all pupils in each year of the high schools."
Strike out all of section 2.
Strike out all of section 5.
Re-number the sections.

And passed as amended.

Very respectfully,
E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith:

Senate Bill No. 84.

A concurrent resolution, amending the Constitution of the State of North Dakota, relating to the legislative department and providing for direct legislation, the proposing of constitutional amendments, reference of laws and recall of officers.

Which the House has amended as follows:

In line 3, page 1 of the printed bill, strike out the words "to be" and insert in lieu thereof the word "and".

In line 4, after the comma after the word "assembly," insert the words "the same be".

In line 15, page 2, strike out the words "by the initiative petition"; and after the word "enact" in the same line and same page, insert the words "and approve."

In line 16, after the comma after the word "polls" strike out the balance of the line.

In line 20 after the word "reject" insert the words "and annul". In same line strike out the word "part" and insert in lieu thereof the word "act".

In line 21, after the comma after the word "assembly," strike out the balance of said line and all of line 22, and the words "or safety, and" in line 23.

In line 26 change the comma to a period and strike out the balance of the line, and strike out all of line 27 and 28 to and including period.

In line 29 strike out the words "for enactment into laws."

In line 35, page 3, after the word "than" insert the following: "Four months prior to the election at which they are to be voted on, or not later than twenty." In the same line strike out the word "thirty" and strike out the word "before" and insert in lieu thereof the word "after." In the same line strike out the word "regular" and insert in lieu thereof the word "opening".

In line 39 after the comma after the word "thereof" insert the following: "Or not later than ten days after same are filed." In same line strike out word "and" and commence the word "measures" with capital "m".

In line 43 strike out the words "change or" and "within forty days from the opening."

In line 44 strike out the words "of the" and insert in lieu thereof the words "at that". In the same line after the word "enacted" insert the following: "Or agreed to".

In line 49 strike out the words "within said forty days" and insert in lieu thereof "at that session".

In line 51 strike out all after the word "may".

Strike out all of line 52 and the words "and" and "instead" in line 53, and after the word "measure" in line 53 insert the following: "Or constitutional amendment."

In line 55, after the word "submitted" strike out the word "to" and insert in lieu thereof the word "by".

In line 59, page 4, after the word "deemed" insert the following: "Enacted and".

In line 60, after the word "approved" insert the words "at the polls."

In line 67, after the word "amendment" insert the words "the second time."

In line 74, after the word "act" and before the word "to" insert the following: "Of the legislative assembly".

At the end of line 75 strike out the words "must be".

Strike out all of lines 76, 77 and 78 and the word "and" in line 79.

In line 82 strike out the word "upon" and insert in lieu thereof the word "by".

In line 84 after the comma after the word "state" insert the following: "Whereupon such act, measure, part or parts thereof so ordered shall be suspended until the referendum vote shall determine whether or not the law is sustained or defeated."

In line 88, after the word "of" and before the word "legislative" insert the word "the".

In line 94, after the word "any" and before the word "act" insert the words "duly enacted"; and after the comma after the word "act" insert the words "or emergency law". In same line, after the word "act" and before the word "from" insert the words "or law".

In line 98 strike out the word "vote" and insert in lieu thereof the word "veto".

In line 102, page 6, before the word "elections" at the beginning of said line, insert the word "general".

In line 106 strike out the period after the word "vote" and add the following: "By the state board of canvassers."

On page 4 of the reprinted bill, line 69, strike out the following, "The last three words of line 69, and all of lines 70, 71 and 72.

And passed as amended.

Very Respectfully,
 E. H. GRIFFIN,
 Chief Clerk.

House Bill No. 271.

A bill for an act to create a state board of control, and provide for the management and control of the soldiers' home, the charitable,, reformatory and penal institutions of the state, and to provide for supervisory powers over the state educational institutions,, and to make an appropriation therefor, and for the defining of certain offenses and providing penalties therefor.

Was read the third time.

Mr. Pierce moved

To amend the bill as follows:

Insert at the end of section 8:

"Provided, however, that this act shall not apply to the soldiers' home."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill,

The roll was called and there were 40 ayes, 5 nays, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—

Bessesen
 Carter
 Cashel
 Davis
 Elken
 Ellingson
 Ganssle
 Garden
 Gibbens
 Gilbert
 Gronvold
 Gunderson
 Hookway

Messrs.—

Jacbsen
 Johnson
 Kennedy
 Linde
 Martin
 McDonald
 McLean
 Movius
 Overson
 Pierce
 Plain
 Putnam
 Ruzicka

Messrs.—

Steel of Stutsman
 Steele of Renville
 Syvertson
 Talcott
 Thoreson
 Trimble
 Turner
 Wallin
 Walton
 Welo
 Whitcher
 Williams
 Young

Those who voted in the negative were:

Messrs.—

Allen
 Baker

Messrs.—

Duis
 Stevens

Messrs.—

Welch

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duncan	LaMoure	Simpson
Kretschmar	McDowell	

So the bill passed and the title was agreed to.

House Bill No. 422.

A bill for an act to amend and re-enact Section 1385, Revised Codes of 1905, limiting the cost of bridges over navigable rivers.

Was read the third time.

The question being on the final passage of the bill:

The roll was called and there were 44 ayes, 1 nay, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steele of Renville
Baker	Jacobsen	Stevens
Bessesen	Johnson	Sy ertson
Carter	Kennedy	Talcott
Cashel	Kretschmar	Thoreson
Davis	Martin	Trimble
Duis	McDonald	Turner
Elken	McDowell	Wallin
Ellingson	McLean	Walton
Ganssle	Overson	Welo
Garden	Plain	Welch
Gibbens	Putnam	Whitcher
Gilbert	Ruzicka	Williams
Gronvold	Simpson	Young
Gunderson	Steel of Stutsman	

Mr. Pierce voted in the negative.

Absent and not voting:

Duncan	Linde	Movius
LaMoure		

So the bill passed and the title was agreed to.

House Bill No. 436.

A bill for an act to license and regulate hospitals, sanitariums and other institutions, and for the protection of patients therein.

Was read the third time.

The question being on the final passage of the bill:

The roll was called and there were 36 ayes, 3 nays, 10 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Syverson
Baker	Gunderson	Talcott
Bessesen	Hookway	Thoreson
Carter	Kennedy	Trimble
Cashel	Kretschmar	Turner
Duis	Martin	Wallin
Elken	McLean	Walton
Ellingson	Movius	Welo
Ganssle	Overson	Welch
Garden	Plain	Whitcher
Gibbens	Putnam	Williams
Gilbert	Simpson	Steel of Stutsman

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Steele of Renville	Stevens	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	LaMoure	McDowell
Duncan	Linde	Pierce
Jacobsen	McDonald	Ruzicka
Johnson		

So the bill passed and the title was agreed to.

SENATE COMMITTEE ON ENROLLED AND ENGROSSED BILLS.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 27.

A bill for an act making an appropriation for the normal school at Minot to meet the expenditure for the erection of buildings and permanent improvements necessary in connection therewith, and for furnishings, equipment and maintenance.

Also

Senate Bill No. 153.

A concurrent resolution amending the Constitution of the State of North Dakota, providing for the future amendment thereof.

Also

Senate Bill No. 257.

A bill for an act entitled, an act regulating the erection of telegraph, telephone, electric light, power and other poles carrying wires conveying electricity in incorporated cities.

Also,

Senate Bill No. 306.

A bill for an act amending Section 9358 of the Revised Codes of 1905, as amended and re-enacted by Section 5 of toxicating liquors by druggists who are registered pharmacists, and to provide a method of such sales in cases of emergency.

Also,

Senate Bill No. 326.

A bill for an act to amend Section 1350, Revised Codes of 1905, relating to the laying out, altering or discontinuing roads.

Also,

Senate Bill No. 339.

A bill for an act to prescribe legal rates for the publication of political announcements.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The Secretary announced that the President was about to sign

Senate Bill No. 27.

A bill for an act making an appropriation for the normal school at Minot to meet the expenditure for the erection of buildings and permanent improvements necessary in connection therewith, and for furnishings, equipment and maintenance.

Senate Bill No. 153.

A concurrent resolution amending the Constitution of the State of North Dakota, providing for the future amendment thereof.

Senate Bill No. 257.

A bill for an act entitled, an act regulating the erection of telegraph, telephone, electric light, power and other poles carrying wires conveying electricity in incorporated cities.

Also,

Senate Bill No. 306.

For an act amending section 9358 of the Revised Codes of 1905 as amended and re-enacted by section 5 of chapter 183 of the laws of 1909, regulating the sale of intoxicating liquors by druggists who are registered pharmacists, and to provide a method of such sales in cases of emergency.

Also,

Senate Bill No. 326.

For an act to amend section 1350 of the Revised Codes of 1905, relating to the laying out, altering or discontinuing roads.

Also,

Senate Bill No. 339.

A bill for an act to prescribe legal rates for the publication of political announcements.

And the President signed the same in the presence of the Senate.

House Bill No. 180.

A bill for an act amending Section 8406, Revised Codes of 1905, providing when an action of forcible detainer is maintainable.

Was read the third time.

The question being on the final passage of the bill:

The roll was called and there were 45 ayes, no nays, 4

absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Jacobsen	Steele of Renville
Bessesen	Johnson	Stevens
Carter	Kennedy	Syvertson
Cashel	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbens	Plain	Welch
Gilbert	Putnam	Whitcher
Gronvold	Ruzicka	Williams
Gunderson	Simpson	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	LaMoure	Pierce
Kretschmar		

So the bill passed and the title was agreed to.

House Bill No. 269.

A bill for an act entitled, an act to amend and re-enact Sections 1352 and 1353 of Chapter 19 of the Revised Codes of North Dakota for the year 1905, relating to altering, discontinuing and laying out public roads and defining what shall be deemed sufficient notices to all parties con-

Was read the third time.

The question being on the final passage of the bill:

The roll was called and there were 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Simpson
Baker	Hookway	Steel of Stutsman
Bessesen	Jacobsen	Steele of Renville
Carter	Johnson	Stevens
Cashel	Kennedy	Syvertson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Turner
Elken	McDowell	Wallin

Messrs.—
 Ellingson
 Gansle
 Garden
 Gibbens
 Gilbert
 Gronvold

Messrs.—
 McLean
 Movius
 Overson
 Plain
 Putnam
 Ruzicka

Messrs.—
 Walton
 Welo
 Welch
 Whitchee
 Williams
 Young

Absent and not voting:

Messrs.—
 Kretschmar
 LaMoure

Messrs.—
 Pierce

Messrs.—
 Trimble

So the bill passed and the title was agreed to.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 267.

A bill for an act to amend and re-enact Chapter 172 of the laws of the state of North Dakota for 1907, relating to whom may solemnize marriages and to marriage license.

Have had the same under consideration and recommend that the same be indefinitely postponed.

H. H. STEELE,
 Chairman.

Also,

Mr. President:

The minority of your committee on judiciary to whom was referred:

House Bill No. 267.

A bill for an act to amend and re-enact Chapter 172 of the laws of the state of North Dakota for 1907, relating to whom may solemnize marriages and to marriage license.

Have had the same under consideration and recommend that the same do pass.

E. F. GILBERT,
 L. A. SIMPSON.

Mr. Gilbert moved

That the minority report be adopted.

Which motion was lost.

Mr. Steele moved

That the majority 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 2, 1911.

I have the honor to return herewith:

Senate Bill No. 31.

A bill for an act defining and limiting the legal expenses of candidates for nomination and for election to any elective office in the state, and making the violation thereof unlawful, and prescribing penalties therefor.

Which the House has amended as follows:

Strike out everything after the words "A Bill" and insert the following:

For an Act to Secure the Purity of Elections, to Limit Candidates' Election Expenses, to Define, Prevent and Punish Corrupt and Illegal Practices in Nominations and Elections, to Provide for Furnishing Information to the Electors; and to Provide a Penalty for the Violation of this Act.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Primary Campaign Expenses Limited.) No sum of money shall be paid, and no expenses authorized or incurred by or on behalf of any candidate to be paid by him, except such as he may pay to the state for printing, as herein provided, in his campaign for nomination to any public office or position in this state, in excess of fifteen (15) per cent of a year's compensation or salary of the office for which he is a candidate; provided, that no candidate shall be restricted to less than two hundred dollars (\$200.00) in his campaign for such nomination; provided, that the provisions of this act shall not be construed to apply to the candidate's personal traveling expenses. No sum of money shall be paid and no expense authorized or incurred, contrary to the provisions of this act, for or on behalf of any candidate for nomination.

Section 2. Publicity Pamphlet. Candidates' Statements.) Any candidate for nomination to any state or district office, when the district is composed

of one or more counties, may file with the secretary of state for publication as herein provided, not later than forty (40) days before the biennial primary nominating election, with his portrait cut if he wishes, a printed or typewritten statement, on the conditions set forth, over his signature, stating the reasons why he should be nominated. Each candidate shall be allowed one (1) page of printed matter, and those opposing him shall each be allowed one page of space on equal terms with him, as herein provided.

Section 3. Rates.) Candidates for nomination shall pay for one page of space in the publication herein provided for, as follows:

For the office of United States senator, one hundred dollars; for representative in congress, one hundred dollars; for justice of the supreme court, seventy-five dollars; for governor, one hundred dollars; for secretary of state, one hundred dollars; for state treasurer, one hundred dollars; for state auditor, one hundred dollars; commissioner of insurance, superintendent of public instruction, attorney general and commissioner of labor, each seventy-five dollars; for railroad commissioner, twenty-five dollars; for senator or representative in the legislative assembly, ten dollars; for district judge, fifty dollars; for county judge, register of deeds, county auditor, county treasurer, state's attorney, sheriff and county school superintendent, each twenty-five dollars. All payments required by this section shall be made to the secretary of state when the statement is offered to him for filing, and be by him paid into the general fund of the state treasury. Any candidate for state offices may have additional space, not exceeding three pages at the rate of one hundred dollars a page, and any candidate for county or legislative office may have additional space, not exceeding two pages, at the rate of twenty-five (\$25.00) dollars a page.

Section 4. Printing Statements.) Not later than thirty days before the primary nominating election the secretary of state shall properly complete, edit, prepare and index for printing all of such statements and portrait cuts and cause the same to be printed in pamphlet form, printing the pictures of candidates with and as a part of their several statements, where such portrait cuts are offered; statements of those who directly oppose any candidate shall follow next after his statement. All of the statements filed for and against all the candidates for nomination to each office shall be printed in the order in which the candidates' names are grouped under the title of their offices on the official ballot at the nominating election. No picture, statement or argument for or against any candidate for nomination shall be included in the copy of the pamphlet going to any county where such candidate is not to be voted for. The said pamphlets shall be printed and delivered to the secretary of state as quickly as possible and the delivery shall be completed not later than twenty (20) days before the nominating election.

Section 5. Addresses to Voters.) The several county auditors shall obtain the postoffice addresses of all voters in their respective counties, which shall be taken from the registration lists in case of party registration, and in case of no party registration then such addresses may be procured from the personal property tax books of that year and other authentic source, and on or before the thirtieth (30th) day preceding the nominating election, mail to the secretary of state the name, postoffice address and party registration of every such person, and at least twenty (20) days before the regular biennial primary nominating election, the secretary of state shall forward by mail to every such person a copy of the pamphlet containing the names and statements herein provided for. The pages of the pamphlet required by this act shall be six by nine inches in size, and the printed matter therein shall be set in eight point type, single leaded, and twenty-five ems pica in width, with proper headings.

Section 6. General Election Campaign Expenses Limited.) No sum of money shall be paid and no expenses authorized or incurred by or on behalf of any candidate who has received the nomination to any public office or position in this state, except such as he may contribute toward payment for his political party's or independent statement in the pamphlet herein provided for, in excess of fifteen (15) per cent of the annual salary of the office for which he is nominated; provided, that no candidate shall be restricted to less than two hundred dollars.

Section 7. Itemized Statements Filed.) Every candidate for nomination or election to public office, including the offices of senators of the United States, shall within fifteen (15) days after the primary or general election at which he was a candidate, file with the secretary of state, if a candidate for senator of the United States, representative in congress, or for any state or district office, in a district composed of one or more counties, but with the county auditor for legislative districts composed of not more than one county, an itemized statement setting forth in detail all the moneys contributed, expended or promised by him to aid and promote his nomination or election, or both, as the case may be, and for the election of his party candidates, and all existing unfulfilled promises of every character and all liabilities in force at the time of such statement, and if no money or other valuable thing was paid or promised, he shall file a statement to that effect within fifteen days after the election at which he was a candidate. Any candidate who shall fail to file such statement shall be fined twenty-five dollars (\$25.00) for every day on which he was in default, unless excused by the court.

Section 8. Actual Contributor's Names.) No person shall make a payment of his own money or of another person's money to any other person in connection with a nomination or election in any other name than that of the person who in truth supplies such money; nor shall any person knowingly receive such payment or enter or cause the same to be entered in his accounts or record in any other name than that of the person by whom it was actually furnished.

Section 9. Pre-election Promises of Appointments.) No person shall, in order to aid or promote his nomination or election, directly or indirectly promise to appoint another person or to secure or aid in securing the appointment, nomination or election of another person to any public or private position or employment, or to any position or honor, trust or emolument.

Section 10. Charitable Contributions by Candidates. Solicitation Thereof.) No person shall demand, solicit, ask or invite any payment or contribution for any religious political, charitable or other such cause from a person who seeks to be or has been nominated or elected to any office; and no such candidate or elected person shall make any such payment or contribution if it shall be demanded or asked during the time he is a candidate for nomination or election or an incumbent of any office. No payment or contribution for any purpose shall be made a condition precedent to the putting of a name on any caucus or convention ballot or nominating paper or petition, or the performance of any duty imposed by law on a political committee.

Section 11. Campaign Contributions by Corporations Prohibited.) No corporation, trustee or officer thereof as such, shall pay or contribute in order to aid, promote or prevent the nomination or election of any person, or in order to aid or promote the interest, success or defeat of any person or any political party or organization. And no person shall solicit or receive such payment from any corporation.

Section 12. Treating.) Any person or candidate who shall, either by himself or by any other person, either before or after election, or while such person or candidate is seeking a nomination or election, directly or indirectly, give or provide, or pay, wholly or in part, the expense of giving or providing any drink or intoxicating liquors to or for any person for the purpose or with the intent or hope to influence that person or any other person to give or refrain from giving his vote at such election to or for any candidate or political party ticket or measure before the people, or on account of such person or any other person having voted or refrained from voting for any candidate or the candidates or any political party or organization or measure before the people, or being about to vote or refrain from voting at such election, shall be guilty of treating. Every elector who accepts or takes any such drink or intoxicating liquors shall also be guilty of treating, and such acceptance shall be ground of challenge to his vote and of rejecting his vote on a contest.

Section 13.) Penalty.) Any person shall be guilty of corrupt practice within the meaning of this act if he expends any money for election purposes contrary to the provisions of this statute, or if he is guilty of treating, undue influence, personation, or the giving or promising to give any money or valuable thing to an elector with the intent to induce him to vote or to refrain from voting for any candidate for public office.

Section 14. Expenses of Voting. Transportation Prohibited.) It shall be unlawful for any person to pay another for any loss or damage due to attendance at the polls, or in registering or for the expense of transportation to or from the polls. No person shall pay for personal service to be performed on the day of a caucus, primary convention or any election for any purpose connected therewith, tending in any way, directly or indirectly, to affect the result thereof, except for the hiring of persons whose sole duty is to act as challengers and watch the count of official ballots. No person shall buy, sell, give or provide any political badge, button or any insignia to be worn at or about the polls on the day of an election, and no such political badge, button or insignia shall be worn at or about the polls on any election day.

Section 15. Political Advertising Labeled Paid.) No publisher of a newspaper or other periodical shall insert either in its advertising or reading columns or any paid matter which is designed or tends to aid, injure or defeat any candidate or political party or organization or measure before the people, unless it is stated therein that it is a paid advertisement. No person shall pay the owner, editor, publisher or agent of any newspaper or other periodical to induce him to editorially advocate or oppose any candidate for nomination or election, and no such owner, editor, publisher, or agent shall accept such payment. Any person who shall violate any of the provisions of this section shall be punished as for a corrupt practice.

Section 16 Electioneering on Election Day.) It shall be unlawful for any person at any place on the day of any election to ask, solicit or in any manner try to induce or persuade any voter on such election day to vote or refrain from voting for any candidate, or the candidates or ticket of any political party or organization, or any measure submitted to the people, and upon conviction thereof he shall be punished by a fine of not less than five dollars, nor more than one hundred dollars for the first offense, and for the second and each subsequent offense occurring on the same or different election days he shall be punished by a fine as aforesaid, or by imprisonment in the county jail not less than five nor more than thirty days, or both such fine or imprisonment.

Section 17. Failure to File Statement. Name Omitted from Ballot.) The name of a candidate chosen at a primary nominating election or otherwise, shall not be printed on the official ballot for the ensuing election unless there has been filed by or on behalf of said candidate the statements of accounts and the expenses relating to nominations required by this act, but delay in making such statement beyond the time prescribed shall not preclude its acceptance or prevent the insertion of the name on th ballot, if thse is a reasonable time therefor after the receipt of such statements.

Section 18. Candidacy Bona Fide.) It shall be unlawful for any person to accept, receive or refrain from becoming a candidate for nomination or election, or by himself or in combination with any other person or persons to become a candidate for the purpose of defeating the nomination or election of any person and not with a bona-fide intent to obtain the office.

Section 19. Corrupt Practice. Forfeiture of Office or Nomination.) If upon the trial of any action or proceeding under the provisions of this act for the contesting of the right of any person declared to be nominated to any office or elected to any office, or to annul or set aside such election, or to remove any person from his office, it shall appear that such person was guilty of any corrupt practice, illegal act, or undue influence in or about such nomination or election, he shall be punished by being deprived of the nomination or office, as the case may be, and the vacancy therein shall be filled in the manner provided by law.

Section 20. Contest Commencement.) Any action to contest the right of any person declared elected to any office, or to annul and set aside such election, or to remove from or deprive any person of an office of which he is the insumbent for any offense mentioned in this act must, unless a different time be stated, be commenced within forty (40) days after the return of the elction at which such offense was committed, unless the ground of the action or proceeding is for the illegal payment of money or other valuable things subsequent to the filing of the statements prescribed by this act, in which case the action or proceeding may be commenced within forty (40) days after the discovery by the complainant of such illegal payment.

Section 21. General Penalty.) Whoever violates any provisions of this act, the punishment of which is not specifically provided by law, shall on conviction thereof be punished by imprisonment in the county jail for not more than six months, or by a fine of not more than oe thousand dollars, or by both such fine and imprisonment.

And passed as amended.

Also,

Senate Bill No. 213.

A bill for an act to regulate the manner of sale of food products and beverages, and establishing the legal weight for lard or lard substitutes and for bread, and providing a penalty for the violation thereof.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk:

Also

Mr. President:

I have the honor to return herewith:

Senate Bill No. 44.

A bill for an act to amend Section 6237 of the Revised Codes, as amended by Chapter 158 of the Session Laws of 1909, relating to mechanic's liens.

Which the House has indefinitely postponed.

Very respectfully,

E. H. GRIFFIN.

Chief Clerk.

Mr. Duis moved

That the vote by which the report to indefinitely postpone House Bill No. 119 be reconsidered.

Which motion prevailed.

Mr. Welch moved

That the further consideration of House Bill No. 119 be laid on the table.

Which motion prevailed.

Mr. Martin moved

That the vote by which we adopted the committee report to indefinitely postpone House Bill No. 414 be reconsidered, and that the bill be recalled from the House.

Which motion prevailed.

Mr. Elken moved

That the report of the committee appointed to investigate the state treasurer's office, together with their recommendations, be adopted and the committee discharged.

Which motion prevailed.

Mr. Talcott moved

That the Senate take a recess until 10 a. m. tomorrow.

Which motion prevailed, and

The Senate took a recess until 10 a. m. tomorrow.

J. W. FOLEY,
Secretary.

FIFTY-NINTH DAY AFTER RECESS AND
SIXTIETH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA.

March 3, 1911.

The Senate convened at 10 o'clock a. m. pursuant to recess taken.

The president presiding.

Mr. Talcott moved

That the Senate do now resolve itself into a committee of the whole for the consideration of Senate Bills Nos. 207, 231 and 240, and House Bills Nos. 343 and 241.

Which motion prevailed.

The President called Mr. Talcott to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose it made the following report:

Mr. President:

Your committee of the whole to which was referred

Senate Bill No. 207.

A bill for an act to divide the State of North Dakota into three congressional districts.

Also

Senate Bill No. 231.

A bill for an act to divide the state of North Dakota into three congressional districts.

Also,

Senate Bill No. 240.

A bill for an act to divide the state of North Dakota into three (3) congressional districts, and defining the boundaries of each of the said congressional districts of the

Also

House Bill No. 343.

A bill for an act to repeal Article 21 of Chapter 32, entitled, townsites located on public lands, of the Revised Codes of 1905.

Also

House Bill No. 241.

A bill for an act to amend Chapter 145, laws of 1907, being, an act to prohibit the issuance of non-participating policies of certain life insurance companies.

Has had the same under consideration and recommend that Senate Bills No. 207, 231 and 240, also House Bills No. 343 and 241, be indefinitely postponed.

F. S. TALCOTT,
Chairman.

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 2, 1911.

Mr. President:

I have the honor to return herewith

Senate Bill No. 211.

A bill for an act to amend Sections 1, 3, 5, 8 and 13 of Chapter 161 of the Session Laws of 1909, entitled, an act to regulate the public service of stallions in North Dakota and providing a penalty for violation thereof.

Also

Senate Bill No. 302.

A bill for an act to forfeit firearms or other weapons to the state when found on the person of any one arrested and convicted of a felony, misdemeanor or other crime.

Also,

Senate Bill No. 305.

A bill for an act to amend and re-enact Section 9363 of the Revised Codes of 1905 as amended by Chapter 183 of the Session Laws of 1909, relating to fees of clerk of a court.

Also

Senate Bill No. 313.

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 the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith

Senate Bill No. 261.

A bill for an act regulating the practice in county court having increased jurisdiction.

Also

Senate Bill No. 356.

A bill for an act to amend Article 3 of Chapter 75 of the Civil Code of North Dakota, being Section 6186 of the Revised Codes of North Dakota of 1905.

Also

Senate Bill No. 369.

(Title.)

Also,

Senate Bill No. 109.

A bill for an act making appropriation for the Mayville State Normal school, located at Mayville, North Dakota, for hospital, green house, fuel bin, library, museum, boiler, grounds, lecture course, manual training and domestic science and improvements on ventilating system, and for reimbursement of money transferred from local and interest and income funds.

Also,

Senate Bill No. 299.

A bill for an act providing for the making of necessary repairs upon the capitol building and making an appropriation therefor.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith

Senate Bill No. 189.

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. 132.

A bill for an act appropriating money for the maintenance of the public health laboratory in the medical department of the State University and School of Mines at Grand Forks, and its branches at Bismarck and at Minot, and to repeal Section 1, Chapter 26, Session Laws of 1907.

Also,

Senate Bill No. 139.

A bill for an act to provide for the maintenance of the State Normal Industrial school located at Ellendale, and for necessary improvements, and providing appropriations therefor.

Also

Senate Bill No. 89.

A bill for an act to amend Section 4 of Chapter 172 of the Laws of 1901, entitled, an act to create a State Farmers' institute board of directors and prescribing its powers and duties, and making an appropriation for conducting farmers' institutes, as the same was amended by Chapter 11 of the laws of 1903, and Chapter 23 of the Laws of 1905.

Also,

Senate Bill No. 145.

A bill for an act making an appropriation for the experimental station of the School of Mines and the Mining substation at Hebron, Morton county.

Which the House has passed unchanged.

Also

Mr. President:

I have the honor to return herewith

Senate Bill No. 367.

A bill for an act defining the crime of fornication and prescribing the punishment therefor.

Which the House has indefinitely postponed.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith:

Senate Bill No. 1.

An act appropriating an annual sum of money for the use of the government experiment station at Fargo for conducting demonstration farms and for furnishing samples of seed grain and otherwise co-operating with farmers; 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.

Which the House has amended as follows:

In line 18, page 2 of the printed bill, after the word "than" strike out the word "fifty" and insert in lieu thereof the word "forty."

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith:

Senate Bill No. 277.

A bill for an act relating to trespassing while hunting game.

Which the House has amended as follows:

Section 1, line 6, strike out the words "be required to place" and insert in lieu thereof the words "have placed."

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith:

Senate Bill No. 161.

A bill for an act to provide an appropriation for the current and contingent expenses and for the permanent improvements of the State School of Science at Wahpeton.

Also

Senate Bill No. 227.

A bill for an act making it unlawful for corporations having banking powers to invest more than thirty per cent of its capital stock and surplus 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.

Also

Senate Bill No. 238.

A bill for an act authorizing the board of university and school lands to make examination of all state and school lands to determine the extent, depth and thickness of any lignite coal veins underlying the surface, and to show the soil characteristics and topographical features of such land, and providing an appropriation therefor.

Also

Senate Bill No. 301.

A bill for an act to amend and re-enact Section 237 of the Revised Codes of the state of North Dakota for the year 1905.

Also,

Senate Bill No. 348.

A bill for an act providing for the payment of fees collected by the North Dakota government agricultural experiment station into the state treasury.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith:

Senate Bill No. 316.

A bill for an act to amend Section 2272, Revised Codes of 1905, relating to storage companies.

Which the House has indefinitely postponed.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith:

Senate Bill No. 271.

A bill for an act for the organization of villages in territory embracing more than one county.

Which the House has amended as follows:

In line 1, section 10, after the figure "10" insert the word "repeal."
Also in line 1, section 11, after the figure "11" insert the word "repeal."

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith:

Senate Bill No. 347.

A bill for an act making an appropriation for the enforcement of the feeding stuffs, fertilizer, beverage and sanitary inspection laws, and for the making of such investigations as are deemed necessary for the purpose of gaining information, under the laws mentioned, and for the dissemination of information.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

The secretary announced that the President was about to sign:

House Bill No. 23.

A concurrent resolution amending the constitution of the state of North Dakota, relating to uniformity of taxation and permitting the clasification of property for the purpose of taxation; and relating further to the assessment and taxation of certain public utility companies.

Also,

House Bill No. 52.

A bill for an act to appropriate money for the buildings, live stock, machinery and other equipment for the Hettinger sub-experiment station.

Also

House Bill No. 109.

A bill for an act appropriating money to provide needed equipment, permanent improvements, repairs, employes' wages, officers' salaries, messengers, railway fares and express charges in the transportation of fish, for the North Dakota state fish hatchery at Fish Lake in Rolette county, North Dakota.

Also,

House Bill No. 110.

A bill for an act to provide for the distribution of Blue Books among the district schools of the state.

Also,

House Bill No. 122.

A bill for an act to provide furniture for the new dormitory, and to complete and make adequate the heating plant of the State Normal school at Valley City, and making appropriation therefor.

Also,

House Bill No. 123.

A bill for an act making an appropriation for a storehouse on the Rock Island Military Wood reservation near Devils Lake, North Dakota.

Also,

House Bill No. 124.

A bill for an act relating to the construction of public buildings, prescribing the duties of boards of trustees thereof in the matter of securing plans and specifications, advertising for bids, letting contracts, allowance and payment of estimates, payment of premiums on contractor's bonds, and insurance on unfinished buildings and material on the ground, and protecting architects, contractors, manufacturers and producers resident within the state of North Dakota.

And the President signed the same in the presence of the Senate.

REPORTS OF STANDING COMMITTEES.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

Concurrent resolution relating to the annexation of Canada.

Have had the same under consideration and recommend that the same be adopted.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted.

Which motion prevailed, and
The report was adopted.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 151.

A bill for an act to require county commissioners in all counties in the State of North Dakota, elected or appointed to the office of county commissioner, to furnish an official bond for the faithful performance of their duties, and providing for the approval of the bond.

Also,

Senate Bill No. 226.

A bill for an act giving the court authority to require the defendant to provide for the temporary support and maintenance of the plaintiff in divorce actions.

Also,

Senate Bill No. 247.

A concurrent resolution amending Section 185 of the Constitution of the state of North Dakota, relating to state aid in the construction and improvement of public highways.

Also,

Senate Bill No. 253.

A bill for an act transferring funds from the state wolf bounty fund of this state to the general fund of the state.

Also,

Senate Bill No. 256.

A bill for an act to amend Section 1833 of the Revised Codes of North Dakota for the year 1905, relating to additional assessments for drains.

Also,

Senate Bill No. 267.

A bill for an act to amend Sections 2, 3, 4, 10, 14 and 28, of Chapter 92 of the Session Laws of the state of North Dakota of 1909, relating to the creation of 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 assistant dairy commissioners, fixing their compensation, defining their powers and duties, prescribing rules and regulations for the manufacture and sale of dairy products, prescribing penalties for violations, providing for a license for creameries, cream stations, cheese factories and renovating or process butter factories, throughout the state.

Also

Senate Bill No. 269.

A bill for an act creating a reserve at Devils Lake, North Dakota, and providing for the protection of birds and their nests within such reserve.

Also,

Senate Bill No. 282.

A bill for an act to amend and re-enact Section 2563 of the Revised Codes of the state of North Dakota for the year 1905, relating to the power of counties to issue bonds for the purpose of purchasing sites and constructing county buildings.

Also

Senate Bill No. 310.

A bill for an act to amend and re-enact Section 733 of the Revised Codes of 1905 relating to the registration of voters.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The secretary announced that the President was about to sign:

Senate Bill No. 151.

A bill for an act to require county commissioners in all counties in the State of North Dakota, elected or appointed

to the office of county commissioner, to furnish an official bond for the faithful performance of their duties, and providing for the approval of the bond.

Also,

Senate Bill No. 226.

A bill for an act giving the court authority to require the defendant to provide for the temporary support and maintenance of the plaintiff in divorce actions.

Also,

Senate Bill No. 247.

A concurrent resolution amending Section 185 of the Constitution of the state of North Dakota, relating to state aid in the construction and improvement of public highways.

Also,

Senate Bill No. 253.

A bill for an act transferring funds from the state wolf bounty fund of this state to the general fund of the state.

Also,

Senate Bill No. 256.

A bill for an act to amend Section 1833 of the Revised Codes of North Dakota for the year 1905, relating to additional assessments for drains.

Also

Senate Bill No. 267.

A bill for an act to amend Sections 2, 3, 4, 10, 14 and 28, of Chapter 92 of the Session Laws of the state of North Dakota of 1909, relating to the creation of 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 assistant dairy commissioners, fixing their compensation, defining their powers and duties, prescribing rules and regulations for the manufacture and sale of dairy products, prescribing penalties for violations, providing for a license for creameries, cream stations,

cheese factories and renovating or process butter factories, throughout the state.

Also

Senate Bill No. 269.

A bill for an act creating a reserve at Devils Lake, North Dakota, and providing for the protection of birds and their nests within such reserve.

Also,

Senate Bill No. 282.

A bill for an act to amend and re-enact Section 2563 of the Revised Codes of the state of North Dakota for the year 1905, relating to the power of counties to issue bonds for the purpose of purchasing sites and constructing county buildings.

Also

Senate Bill No. 310.

A bill for an act to amend and re-enact Section 733 of the Revised Codes of 1905 relating to the registration of voters.

And the President signed the same in the presence of the Senate.

MOTIONS AND RESOLUTIONS.

Mr. Stevens offered the following resolution:

Be It Resolved by the Senate of the State of North Dakota:

That the secretary of the senate, with Lawrence Casey and C. G. Parsons, be appointed a special committee to revise and correct the Journal of the sixtieth day, and to compare and complete the written journal and make a report of their comparison and correction to the secretary of state. And be it further

Resolved, that they be allowed thirty days to complete this work and \$5 a day for such services, vouchers for the same to be signed by the President of the Senate and the secretary of the Senate.

Mr. Stevens moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. LaMoure introduced the following concurrent resolution:

Whereas, the congress of the United States has designated the city of San Francisco, California, as the place of holding a great international exposition in the year 1915, to commemorate the opening and completion of the Panama canal, and said congress has called upon the president of the United States to invite the nations of the world to participate in this exposition; and

Whereas, it may be that the state of North Dakota will desire to exhibit her resources and advantages at such exposition; therefore, be it

Resolved by the Senate of the State of North Dakota, the House of Representatives concurring, That the governor of this state is hereby authorized to appoint an honorary commission of five citizens of this state, with the power to investigate the nature and scope of the said exposition and make a report to the Thirteenth legislative assembly of this state, the desirability of the state of North Dakota making proper exhibits of the resources and advantages of this state at such exhibits, together with the nature and character of such proper exhibit and the reasonable expense to be connected therewith.

Mr. LaMoure moved
That the resolution be adopted.
Which motion prevailed; and
The resolution was adopted.

Mr. Stevens introduced the following resolution:

Whereas, every great nation except the United States of America has a national health department for the scientific study of disease; and
Whereas, it has been proven that America can completely conquer disease in a short time as has been demonstrated in the Panama zone; and

Whereas, our own state in the past year has had her own bitter experience with infantile paralysis and other infectious diseases of children; and

Whereas the greatest minds of our nation are studying ways and means to conserve our children, and

Whereas, other states have passed such resolutions; therefore, be it Resolved, that the Senate of the state of North Dakota endorse the movement to establish a national bureau of health; and be it further

Resolved, that a copy of this resolution be forwarded by the secretary of the Senate to our senators and representatives in congress.

Mr. Stevens moved
That the resolution be adopted.
Which motion prevailed, and
The resolution was adopted.

House Bill No. 193.

A bill for an act to amend and re-enact Section 2401, Article 10, Chapter 28 of the Revised Codes of 1905, relating to the duties of boards of county commissioners, superintend county fiscal affairs and providing for auditing and checking of officers.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 41 ayes, no nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Kennedy	Stevens
Bessesen	LaMoure	Syvertson
Carter	Linde	Talcott
Cashel	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Pierco	Welo
Gibbens	Plain	Welch
Gronvold	Ruzicka	Whitcher
Gunderson	Simpson	Williams
Jacobsen	Steel of Stutsman	Young
Johnson	Steele of Renville	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Gilbert	Overson
Davis	Hookway	Putnam
Duis	Kretschmar	

So the bill passed and the title was agreed to.

Mr. Pierce moved

That House Bill No. 62 be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 427.

A bill for an act to withdraw from sale or rent certain school land in Dunn county.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Steele of Renville
Baker	Kennedy	Stevens
Bessesen	LaMoure	Syvertson

Messrs.—	Messrs.—	Messrs.—
Carter	Linde	Talcott
Cashel	Martin	Thoreson
Duis	McDonald	Trimble
Duncan	McDowell	Turner
Elken	McLean	Wallin
Ellingson	Movius	Walton
Ganssle	Pierce	Welch
Garden	Plain	Welo
Gibbens	Putnam	Whitcher
Gilbert	Ruzicka	Williams
Gronvold	Simpson	Young
Gunderson	Steel of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Jacobsen	Overson
Hookway	Kretschmar	

So the bill passed and the title was agreed to.

House Bill No. 183.

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 41 ayes, no nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobson	Simpson
Baker	Johnson	Steel of Stutsman
Bessesen	Kennedy	Stevens
Carter	LaMoure	Syverson
Cashel	Martin	Talcott
Duis	McDonald	Thoreson
Duncan	McDowell	Turner
Elken	McLean	Wallin
Ellingson	Movius	Welo
Ganssle	Overson	Welch
Garden	Pierce	Whitcher
Gibbens	Plain	Williams
Gronvold	Putnam	Young
Gunderson	Ruzicka	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Kretschmar	Trimble
Gilbert	Linde	Walton
Hookway	Steele of Reaville	

So the bill passed and the title was agreed to.

The secretary announced that the President was about to sign:

House Bill No. 369.

A bill for an act to amend sub-division 30 of Article 4 of the Political Code of North Dakota, being sub-division 30 of Section numbered 2678 of the Revised Codes of North Dakota for 1905.

Also

House Bill No. 188.

A bill for an act to amend Section 521 of the Revised Codes of 1905, relating to the furnishing of a list of jurors to the clerk of the district court.

Also,

House Bill No. 176.

A bill for an act to amend Sections 2 and 4 of Chapter 174 of the Session Laws of 1907.

Also,

House Bill No. 347.

A bill for an act to amend and re-enact Section 498 of the Revised Codes of North Dakota for the year 1905, relating to admission to the bar.

Also

House Bill No. 352.

A bill for an act providing for a bailiff of the supreme court.

Also,

House Bill No. 353.

A bill for an act to amend sections 1295, 1297 and 1298 of the Revised Codes of North Dakota of 1905, and section 1296 of the Revised Codes of 1905 as amended by the legislative assembly of 1905, entitled State Library.

Also

House Bill No. 340.

A bill for an act to amend Section 605 of the Revised Codes of North Dakota for 1905, relating to who is entitled to vote.

Also

House Bill No. 299.

A bill for an act authorizing county mutual insurance companies to borrow money.

Also,

House Bill No. 35.

A bill for an act to amend section 1571 of the 1905 Revised Codes of North Dakota, relating to delinquent real estate taxes.

Also,

House Bill No. 50.

A bill for an act entitled, an act to provide for the determination of heirship and the share of such heirs respectively in the claims to certain real estate by action in the district court.

Also

House Bill No. 81.

A bill for an act to appropriate money for maintenance, equipment and permanent improvements at the state university of North Dakota.

And the President signed the same in the presence of the Senate.

House Bill No. 420.

A bill for an act to amend Section 2826 of the Revised Codes of North Dakota for the year 1905, as amended by Chapter 58 of the Session Laws, for the year 1909, 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 42 ayes, no nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Simpson
Baker	Jacobsen	Steel of Stutsman
Bessesen	Johnson	Stevens
Carter	Kennedy	Sy ertson
Cashel	LaMoure	Talcott
Davis	Martin	Thoreson
Duis	McDonald	Trimble
Duncan	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Welo
Garden	Overson	Welch
Gibbens	Plain	Whitcher
Gilbert	Putnam	Williams
Gronvold	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Elken	Linde	Steele of Renville
Hookway	Pierce	Walton
Kretschmar		

So the bill passed and the title was agreed to.

House Bill No. 69.

A bill for an act to provide for the ascertaining and giving notice of the title of 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 third time.

Mr. Simpson moved

That the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 385.

A bill for an act to require railroad companies to provide telephone connections with their offices in towns, cities and villages in this state, where there is a local telephone exchange, and providing penalty for violation thereof.

Was read the third time.

The question being on the final passage of the bill:

The roll was called and there were 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steel of Stutsman
Baker	Kennedy	Steele of Renville
Bessesen	Kretschmar	Syvertson
Carter	LaMoure	Talcott
Cashel	Martin	Thoreson
Davis	McDonald	Trimble
Duis	McDowell	Turner
Duncan	McLean	Wallin
Ellingson	Movius	Walton
Ganssle	Overson	Welo
Garden	Plain	Welch
Gibbens	Putnam	Whitcher
Gilbert	Ruzicka	Williams
Gronvold	Simpson	Young
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Elken	Johnson	Pierce
Hookway	Linde	Stevens

So the bill passed and the title was agreed to.

House Bill No. 378.

A bill for an act to amend and re-enact Chapter 196 of the Session Laws of 1909, 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 41 ayes, no nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Simpson
Baker	Jacobsen	Steel of Stutsman
Bessesen	Kennedy	Steele of Renville
Carter	Kretschmar	Syvertson
Cashel	LaMoure	Talcott
Davis	Martin	Thoreson
Duis	McDonald	Turner

Messrs.—	Messrs.—	Messrs.—
Elken	McDowell	Wallin
Ellingson	McLean	Walton
Ganssle	Movius	Welch
Garden	Overson	Whitcher
Gibbens	Plain	Williams
Gilbert	Putnam	Young
Gronvold	Ruzicka	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duncan	Linde	Trimble
Hookway	Pierce	Welo
Johnson	Stevens	

So the bill passed and the title was agreed to.

House Bill No. 257.

A bill for an act to provide for the better preservation of all plats and plans on file in the register of deeds office in organized counties.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Simpson
Bessesen	Johnson	Steel of Stutsman
Carter	Kennedy	Steele of Renville
Cashel	LaMoure	Stevens
Davis	Martin	Syvertson
Duis	McDonald	Talcott
Duncan	McDowell	Thoreson
Elken	McLean	Turner
Ellingson	Movius	Wallin
Ganssle	Overson	Walton
Garden	Pierce	Welch
Gibbens	Plain	Whitcher
Gilbert	Putnam	Williams
Gronvold	Ruzicka	Young
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baker	Kretschmar	Trimble
Hookway	Linde	Welo

So the bill passed and the title was agreed to.

 REPORT OF CONFERENCE COMMITTEE.

Mr. President:

Your conference committee to whom was referred Senate Bills No. 76 and 77, beg leave to report that we have had the same under consideration and recommend the following:

That the House recede from its amendments to the said Senate Bills No. 76 and 77.

That Senate Bill No. 76, as amended and re-printed, be amended as follows:

In line 5 of section 1 of the printed bill as amended, the word "shall" be stricken out and "may" inserted in lieu thereof.

Also, in line 6, after the word "institution" insert the following: "who shall receive a salary of not to exceed nine hundred dollars per annum and."

Also, add section 4, emergency clause, as contained in the original bill.

And that when so amended recommend that the same do pass.

Also

Mr. President:

That Senate Bill No. 77, as amended and re-printed, be amended by inserting the emergency clause as contained in the original printed bill.

And that when so amended recommend that the same do pass.

H. P. JACOBSEN,
 J. L. CASHEL,
 ALFRED STEEL,
 R. A. NESTOS,
 A. W. CUNNINGHAM,
 H. H. FRANCE.

Senate Bill No. 76.

A bill for an act to amend and re-enact Sections 6 and 9 of Chapter 174 of the Laws of North Dakota of 1909, being an act to provide for probation of persons convicted of felonies and misdemeanors.

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 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Ruzicka
Baker	Kretschmar	Simpson
Bessesen	Jacobsen	Steel of Stutsman
Carter	Johnson	Steele of Renville
Cashel	Kennedy	Stevens
Davis	LaMoure	Syvertson
Duis	Linde	Talcott
Duncan	Martin	Turner
Elken	McDonald	Wallin
Ellingson	McDowell	Walton
Ganssle	McLean	Welo
Garden	Overson	Welch
Gibbens	Pierce	Whitcher
Gilbert	Plain	Williams
Gronvold	Putnam	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	Thoreson	Trimble
Movius		

So the bill passed and the title was agreed to.

Senate Bill No. 77.

A bill for an act to amend and re-enact Section 3 of Chapter 175 of the Laws of North Dakota for 1909, being 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.

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 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Steel of Stutsman
Baker	Kennedy	Steele of Renville

Messrs.—	Messrs.—	Messrs.—
Bessesen	Kretschmar	Stevens
Carter	LaMoure	Syvertson
Cashel	Linde	Talcott
Davis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Overson	Walton
Gibbens	Pierce	Welo
Gilbert	Plain	Welch
Gronvold	Putnam	Whitcher
Gunderson	Ruzicka	Williams
Jacobsen	Simpson	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duis	Hookway	Movius
Garden		

So the bill passed and the title was agreed to.

House Bill No. 402.

A bill for an act to prohibit the manufacture, use and sale of blank cartridges, fire arms, certain fire crackers and certain other explosives.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Ruzicka
Baker	Jacobsen	Simpson
Bessesen	Johnson	Steel of Stutsman
Carter	Kennedy	Steele of Renville
Cashel	Kretschmar	Stevens
Davis	LaMoure	Syvertson
Duis	Linde	Talcott
Duncan	Martin	Thoreson
Elken	McDonald	Turner
Ellingson	McDowell	Walton
Ganssle	McLean	Welch
Garden	Overson	Whitcher
Gibbens	Pierce	Williams
Gilbert	Plain	Young
Gronvold	Putnam	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	Trimble	Welo
Movius	Wallin	

So the bill passed and the title was agreed to.

House Bill No. 421.

A bill for an act entitled, an act to prevent the placing of dependent children in family homes, for pay, by midwives, maternity hospitals and others.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Ruzicka
Baker	Jacobsen	Simpson
Bessesen	Johnson	Steel of Stutsman
Carter	Kennedy	Stevens
Cashel	LaMoure	Syverson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Turner
Elken	McDowell	Wallin
Ellingson	McLean	Walton
Ganssle	Overson	Welch
Garden	Pierce	Whitcher
Gibbens	Plain	Williams
Gilbert	Putnam	Young
Gronvold		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	Movius	Trimble
Kretschmar	Steele of Renville	Welo

So the bill passed and the title was agreed to.

House Bill No. 447.

A bill for an act creating a commisison to have charge of installing and maintaining an exhibit of the products and resources of the state of North Dakota at the Panama-Pacific International Exposition, and appropriating money to pay the expenses thereof.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 21 ayes, 24 nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Kennedy	Simpson
Baker	Kretschmar	Syverson
Davis	Lind	Turner
Duis	McDonald	Walton
Garden	Overson	Welch
Gibbens	Pierce	Whitcher
Johnson	Putnam	Williams

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Gronvold	Plain
Carter	Gunderson	Ruzicka
Cashel	Jacobsen	Stevens
Duncan	LaMoure	Talcott
Elken	Martin	Thoreson
Ellingson	McDowell	Trimble
Ganssle	McLean	Wallin
Gilbert	Movius	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	Steele of Renville	Welo
Steel of Stutsman		

So the bill was lost.

Mr. Martin moved

That the vote by which House Bill No. 447 was lost 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 3, 1911.

Mr. President:

I have the honor to inform you that the House has con-

curred in the Senate concurrent resolution relating to exposition at San Francisco in 1915.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to inform you that the House has concurred in the following Senate concurrent resolution relating to maintaining the navigability of the Yellowstone river:

Be it Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

WHEREAS, The navigable rivers are the heritage of all of the people of the commonwealth, and

WHEREAS, The Yellowstone river is a navigable stream and has in the past served a mighty purpose in the transportation of merchandise and produce thereon; and

WHEREAS, The stream is now and always will be valuable for commerce and may become the controlling factor in the matter of rates throughout that fertile valley;

Be it Resolved:

That the state of North Dakota, through her legislature, heartily endorses the policy of maintaining the navigability of said Yellowstone river and of preventing any obstruction thereof that will impede or obstruct or prevent the navigation of said river, or so much thereof as is, in fact, navigable; that it will be detrimental to the interests of the territory through which the navigable portion of said river runs and to this state to permit any dam to be maintained in the Yellowstone river below Glendive, Montana, for any purpose unless there shall be constructed in connection with such dam, such lock or locks as may amply and surely keep said stream open for navigation; and the Legislative Assembly of North Dakota does hereby urge the United States senators and representatives in Congress from the state of North Dakota and each of them to appear before the Board of Engineers for Rivers and Harbors at Washington, D. C., and urge the construction of a lock or locks in any dam that may be built across the Yellowstone river below Glendive, Montana, so that the navigability of said river shall be maintained and to urge such other measures and improvements as may be essential and necessary to perpetually protect and maintain the navigability of the Yellowstone and the upper Missouri rivers.

Further Be it Resolved:

That the Legislature of North Dakota deploras the fact that no mention of the upper Missouri river is contained in the recently enacted river and harbor bill, nor is any provision made therein for the continued improvement of either the Yellowstone or Upper Missouri rivers, and urges ade-

quate appropriations be provided in future river and harbor enactments for the improvement of these rivers.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith House Bill No. 414 as requested by the Senate.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

House Bill No. 418.

A bill for an act to aid assessors in valuing coal deposits reserved to grantors by providing that all deeds and transfers of real property which reserves the coal deposits to the grantor shall contain a full description of the coal deposits, so reserved, its length, width and thickness, and prohibiting the recording by register of deeds of any deed or transfer of real property that reserves to the grantor the coal deposits, unless such description is contained therein, and providing a penalty therefor.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 44 ayes, 1 nay, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Allen
Baker
Carter
Cashel
Davis
Duis
Duncan
Ellingson
Ganssle
Garden
Gibbens
Gilbert

Messrs.—

Johnson
Kennedy
Kretschmar
LaMoure
Linde
Martin
McDonald
McDowell
McLean
Movius
Overson
Pierce

Messrs.—

Simpson
Steel of Stutsman
Steele of Renville
Stevens
Syvertson
Talcott
Thoreson
Trimble
Turner
Wallin
Walton
Welch

Messrs.—	Messrs.—	Messrs.—
Gronvold	Plain	Whitcher
Gunderson	Putnam	Young
Jacobsen	Ruzicka	

Mr. Williams voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Hookway	Welo
Elken		

So the bill passed and the title was agreed to.

Mr. Steel moved

That the amendments proposed by the committee on House Bill No. 410 be stricken out, and that the bill be placed on its third reading as it originally came from the House.

Which motion prevailed.

House Bill No. 410.

A bill for an act to amend Sections 2231, 2232, 2233 and 2234 of the Revised Codes of 1905, relating to abstractors of titles.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 29 ayes, 16 nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Simpson
Bessesen	Johnson	Steel of Stutsman
Cashel	LaMoure	Trimble
Davis	Linde	Turner
Duis	McDowell	Wallin
Duncan	McLean	Walton
Ellingson	Overson	Welch
Ganssle	Pierce	Williams
Garden	Putnam	Young
Gibbens	Ruzicka	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Kennedy	Steele of Renville
Carter	Kretschmar	Syverson
Elken	Martin	Talcott

Messrs.—
Gilbert
Gronvold
Gunderson

Messrs.—
Movius
Plain

Messrs.—
Thoreson
Whitcher

Absent and not voting:

Messrs.—
Hookway
McDonald

Messrs.—
Stevens

Messrs.—
Welo

So the bill passed and the title was agreed to.

Mr. Pierce moved

That the Senate concurrent resolution, adopted by the House, directing the cancellation of certain illegal coal land leases, be engrossed, certified to and transmitted to the office of the attorney general.

Which motion prevailed.

House Bill No. 419.

A bill for an act to amend Section 10430 of the Revised Codes of North Dakota of 1905, relating to the appointment and obligations of jailers, and the manner of fixing compensations to be allowed for jailer's services.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 46 ayes, no nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—
Allen
Baker
Carter
Cashel
Davis
Juis
Duncan
Elken
Ellingson
Ganssle
Garden
Gibbens
Gilbert
Gronvold
Gunderson
Jacobson

Messrs.—
Johnson
Kennedy
Kretschmar
LaMoure
Linde
Martin
McDowell
McLean
Movius
Overson
Pierce
Plain
Putnam
Ruzicka
Simpson

Messrs.—
Steel of Stutsman
Steele of Renville
Stevens
Syvertson
Talcott
Thoreson
Trimble
Turner
Wallin
Walton
Welo
Welch
Whitcher
Williams
Young

Absent and not voting:

Messrs.—

Bessessen

Messrs.—

Hookway

Messrs.—

McDonald

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the Senate take a recess until 1:30 p. m.

Which motion prevailed, and

The Senate took a recess until 1:30 p. m.

J. W. FOLEY,
Secretary.

FIFTY-NINTH DAY AFTER RECESS.

The Senate convened at 1:30 o'clock pursuant to recess taken.

The President presiding.

Mr. Pierce moved

That the Senate recall House Bills No. 137 and 278 from the House.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

Mr. Pierce moved a call of the Senate.

Mr. Pierce moved

That further proceedings under the call be dispensed with.

Which motion prevailed.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred

House Bill No. 201.

A bill for an act providing that railroad and telephone companies file with county auditors, maps showing exact location of their lines in each assessment district and school district and the mileage of said lines and description

of any other property owned in said district, and make reports to state auditor and state board of equalization, and providing penalties for violations of this act.

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 was adopted.

Also,

Mr. President:

Your committee on railroads to whom was referred
House Bill No. 282.

A bill for an act to regulate clearance of obstructions on
railroads.

Have had the same under consideration and recommend
that the same do not pass.

E. F. GILBERT,
Chairman.

Mr. Gilbert moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely
postponed.

The committee on state affairs made the following re-
port:

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 399.

A bill for an act to amend and re-enact Section 2402 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.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

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. 396.

A bill for an act to amend Section 2335 of the Revised Codes of the state of North Dakota of 1905, as amended by Chapter 66 of the Session Laws of 1909, relating to the transcribing of records in newly organized counties.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

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. 97.

A bill for an act to amend Section 2869 of the Revised Codes of 1905 providing for the contracting of loans and for the incurring of indebtedness by villages and providing

for the creation of a sinking fund for the liquidation of such loans and indebtedness.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

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. 277.

A bill for an act to prohibit the marriage of insane, epileptic, or feeble-minded persons.

Have had the same under consideration and recommend that the same do pass.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also,

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 29.

A bill for an act to provide for the establishment and maintenance of department of agriculture, manual training and domestic economy in state, high, graded and consolidated schools.

Have had the same under consideration and recommend that the same do pass and be re-referred to the committee on appropriations.

J. E. DAVIS,
Chairman.

Mr. Davis moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 259.

A bill for an act providing for the nomination of candidates for office by popular vote at a primary election, and the registration and enrollment of party affiliation.

Have had the same under consideration and recommend that the same be amended as follows:

In line 6, after the word "real," in the original bill, insert: "and personal property take down in an;" and after "book," in line 7, insert "the." And also in line 15, after the word "sign," insert "and swear to before the assessor or notary as the case may be." Also on page 2, after line 15, insert "verification to be in the usual form."

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 433.

A bill for an act to amend Section 6237 of the Revised Codes of 1905, and Chapter 158 of the Session Laws of 1909, relating to the filing of mechanic's liens, the giving of no-

tice of furnishing materials to contractors and sub-contractors.

Have had the same under consideration and recommend that the same be amended as follows:

By striking out the word "trees" in line 6 of the engrossed bill.

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 348.

A bill for an act to amend Section 2 of Chapter 126, Laws of 1909, defining the duties of the register of deeds, relating to foreclosure of mortgages on real property by advertisement, and prescribing a penalty for violating the same.

Have had the same under consideration and recommend that the same be amended as follows:

By striking out all after the figures "\$1.50" and inserting in lieu thereof the words "to be covered into the county treasury."

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 442.

For an act to amend section 3198 of the Revised Codes of 1905, as amended by chapter 224, Laws of 1909, relating to the issue of bonds by civil townships.

Have had the same under consideration and recommend that the same be amended as follows:

In section 1, line 28, of the printed bill, after the word "though," insert the following words: "a portion of."

In section 1, line 29, of the printed bill, strike out the word "entirely."

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 was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 448.

A bill for an act to provide for the direct election of delegates to the national convention of the different political parties, and for the expression of the popular choice for nominees for president and vice president and for the direct election of national committeemen for different political parties.

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 350.

A bill for an act to amend Section 1554 of the Revised Codes of North Dakota of 1905, as amended by Chapter 197 of the Laws of 1909, relating to delinquent personal property taxes and the collection of taxes.

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 416.

A bill for an act fixing the terms of court in the various counties comprising the Fourth judicial district of this state and the beginning and duration thereof.

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 was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 330.

A bill for an act to amend section 7145 of the Revised Codes of North Dakota for 1905, relating to redemptions and payments, to whom made and how disposed of.

Have had the same under consideration and recommend that the same do not pass.

H. H. STEELE,
Chairman.

Mr. Steele moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 359.

A bill for an act to amend and re-enact sections 4602 and 4603, Revised Codes of North Dakota for 1905, being an act to regulate the importation of dependent children from other states.

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 was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred
A concurrent resolution for codifying the Laws.

Have had the same under consideration and report same back without recommendation.

J. LAMOURE,
Chairman.

Also

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 86.

A bill for an act to provide a judicial procedure to determine the identity of the grantees and the shares of each in cases where lands have been or may be patented, granted or conveyed by the United States to the heirs or devisees of a deceased person without naming therein the persons so designated as grantees.

Have had the same under consideration and recommend that the same do not pass.

J LAMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 116.

A bill for an act to provide for making permanent improvements at the State Normal school at Valley City, 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 not pass.

J. LAMOURE,
Chairman

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 115.

A bill for an act to provide furniture for the new dormitory, and to complete and make adequate the heating plant of the State Normal school at Valley City, and making appropriations therefor.

Have had the same under consideration and recommend that the same do not pass.

J. LAMOURE,
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 29.

A bill for an act to provide for the establishment and maintenance of department of agriculture, manual training and domestic economy in state, high, graded and consolidated schools.

Have had the same under consideration and recommend that the same do pass as amended by committee on state affairs.

J. LAMOURE,
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 53.

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, Langdon and Hettinger.

Have had the same under consideration and recommend that the same do pass.

J. LaMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also

Mr. President:

Your committee on appropriations to whom was referred
House Bill No. 74.

A bill for an act to amend Section 19, 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 do not pass.

J. LaMOURE,
Chairman.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

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
House Bill No. 326.

A bill for an act to provide that the counties of the state
may adopt a uniform system of text books.

Have had the same under consideration and recommend
that the same be indefinitely postponed.

F. S. TALCOTT,
Chairman.

Mr. Talcott moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely
postponed.

The committee on public health made the following re-
port:

Mr. President:

Your committee on public health to whom was referred
House Bill No. 445.

A bill for an act to amend and re-enact Section 1189 of
the Revised Codes of North Dakota for 1905.

Have had the same under consideration and recommend
that the same be indefinitely postponed.

F. T. GRONVOLD,
Chairman.

Mr. Gronvold moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely
postponed.

The committee on judiciary made the following report:

Mr. President:

A majority of your committee on judiciary to whom was referred

House Bill No. 232.

A bill for an act providing for salary for sheriffs and providing for fees collected by sheriffs to be turned into the county treasurer of their respective counties, and prescribing for a penalty for failure to do so.

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 report was adopted.

Also

Mr. President:

A minority of your committee on judiciary to whom was referred

House Bill No. 232.

A bill for an act providing for salary for sheriffs and providing for fees collected by sheriffs to be turned into the county treasurer of their respective counties, and prescribing for a penalty for failure to do so.

Have had the same under consideration and recommend that the same do pass.

H. J. LINDE.

Mr. Linde 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 23 ayes, 22 nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Simpson
Baker	Hookway	Syverson
Cashel	Jacobsen	Thoreson
Carter	Linde	Wallin
Davis	Martin	Welo
Duncan	McDonald	Welch
Ellingson	Putnam	Whitcher
Gibbens	Ruzicka	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Elken	McLean	Stevens
Ganssle	Movius	Talcott
Gilbert	Overson	Trimble
Gunderson	Pierce	Turner
Johnson	Plain	Walton
Kennedy	Steel of Stutsman	Williams
Kretschmar	Steele of Renville	Young
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Garden	McDowell
Duis		

So the minority report was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 212.

A concurrent resolution proposing an amendment to the Constitution of the State of North Dakota, providing for the sale of the school and public lands and reserving to the state the coal in them.

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 report was adopted.

And the further consideration of the bill was indefinitely postponed.

The secretary announced that the President was about to sign:

House Bill No. 91.

A bill for an act to provide for fixing the amount to be allowed for labor on highways when performed in payment of road taxes.

Also

House Bill No. 112.

A bill for an act amending Section 2400 of the Revised Codes of 1905, relating to additional powers of the board of county commissioners.

Also

House Bill No. 118.

A bill for an act to amend subdivisions six (6) and seven (7) of Section five (5) of Chapter one seventy-nine (179) of the Session Laws of 1907, in relation to the powers of the board of park commissioners.

Also

House Bill No. 136.

A bill for an act declaring to be common nuisances bawdy houses, houses of ill fame, of assignation, of prostitution, or any other house, room or place for persons to visit for unlawful sexual intercourse or for any other lewd, obscene, indecent or disorderly purpose; and prescribing remedies and penalties for the prevention of the same.

Also,

House Bill No. 151.

A bill for an act to amend Section 2437 of the Revised Codes of North Dakota for 1905,, relating to proposals and acceptance of bonds of county depositaries.

Also,

House Bill No. 152.

A bill for an act to specify and authorize a state flag.

Also

House Bill No. 239.

A bill for an act to amend Section 10433 of the Revised Codes of the State of North Dakota, for the year 1905, relating to the commitment of prisoners to jail from counties having no jail.

Also

House Bill No. 276.

A bill for an act to provide for making needed improvements for the North Dakota Blind Asylum at Bathgate; and making an appropriation therefor.

Also

House Bill No. 324.

A bill for an act to amend Section 6931 of the Revised Codes of 1905, relative to the time of granting injunctions.

Also,

House Bill No. 331.

A bill for an act defining the duties of county commissioners, relating to the designation of official newspapers.

Also,

House Bill No. 367.

A bill for an act to legalize all notes and other written evidence of indebtedness, providing for more than seven per cent, but not exceeding twelve per cent per annum interest, and amending Section 5513 of the 1905 Code, relating to penalty for usury.

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. 266.

A bill for an act to appropriate money for a root cellar and for the purchase of brood mares for the Edgeley ex-

periment station, located at the city of Edgeley in Lamoure county.

Also,

House Bill No. 274.

A bill for an act to run a survey or surveys from the Mouse river to Devils lake for the purpose of determining the feasibility of draining the surplus flood waters of the Mouse river into Devils lake; and making an appropriation therefor.

Also,

House Bill No. 279.

A bill for an act to make it a felony, and providing a penalty for a guardian, county commissioner, or official or employe in a penal, correctional or eleemosynary institution, to induce a female ward, or pauper under his care, or an inmate of such institution, to have illicit sexual intercourse with him by threatening to withhold the necessities of life, or threatening physical violence.

Also,

House Bill No. 54.

A bill for an act to amend Section 3062 of the Revised Codes of 1905, and to provide for the appointment of overseers of highways.

Also,

House Bill No. 130.

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, and Chapter 187 of the Laws of 1909, defining intoxicating liquors.

Also,

House Bill No. 229.

A bill for an act amending Section 476 of the Revised Codes of North Dakota of 1905, relating to boundaries of, and terms of court in the Eighth judicial district.

House Bill No. 190.

A bill for an act providing for aid to the poor, consisting of persons convicted of crime who have been placed upon probation subject to the provisions of law, or who have been paroled or whose term of imprisonment has expired, and making an appropriation therefor.

Also,

House Bill No. 196.

A bill for an act to amend Section 2972 of the Political Code of the Revised Codes of North Dakota of 1905.

Also,

House Bill No. 209.

A bill for an act to amend Chapter 70, Laws of 1909, relating to the investment of county sinking funds.

Also,

House Bill No. 210.

A bill for an act to encourage elementary education in North Dakota and appropriate money therefor.

Also,

House Bill No. 225.

A bill for an act to amend and re-enact Section 537 of the Revised Codes of North Dakota for 1905, relating to the bonds of notaries public.

Also,

House Bill No. 264.

A bill for an act to amend Section 4112 of the Revised Codes of 1905, relating to the adoption of minor children.

And the President signed the same in the presence of the Senate.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 318.

A bill for an act amending Section 28 of Chapter 80 of the laws of 1909, relating to the taxation of costs in county courts having increased jurisdiction.

Have had the same under consideration and recommend that the same do not pass.

H. H. STEELE,
Chairman.

Mr. Steele moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

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. 95.

A bill for an act regulating the conditions and provisions to be contained in policies of health or accident insurance issued in this state.

Also,

Senate Bill No. 213.

A bill for an act to regulate the manner of sale of food products and beverages, and establishing the legal weight for lard or lard substitutes and for bread, and providing a penalty for the violation thereof.

Also,

Senate Bill No. 234.

A bill for an act to authorize and empower the state auditing board to audit, approve and order paid, bills contracted by the capitol commission under Chapter 166 of the Session Laws of 1905, and making an appropriation therefor.

Also,

Senate Bill No. 262.

A bill for an act to establish a revolving fund out of the net profits derived from the operation of the twine plant at the state penitentiary, and to provide for the disposal thereof.

Also

Senate Bill No. 332.

A bill for an act to amend section 7530, Revised Codes of 1905, relating to adjustment of cross judgment in actions to determine conflicting claims to real property.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman,

The secretary announced that the President was about to sign:

Senate Bill No. 95.

A bill for an act regulating the conditions and provisions to be contained in policies of health or accident insurance issued in this state.

Also,

Senate Bill No. 213.

A bill for an act to regulate the manner of sale of food products and beverages, and establishing the legal weight for lard or lard substitutes and for bread, and providing a penalty for the violation thereof.

Also

Senate Bill No. 234.

A bill for an act to authorize and empower the state auditing board to audit, approve and order paid, bills contracted by the capitol commission under Chapter 166 of the Session Laws of 1905, and making an appropriation therefor.

Also,

Senate Bill No. 262.

A bill for an act to establish a revolving fund out of the net profits derived from the operation of the twine plant at the state penitentiary, and to provide for the disposal thereof.

Also

Senate Bill No. 332.

A bill for an act to amend section 7530, Revised Codes of 1905, relating to adjustment of cross judgment in actions to determine conflicting claims to real property.

And the President signed the same in the presence of the Senate.

The committee on state affairs made the following report:

Mr. President:

A majority of your committee on state affairs to whom was referred

House Bill No. 434.

A bill for an act entitled, an act for the purpose of governing the construction of public school buildings and providing for the inspection, ventilation and sanitation thereof.

Have had the same under consideration and recommend that the same be indefinitely postponed.

S. N. PUTNAM,
OLE SYVERTSON,
JAMES DUNCAN,
G. L. ELKEN.

Also,

Mr. President:

A minority of your committee on state affairs to whom was referred

House Bill No. 434.

A bill for an act entitled, an act for the purpose of governing the construction of public school buildings and providing for the inspection, ventilation and sanitation thereof.

Have had the same under consideration and recommend that the same be amended as follows:

In section 2 of the printed bill, strike out all after the title of section down to the word "such" in line 8.

And when so amended recommend the same do pass.

J. E. DAVIS,
Chairman.
JAS. KENNEDY.

Mr. Kennedy moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Mr. Bessesen moved a call of the Senate.

Mr. Simpson moved
That further proceedings under the call be dispensed with.

Which motion prevailed.

The committee on judiciary made the following report:

Mr. President:

A minority of your committee on judiciary to whom was referred

House Bill No. 157.

A bill for an act to amend Sections 525 and 527 of the Revised Codes of 1905, relating to the summoning of jurors.

Have had the same under consideration and recommend that the same do pass.

H. J. BESSESEN,
W. B. OVERSON.

Also

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 157.

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.

H. H. STEELE,
Chairman.

Mr. Steele moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 345.

A bill for an act to harmonize Sections 8089 and 7117 of the 1905 Code, by amending Section 8089 of the act providing for the settlement of the estates of decedents.

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 report was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 93.

A concurrent resolution to amend Section 154 of the Constitution of the state of North Dakota, relating to appropriation of fines and forfeitures for the violation of state laws.

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 report was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 230.

A bill for an act to amend Chapter 120 of the Session
Laws of 1909.

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 report was adopted.

Also

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 393.

A bill for an act to prevent unfair discrimination in the
purchase of dairy products.

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 report was adopted.

And the further consideration of the bill was indefinitely
postponed.

Also,

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 364.

A bill for an act to amend Sections 620 and 650 of the
Revised Codes, 1905, relating to elections.

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 report was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 444.

A bill for an act to require the shipper of emigrant mov-
ables and live stock to deposit with the agent of the trans-
portation company paid tax receipts for the fiscal year in
which such shipment is offered for transportation.

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 report was adopted.

And the further consideration of the bill was indefinitely
postponed.

Also,

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 255.

A bill for an act to require coroners to conduct and hold inquests in cases of railroad accidents.

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 report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 349.

A bill for an act to provide for the collection of delinquent personal property taxes, and for reducing the same to judgment.

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 report was adopted.

And the further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 219.

A bill for an act to prevent fraud in taking mortgages on personal property, to extend the time of validity of the

same, to provide a penalty for alteration, and to repeal Section 6186 of the Revised Codes of 1905.

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 report was adopted.

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 9363 of the Revised Codes of the State of North Dakota of 1905, as amended by Section 10 of Chapter 183 of the Laws of 1909.

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 report was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on apportionment made the following report:

Mr. President:

A majority of your committee on apportionment to whom was referred

House Bill No. 252.

A bill for an act to divide the State of North Dakota into three (3) congressional districts, and defining the boundaries of each of said congressional districts of the state of North Dakota.

Have had the same under consideration and recommend that the same be amended as follows:

Strike out all after section 1 of the amended bill and insert in lieu thereof the following: "Section 2. First district defined. The first congressional district shall be composed of the following counties: Pembina, Walsh, Cavalier, Ramsey, Towner, Benson, Rolette, Pierce, Bottineau, McHenry, Renville, Ward, Burke, Mountrail, Divide and Williams.

"Section 3. The second congressional district shall be composed of the following counties: Grand Forks, Traill, Cass, Richland, Steele, Barnes, Ransom, Sargent, Nelson, Griggs, Eddy, Foster, Stutsman, LaMoure, Dickey and Wells.

"Section 4. The third congressional district shall be composed of the following counties: Kidder, Sheridan, Burleigh, Logan, Emmons, McIntosh, McLean, Mercer, Oliver, Morton, Dunn, Stark, Hettinger, Adams, McKenzie, Billings and Bowman."

Section 5. This act shall take effect and be in force upon the congress of the United States of America, apportioning three representatives in congress to the state of North Dakota.

And when so amended recommend the same do pass.

GEO. A. WELCH,
Chairman.

Also,

Mr. President:

A minority of your committee on apportionment to whom was referred

House Bill No. 252.

A bill for an act to divide the State of North Dakota into three (3) congressional districts, and defining the boundaries of each of said congressional districts of the state of North Dakota.

Have had the same under consideration and recommend that the same do pass.

H. J. BESSESEN,
G. L. ELKEN,
C. W. PLAIN,
ALFRED STEEL,
T. WELO.

The committee on temperance made the following report:

Mr. President:

Your committee on temperance to whom was referred
House Bill No. 249.

A bill for an act prohibiting drinking intoxicating liquors on railroad trains in North Dakota, prescribing penalty for violation thereof and prescribing duties of peace officers.

Have had the same under consideration and recommend that the same be indefinitely postponed.

E. L. GARDEN,
Chairman.

Mr. Garden moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

And the further consideration of the bill was indefinitely postponed.

Mr. LaMoure moved
That the senate do now adjourn.
Which motion prevailed, and
The senate adjourned.

J. W. FOLEY,
Secretary.

SIXTIETH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

March 3, 1911.

The senate convened at 2 o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All present.

Mr. Simpson moved

That the Senate do now concur in the House amendments to Senate Bill No. 130.

The question being upon the concurrence in the House amendments,

The roll was called and there were 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Allen
Baker
Bessesen
Carter
Cashel
Davis
Duis
Duncan
Elken
Ellingson

Messrs.—

Gunderson
Hookway
Jacobsen
Johnson
Kennedy
Kretschmar
LaMoure
Linde
Martin
McDonald

Messrs.—

Ruzicka
Simpson
Steel of Stutsman
Steele of Renville
Stevens
Syvertson
Talcott
Thoreson
Turner
Wallin

Messrs.—	Messrs.—	Messrs.—
Ganssle	McLean	Walton
Garden	Movius	Welch
Gibbens	Overson	Welo
Gilbert	Plain	Whitcher
Gronvold	Putnam	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
McDowell	Trimble	Williams
Pierce		

So the House amendments were concurred in.

Mr. LaMoure moved

That the Senate do now concur in the House amendments to Senate Bill No. 63 and that a conference committee be appointed.

Which motion prevailed.

The President announced the appointment of Messrs. LaMoure and Cashel as such committee.

Mr. Overson moved

That the Senate do now concur in the House amendments to concurrent resolution regarding expenses of visiting committees.

The question being upon the concurrence in the House amendments,

The roll was called and there were 42 ayes, no nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Gunderson	Putnam
Allen	Hookwar	Ruzicka
Bessesen	Jacobsen	Steel of Stutsman
Carter	Johnson	Stevens
Cashel	Kennedy	Syverson
Davis	Kretschmar	Talcott
Duis	LaMoure	Thoreson
Duncan	Linde	Turner
Elken	Martin	Wallin
Ellingson	McDonald	Walton
Ganssle	Movius	Welo
Gilbert	Overson	Welch
Gibbens	Pierce	Whitcher
Gronvold	Plain	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Garden	Simpson	Trimble
McDowell	Steele of Renville	Williams
McLean		

So the House amendments were concurred in.

Mr. Talcott moved

That the Senate do not concur in the House amendments to Senate Bill No. 235 and that a conference committee be appointed.

Which motion prevailed.

The President announced the appointment of Messrs. Gilbert, Gibbens and Duncan on such committee.

Mr. Talcott moved

That the Senate do now concur in the House amendments to Senate Bill No. 1.

The question being upon the concurrence in the House amendments,

The roll was called and there were 41 ayes, 1 nay, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Ruzicka
Baker	Hookway	Steel of Stutsman
Bessesen	Jacobsen	Steele of Renville
Carter	Johnson	Stevens
Cashel	Kennedy	Syverson
Davis	Kretschmar	Talcott
Duis	LaMoure	Thoreson
Duncan	Linde	Turner
Elken	Martin	Wallin
Ellingson	McLean	Welo
Ganssle	Movius	Welch
Gibbens	Overson	Whitcher
Gilbert	Plain	Young
Gronvold	Putnam	

Mr. Pierce voted in the negative.

Absent and not voting.

Messrs.—	Messrs.—	Messrs.—
Garden	Simpson	Walton
McDonald	Trimble	Williams
McDowell		

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 3, 1911.

Mr. President:

I have the honor to inform you that the House requests the return of Senate Bill No. 307.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith
House Bill No. 137.

A bill for an act to reimburse district judges called to sit in hearing of cases before supreme court when regular members thereof are disqualified.

Also,

House Bill No. 278.

A bill for an act to provide for the payment of the expenses of district judges when acting outside of their judicial districts.

As requested by the Senate.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith
Senate Bill No. 324.

A bill for an act providing for a bailiff of the supreme court.

Also,

Senate Bill No. 354.

A bill for an act to amend Section 5584 of the Revised Codes of North Dakota for the year 1905, relating to fees of clerks of district court.

Also,

Senate Bill No. 6.

A bill for and act to create October 12th in each year a legal holiday to be known as "Columbus Day."

Also,

Senate Bill No. 323.

A bill for an act to amend Sections 1295, 1297 and 1298 of the Revised Codes of North Dakota of 1905, and Section 1296 of the Revised Codes of 1905 as amended by the legislative assembly of 1909, being Chapter 13 of the Revised Codes of 1905, entitled state library.

Also,

Senate Bill No. 264.

A bill for an act to amend Section 10430 of the Revised Codes of 1905, of the state of North Dakota, relating to the appointment and obligations of jailers, and manner of fixing compensation to be allowed for jail services.

Which the House has indefinitely postponed.

Very respectfully,

E. H. GRIFFIN.

Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith

Senate Bill No. 113.

A bill for an act defining and taxing the occupation of transient merchants, regulating the licensing of persons engaged in such occupation, increasing the state revenue

by such taxation, and prescribing penalties for violation of its provisions.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith

Senate Bill No. 90.

A bill for an act to provide for the ascertaining and giving notice of the title of 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 the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Bessesen moved

That the Senate do now concur in the House amendments to Senate Bill No. 5.

The question being upon the concurrence in the House amendments,

The roll was called and there were 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Allen
Baker
Bessesen
Carter
Cashel
Davis
Duis
Duncan
Elken
Ellingson
Ganssle

Messrs.—

Hookway
Jacobsen
Johnson
Kennedy
Kretschmar
LaMcure
Linde
Martin
McLean
Movius
Overson

Messrs.—

Ruzicka
Steel of Stutsman
Steele of Renville
Stevens
Syvertson
Talcott
Thoreson
Trimble
Turner
Walton
Welo

Messrs.—	Messrs.—	Messrs.—
Gibbens	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Young
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Garden	McDowell	Wallin
McDonald	Simpson	Williams

So the House amendments were concurred in.

Mr. Martin moved

That Senate Bill No. 283 be indefinitely postponed.

Which motion prevailed.

Mr. McDowell moved

That the Senate do not concur in the House amendments to Senate Bill No. 210 and that a conference committee be appointed.

Which motion prevailed.

The President announced the appointment of Messrs. McDowell, Movius and Allen on such committee.

Mr. Simpson moved

That the vote by which House Bill No. 137 was passed be reconsidered and that the committee amendments be stricken out.

Which motion prevailed.

Mr. Simpson moved

That House Bill No. 137 be now placed on its final passage.

Which motion prevailed.

House Bill No. 137.

A bill for an act to reimburse district judges called to sit in hearing of cases before supreme court when regular members thereof are disqualified.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 42 ayes, no nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Ruzicka
Baker	Jacobsen	Simpson
Bessesen	Johnson	Steel of Stutsman
Carter	Kennedy	Stevens
Cashel	Kretschmar	Syvertson
Davis	LaMoure	Talcott
Duncan	Linde	Thoreson
Elken	Martin	Trimble
Ellingson	McDowell	Turner
Gánsle	McLean	Wallin
Garden	Movis	Walton
Gibbens	Oversor	Welch
Gilbert	Plain	Whitche
Gronvold	Putnam	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duis	Pierce	Welo
Hookway	Steele of Renville	Williams
McDonald		

So the bill passed and the title was agreed to.

Mr. Simpson moved

That the vote by which House Bill No. 137 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Cashel moved

That the Senate do now concur in the House amendments to Senate Bill No. 142.

The question being upon the concurrence in the House amendments,

The roll was called and there were 41 ayes, no nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Simpson
Baker	Jacobsen	Steel of Stutsman
Bessesen	Johnson	Stevens
Carter	Kennedy	Syvertson
Cashel	Kretschmar	Talcott
Davis	LaMoure	Thoreson
Duis	Linde	Trimble
Duncan	Martin	Turner
Elken	McDowell	Wallin
Ellingson	McLean	Walton

Messrs.—	Messrs.—	Messrs.—
Ganssle	Movius	Welch
Garden	Overson	Whitcher
Gibbens	Plain	Young
Gilbert	Putnam	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gunderson	Pierce	Welo
Hookway	Ruzicka	Williams
McDonald	Steele of Renville	

So the House amendments were concurred in.

Mr. Jacobsen moved

That the Senate do now concur in the House amendments to Senate Bill No. 58.

The question being upon the concurrence in the House amendments,

The roll was called and there were 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Simpson
Baker	Johnson	Steel of Stutsman
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syverson
Cashel	LaMoure	Talcott
Davis	Linde	Thoreson
Duncan	Martin	Trimble
Elken	McDonald	Turner
Ellingson	McDowell	Wallin
Ganssle	McLean	Walton
Garden	Movius	Welo
Gibbens	Overson	Welch
Gilbert	Plain	Whitcher
Grønvold	Putnam	Young
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duis	Pierce	Steele of Renville
Jacobsen	Ruzicka	Williams

So the House amendments were concurred in.

Mr. Bessesen moved

That the Senate do now concur in the House amendments to Senate Bill No. 338.

The question being upon the concurrence in the House amendments,

The roll was called and there were 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Jacobsen	Stevens
Bessesen	Johnson	Syvertson
Carter	Kretschmar	Talcott
Cashel	LaMoure	Thoreson
Davis	Linde	Trimble
Duncan	Martin	Turner
Elken	McDonald	Wallin
Ellingson	McLean	Walton
Ganssle	Movius	Welo
Garden	Pierce	Welch
Gibbens	Plain	Whitcher
Gilbert	Putnam	Williams
Gronvold	Simpson	Young
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duis	McDowell	Ruzicka
Kennedy	Overson	Steele of Renville

So the House amendments were concurred in.

Mr. Pierce moved

That the Senate do now concur in the House amendments to Senate Bill No. 290.

The question being upon the concurrence in the House amendments,

The roll was called and there were 40 ayes, no nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Jacobsen	Stevens
Bessesen	Johnson	Syvertson
Carter	Kretschmar	Talcott
Cashel	LaMoure	Thoreson
Davis	Linde	Trimble
Duncan	Martin	Turner
Elken	McDonald	Wallin
Ellingson	McLean	Walton
Ganssle	Pierce	Welo
Garden	Plain	Welch

Messrs.—	Messrs.—	Messrs.—
Gibbens	Putnam	Whitcher
Gronvold	Simpson	Williams
Gunderson	Steele of Stutsman	Young
Hookway		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Kennedy	Overson
Duis	McDowell	Ruzicka
Gilbert	Movius	Steele of Renville

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 3, 1911.

Mr. President:

I have the honor to return herewith
Senate Bill No. 137.

A bill for an act making an appropriation to compensate F. C. Heffron for services as assistant attorney general, especially authorized to enforce the prohibitory law of this state.

Also,

Senate Bill No. 243.

A bill for an act to amend Section 2084 of the Revised Codes of North Dakota for 1905, relating to proof of planting trees, under the tree bounty law

Which the House has indefinitely postponed.

Very respectfully,

E. H. GRIFFIN.
Chief Clerk.

Also,

Mr. President:

I have the honor to inform you that the House has requested the return of Senate Bill No. 280.

Very respectfully,

E. H. GRIFFIN.
Chief Clerk.

Also,

Mr. President:

I have the honor to inform you that the Speaker has named as conferees on the part of the House for the consideration of amendments to Senate Bill No. 235, Messrs. Johnson, Hyland and Lee.

Very respectfully,

E. H. GRIFFIN,
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. 181.

A bill for an act to provide for the levy and collection of taxes in the villages of the state of North Dakota, and to repeal Sections 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882 and 2883 of the Revised Codes of 1905.

Also,

Senate Bill No. 265.

A bill for an act to amend Sections 2772, 2775, 2776, 2777, 2786, Revised Codes of 1905, relating to the creation of improvement districts and the purposes for which special assessments may be levied in this state.

Also,

Senate Bill No. 302.

A bill for an act to forfeit firearms or other weapons to

the state when found on the person of any one arrested and convicted of a felony, misdemeanor or other crime.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The secretary announced that the President was about to sign:

Senate Bill No. 181.

A bill for an act to provide for the levy and collection of taxes in the villages of the state of North Dakota, and to repeal Sections 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882 and 2883 of the Revised Codes of 1905.

Also,

Senate Bill No. 302.

A bill for an act to forfeit firearms or other weapons to the state when found on the person of any one arrested and convicted of a felony, misdemeanor or other crime.

Also

Senate Bill No. 265.

A bill for an act to amend Sections 2772, 2775, 2776, 2777, 2786, Revised Codes of 1905, relating to the creation of improvement districts and the purposes for which special assessments may be levied in this state.

And the President signed the same in the presence of the Senate.

Mr. Plain moved

That the Senate do now concur in the House amendments to Senate Bill No. 46.

The question being upon the concurrence in the House amendments,

The roll was called and there were 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Steel of Stutsman
Baker	Johnson	Stevens
Bessesen	Kennedy	Syvertson
Carter	Kretschmar	Talcott
Cashel	LaMoure	Thoreson
Davis	Linde	Trimble
Duncan	Martin	Turner
Elken	McDonald	Wallin
Ellingson	McDowell	Walton
Ganssle	McLean	Welo
Garden	Movius	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Simpson	Young
Hookway		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duis	Overson	Ruzicka
Gibbens	Pierce	Steele of Renville

So the House amendments were concurred in.

Mr. Cashel moved

That the Senate do now concur in the House amendments to Senate Bill No. 36.

The question being upon the concurrence in the House amendments,

The roll was called and there were 43 ayes, no nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Simpson
Baker	Jacobsen	Steel of Stutsman
Bessessen	Johnson	Stevens
Carter	Kennedy	Syvertson
Cashel	Kretschmar	Talcott
Davis	LaMoure	Thoreson
Duncan	Linde	Trimble
Elken	Martin	Turner
Ellingson	McDonald	Wallin
Ganssle	McLean	Walton
Garden	Movius	Welo
Gibbens	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Young
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duis	Overson	Steele of Renville
McDowell	Ruzicka	Williams

So the House amendments were concurred in.

Mr. Duncan moved

That the Senate do now concur in the House amendments to Senate Bill No. 31.

The question being upon the concurrence in the House amendments,

The roll was called and there were 44 ayes, 1 nay, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Simpson
Baker	Johnson	Steele of Renville
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syvertson
Davis	LaMoure	Talcott
Duncan	Linde	Thoreson
Elken	McDonald	Trimble
Elingson	McDowell	Turner
Ganssle	McLean	Wallin
Garden	Movius	Walton
Gibbens	Overson	Welo
Gilbert	Pierce	Welch
Gronvold	Plain	Whitcher
Gunderson	Putnam	Young
Hookway	Ruzicka	

Mr. Martin voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	Steel of Stutsman	Williams
Duis		

So the House amendments were concurred in.

Mr. Davis moved

That the Senate recall House Bill No. 119 from the House.

Which motion prevailed.

Mr. Davis moved

That the vote by which House Bill No. 119 was lost be reconsidered.

Which motion prevailed.

Mr. Plain moved

That the Senate do now concur in the House amendments to Senate Bill No. 38.

The question being upon the concurrence in the House amendments,

The roll was called and there were 38 ayes, 3 nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Steele of Renville
Baker	Kretschmar	Stevens
Bessesen	LaMoure	Syvertson
Carter	Martin	Talcott
Cashel	McDonald	Thoreson
Davis	McDowel	Trimble
Duis	McLean	Turner
Elungson	Movius	Wallin
Ganssle	Overson	Walton
Garden	Plain	Welo
Gronvold	Putnam	Whitcher
Gunderson	Ruzicka	Young
Hookway	Simpson	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Elken	Jacobsen	Kennedy

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duncan	Linde	Welch
Gibbens	Pierce	Williams
Gilbert	Steel of Stutsman	

So the House amendments were concurred in.

Mr. Talcott moved

That the Senate do now concur in the House amendments to Senate Bill No. 304.

The question being upon the concurrence in the House amendments,

The roll was called and there were 40 ayes, no nays 9, absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Kennedy	Steel of Stutsman
Baker	Kretschmar	Steele of Renville

Messrs.—	Messrs.—	Messrs.—
Bessesen	LaMoure	Stevens
Carter	Martin	Syvertson
Cashel	McDonald	Talcott
Elken	McDowell	Thoreson
Ellingson	McLean	Turner
Ganssle	Overson	Wallin
Garden	Pierce	Walton
Gronvold	Plain	Welo
Gunderson	Putnam	Welch
Hookway	Ruzicka	Whitcher
Jacobsen	Simpson	Young
Johnson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Gibbens	Movius
Duis	Gilbert	Trimble
Duncan	Linde	Williams

So the House amendments were concurred in.

Mr. Talcott moved

That the Senate do now concur in the House amendments to Senate Bill No. 10.

The question being upon the concurrence in the House amendments,

The roll was called and there were 38 ayes, no nays, 11 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Kennedy	Steele of Renville
Baker	Kretschmar	Stevens
Bessesen	LaMoure	Syvertson
Carter	Martin	Talcott
Cashel	McDonald	Thoreson
Elken	McDowell	Turner
Ellingson	Overson	Wallin
Ganssle	Pierce	Walton
Gronvold	Plain	Welo
Gunderson	Putnam	Welch
Hookway	Ruzicka	Whitcher
Jacobsen	Simpson	Young
Johnson	Steel of Stutsman	

Absent and not voting.

Messrs.—	Messrs.—	Messrs.—
Davis	Gibbens	Movius
Duis	Gilbert	Trimble
Duncan	Linde	Williams
Garden	McLean	

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 3, 1911.

Mr. President:

I have the honor to return herewith
Senate Bill No. 307.

A concurrent resolution for an amendment to the Constitution of the state of North Dakota, relating to the term of office of the judges of the supreme court.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith House Bill No. 119 as requested by the Senate.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Bessesen moved

That the Senate do now concur in the House amendments to Senate Bill No. 281.

The question being upon the concurrence in the House amendments,

The roll was called and there were 40 ayes, no nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Allen
Baker
Bessesen
Carter

Messrs.—

Kretschmar
LaMoure
Linde
Martin

Messrs.—

Steele of Renville
Stevens
Syvertson
Talcott

Messrs.—	Messrs.—	Messrs.—
Cashel	McDonald	Thoreson
Elken	McDowell	Trimble
Ellingson	McLean	Turner
Ganssle	Overson	Wallin
Gronvold	Plain	Walton
Gunderson	Putnam	Welo
Hookway	Ruzicka	Welch
Jacobsen	Simpson	Whitcher
Johnson	Steel of Stutsman	Young
Kennedy		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Garden	Movius
Duis	Gibbens	Pierce
Duncan	Gilbert	Williams

So the House amendments were concurred in.

Mr. Steele moved

That the Senate do now concur in the House amendments to Senate Bill No. 223.

The question being upon the concurrence in the House amendments,

The roll was called and there were 40 ayes, no nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	LaMoure	Stevens
Baker	Linde	Syvertsen
Bossesen	Martin	Talcott
Carter	McDonald	Thoreson
Cashel	McDowell	Trimble
Elken	McLean	Turner
Ganssle	Overson	Wallin
Gronvold	Plain	Walton
Gunderson	Putnam	Welo
Hookway	Ruzicka	Welch
Jacobson	Simpson	Whitcher
Johnson	Steel of Stutsman	Williams
Kennedy	Steele of Renville	Young
Kretschmar		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Ellingson	Gilbert
Duis	Garden	Movius
Duncan	Gibbens	Pierce

So the House amendments were concurred in.

Mr. Kretschmar moved

That the Senate do now concur in the House amendments to Senate Bill No. 271.

The question being upon the concurrence in the House amendments,

The roll was called and there were 39 ayes, no nays, 10 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Kretschmar	Stevens
Baker	LaMoure	Syverson
Bessesen	Linde	Talcott
Carter	Martin	Thoreson
Cashel	McDowell	Trimble
Elken	McLean	Turner
Ganssle	Overson	Wallin
Gronvold	Plain	Walton
Gunderson	Putnam	Welo
Hookway	Ruzicka	Welch
Jacobsen	Simpson	Whitche
Johnson	Steel o Stutsman	Williams
Kennedy	Steele of Renville	Young

Absent and not voting.

Messrs.—	Messrs.—	Messrs.—
Davis	Garden	McDonald
Duis	Gibbens	Movius
Duncan	Gilbert	Pierce
Ellingson		

So the House amendments were concurred in.

Mr. Baker moved

That the Senate do now concur in the House amendments to Senate Bill No. 277.

The question being upon the concurrence in the House amendments,

The roll was called and there were 41 ayes, no nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	LaMoure	Stevens
Bessesen	Linde	Syverson
Carter	Martin	Talcott
Cashel	McDonald	Thoreson
Elken	McDowell	Trimble
Ganssle	McLean	Turner

Messrs.—	Messrs.—	Messrs.—
Gilbert	Movius	Wallin
Gronvold	Overson	Walton
Gunderson	Plain	Welo
Hookway	Putnam	Welch
Jacobsen	Ruzicka	Whitche
Johnson	Simpson	Williams
Kennedy	Steel of Stutsman	Young
Kretschmar	Steele of Renville	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Duncan	Gibbens
Davis	Ellingson	Pierce
Duis	Garden	

So the House amendments were concurred in.

SPECIAL ORDERS.

House Bill No. 223.

A bill for an act to amend Section 2613 of the Revised Codes of 1905, relating to the compensation and office hours of county commissioners.

Was laid before the Senate.

Mr. Martin moved

That the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 416.

A bill for an act fixing the terms of court in the various counties comprising the Fourth judicial district of this state and the beginning and duration thereof.

Was read the third time.

Mr. Kretschmar moved

That House Bill No. 416 be amended as follows:

In line eight (8), section No. 1, strike out "Dickey" and insert "McIntosh." In line ten (10) strike out "McIntosh" and insert "Dickey."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill,

The roll was called and there were 29 ayes, 2 nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Kretschmar	Steel of Stutsman
Baker	LaMoure	Syverson
Besseson	Linde	Talcott
Carter	Martin	Thoreson
Cashel	McDonald	Trimble
Elken	McLean	Turner
Ellingson	Movius	Wallin
Ganssle	Overson	Walton
Garden	Plain	Welch
Gronvold	Putnam	Welo
Gunderson	Ruzicka	Whitcher
Jacobsen	Simpson	Williams
Kennedy	Steele of Renville	Young

Messrs. Johnson and Stevens voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Gibbens	McDowell
Duis	Gilbert	Pierce
Duncan	Hookway	

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

March 3, 1911.

Mr. President:

I have the honor to return herewith

Senate Bill No. 280.

A bill for an act to amend and re-enact Section 9 of the Session Laws for the year 1907, of the state of North Dakota, relating to primary election.

Which the House has amended as follows:

In the sample ballot, on page 5 of the printed bill, above the legislative squares, strike out the word "one" and insert in lieu thereof a blank line.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. LaMoure asked permission to return to the eighth order of business.

Which permission was granted.

Mr. LaMoure moved

That the motion to reconsider House Bill No. 119 be laid on the table.

Which motion prevailed.

House Bill No. 359.

A bill for an act to amend and re-enact sections 4602 and 4603, Revised Codes of North Dakota for 1905, being an act to regulate the importation of dependent children from other states.

Was read the third time.

The question being on the final passage of the bill:

The roll was called and there were 34 ayes, 2 nays, 13 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Kennedy	Steel of Stutsman
Baker	Linde	Stevens
Bessesen	Martin	Thoreson
Cashel	McDowell	Trimble
Elken	McLean	Turner
Ellingson	Overson	Wallin
Ganssle	Plain	Walton
Garden	Putnam	Welch
Gronvold	Ruzicka	Whitcher
Gunderson	Simpson	Williams
Jacobsen	Steele of Renville	Young
Johnson		

Messrs. LaMoure and Movius voted in the negative.

Absent and not voting.

Messrs.—	Messrs.—	Messrs.—
Carter	Gilbert	Pierce
Davis	Hookway	Syverson
Duis	Kretschmar	Talcott
Duncan	McDonald	Welo
Gibbens		

So the bill passed and the title was agreed to.

The Secretary announced that the President was about to sign

House Bill No. 72.

A bill for an act to appropriate the sum of sixty-five thousand dollars, or as much thereof as may be necessary to indemnify persons who have lost animals from the disease known as glanders.

Also

House Bill No. 422.

A bill for an act to amend and re-enact Section 1385, Revised Codes of 1905, limiting the cost of bridges over navigable rivers.

Also,

House Bill No. 436.

A bill for an act to license and regulate hospitals, sanitariums and other institutions, and for the protection of patients therein.

And the President signed the same in the presence of the Senate.

House Bill No. 442.

For an act to amend section 3198 of the Revised Codes of 1905, as amended by chapter 224, Laws of 1909, relating to the issue of bonds by civil townships.

Was read the third time.

The question being on the final passage of the bill:

The roll was called and there were 36 ayes, no nays, 13 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Kennedy	Steel of Stutsman
Bessesen	Kretschmar	Stevens
Cashel	LaMoure	Syverson
Elken	Linde	Thoreson
Ellingson	Martin	Trimble
Ganssle	McDowell	Turner
Garden	McLean	Wallin
Gronvold	Movius	Walton
Gunderson	Overson	Welch
Hookway	Putnam	Welo
Jacobsen	Ruzicka	Williams
Johnson	Steele of Renville	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baker	Gibbens	Plain
Carter	Gilbert	Simpson
Davis	McDonald	Talcott
Duis	Pierce	Whitcher
Duncan		

So the bill passed and the title was agreed to.

House Bill No. 348.

A bill for an act to amend Section 2 of Chapter 126, Laws of 1909, defining the duties of the register of deeds, relating to foreclosure of mortgages on real property by advertisement, and prescribing a penalty for violating the same.

Was read the third time.

Mr. McDowell moved

That the bill be indefinitely postponed.

Which motion prevailed.

Mr. Steel moved

That the vote by which the report of the committee to indefinitely postpone House Bill No. 445 was adopted be reconsidered.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

March 3, 1911.

Mr. President:

I have the honor to transmit herewith the following concurrent resolution:

WHEREAS, The United States government and state government have from time to time taken steps to preserve places of historic importance or of great natural beauty; and

WHEREAS, Some of these are fast losing their historic and economic value because of the occupation thereof and the changes made therein by society; and

WHEREAS, Killdeer Mountains, in Dunn county, North Dakota, have been adorned by nature with numerous varieties of trees, and its many brooks are used for the propagation of fish; and

WHEREAS, In the said Killdeer Mountains, deer, antelope and other game of many descriptions may be found and some of the many brooks thereof are now used for the propagation of fish; and

WHEREAS, This place was the scene of one of the fiercest and bloodiest battles fought in the Northwest in subduing the Indians and in reclaiming the land to civilized occupation. This battle, "Tahkahokuty," was fought on the 28th day of July, 1864, the American forces being led by Brigadier-General Alfred Sully. Companies of cavalry and infantry from Iowa, Minnesota and Dakota engaged in this battle, in which 2,200 United States soldiers fought and defeated over 6,000 Indians. In this battle several United States soldiers were killed and more were wounded, while 150 Indians were killed; and

WHEREAS, This place is fast losing its historic value and its natural beauty is marred by the reasons of the trespass of society thereon; and

WHEREAS, With slight care and an attempt at conservation, its forests would be preserved, its game would increase and multiply, and the propagation of fish would be promoted and advanced;

Therefore, Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Herein:

That we respectfully urge upon the United States Congress at Washington at its earliest opportunity to set aside the land hereinafter described in Dunn county as a natural park and game and fish preserve, the description of the land referred herein being as follows:

In township No. 146, north range No. 96, west of the 5th principal meridian, to-wit:

S. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of section 10.

The S. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of section 10.

The S. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of section 10.

The S. W. $\frac{1}{4}$ of section 10.

All of section 16.

All of section 20.

The N. W. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ and the S. W. $\frac{1}{4}$ of section 22.

The N. W. $\frac{1}{4}$ and the N. $\frac{1}{2}$ of S. W. $\frac{1}{4}$ of section 28.

All of section 30.

The N. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of section 32, containing 3,000 acres, more or less, according to government survey thereof.

Be it Further Resolved:

That a copy of this resolution be transmitted by the secretary of the Senate to the President of the Senate and the Speaker of the House of Representatives at Washington, and to each of our senators and representatives in Congress.

Which the House has adopted and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Simpson 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,
March 3, 1911.

Mr. President:

I have the honor to inform you that the Speaker has named as conferees on the part of the House for the consideration of amendments to Senate Bill No. 63, Messrs. Brusletten, Johns and Burnett.

Very Respectfully,
E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to inform you that the Speaker has named as conferees on the part of the House, for the consideration of amendments to Senate Bill No. 210, Messrs. Kuhl, Hanson and Doyle of Foster.

Very respectfully,
E. H. GRIFFIN,
Chief Clerk.

House Bill No. 350.

A bill for an act to amend Section 1554 of the Revised Codes of North Dakota of 1905, as amended by Chapter 197 of the Laws of 1909, relating to delinquent personal property taxes 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 36 ayes, 2 nays, 11 absent and not voting.

Those who voted in the affirmative were:

Messrs.—
Allen
Baker

Messrs.—
Johnson
Kennedy

Messrs.—
Steel of Stutsman
Syvertson

Messrs.—	Messrs.—	Messrs.—
Bessesen	LaMoure	Talcott
Carter	Linde	Thoreson
Elken	Martin	Trimble
Ellingson	McDowell	Turner
Ganssle	McLean	Wallin
Garden	Plain	Walton
Gronvold	Putnam	Welo
Gunderson	Ruzicka	Whitcher
Hookway	Simpson	Williams
Jacobsen	Steele of Renville	Young

Messrs. Movius and Overson voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	Gibbens	Pierce
Davis	Gilbert	Stevens
Duis	Kretschmar	Welch
Duncan	McDonald	

So the bill passed and the title was agreed to.

House Bill No. 433.

A bill for an act to amend Section 6237 of the Revised Codes of 1905, and Chapter 158 of the Session Laws of 1909, 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 35 ayes, 2 nays, 12 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Johnson	Stevens
Bessesen	Kennedy	Syverson
Carter	LaMoure	Talcott
Duis	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Overson	Walton
Garden	Plain	Welo
Gunderson	Putnam	Welch
Gronvold	Simpson	Whitcher
Hookway	Steele of Renville	Young
Jacobsen	Steel of Stutsman	

Messrs. Linde and Williams voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Gibbens	Movius
Cashel	Gilbert	Pierce
Davis	Kretschmar	Ruzicka
Duncan	Martin	Thoreson

So the bill passed and the title was agreed to.

House Bill No. 259.

A bill for an act providing for the nomination of candidates for office by popular vote at a primary election, and the registration and enrollment of party affiliation.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 29 ayes, 7 nays, 13 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Beesøsen	McDonald	Talcott
Davis	Overson	Thoreson
Elken	Pierce	Turner
Ellingson	Plain	Walton
Garden	Putnam	Wallin
Gronvold	Ruzicka	Welch
Hookway	Simpson	Welo
Kennedy	Steel of Stutsman	Whitcher
Linde	Steele of Renville	Williams
Martin	Syvertson	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Ganssle	Trimble
Barter	Stevens	Young
Duis		

Absent and not voting.

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	LaMoure
Cashel	Jacobsen	McDowell
Duncan	Johnson	McLean
Gibbens	Kretschmar	Movius
Gilbert		

So the bill passed and the title was agreed to.

House Bill No. 277.

A bill for an act to prohibit the marriage of insane, epileptic, or feeble-minded persons.

Was read the third time.

Mr. Simpson moved

That further consideration of House Bill No. 277 be indefinitely postponed.

Which motion prevailed.

House Bill No. 29.

A bill for an act to provide for the establishment and maintenance of department of agriculture, manual training and domestic economy in state, high, graded and consolidated schools.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 40 ayes, no nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Kennedy	Stevens
Besséson	Kretschmar	Syvertson
Carter	Linde	Talcott
Davis	Martin	Trimble
Duis	McDonald	Thoreson
Elken	Overson	Turner
Ellingson	Pierce	Wallin
Ganssle	Plain	Walton
Garden	Putnam	Welo
Gronvold	Ruzicka	Welch
Gunderson	Simpson	Whitcher
Hookway	Steel of Stutsman	Williams
Jacobsen	Steele of Renville	Young
Johnson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Gibbens	McDowell
Cashel	Gilbert	McLean
Duncan	LaMoure	Movius

So the bill passed and the title was agreed to.

House Bill No. 201.

A bill for an act providing that railroad and telephone companies file with county auditors, maps showing exact location of their lines in each assessment district and school district and the mileage of said lines and description of any other property owned in said district, and make

reports to state auditor and state board of equalization, 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 40 ayes, no nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Kennedy	Steel of Stutsman
Besseson	Kretschmar	Stevens
Carter	Linde	Syverson
Davis	Martin	Talcott
Duis	McDonaid	Thoreson
Elken	McLean	Turner
Ellingson	Overson	Wallin
Ganssle	Pierce	Walton
Garden	Plain	Welch
Gronvold	Putnam	Welo
Gunderson	Ruzicka	Whitcher
Hookway	Simpson	Williams
Jacobsen	Steele of Renville	Young
Johnson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Gibbens	McDowell
Cashel	Gilbert	Movius
Duncan	LaMoure	Trimble

So the bill passed and the title was agreed to.

Mr. Elken moved

That further consideration of House Bill No. 434 be indefinitely postponed.

Which motion was lost.

House Bill No. 434.

A bill for an act entitled, an act for the purpose of governing the construction of public school buildings and providing for the inspection, ventilation and sanitation thereof.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 33 ayes, 9 nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Johnson	Syverson
Bessesen	Kennedy	Talcott
Carter	Linde	Thoreson
Davis	Martin	Trimble
Duis	McDonald	Turner
Duncan	Overson	Walton
Ellingson	Pierce	Welch
Garden	Ruzicka	Whitcher
Gronvold	Simpson	Williams
Gunderson	Steel of Stutsman	Young
Jacobsen	Stevens	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Elken	McLean	Steele of Renville
Ganssle	Plain	Wallin
Hookway	Putnam	Welo
Kretschmar		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Gilbert	McDowell
Cashel	LaMoure	Movius
Gibbens		

So the bill passed and the title was agreed to.

House Bill No. 414.

A bill for an act entitled, an act to prevent infant blindness caused by the preventable disease known as ophthalmia neonatorum.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 41 ayes, no nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Hookway	Steel of Stutsman
Bessesen	Jacobsen	Stevens
Carter	Johnson	Syverson
Cashel	Kennedy	Thoreson
Davis	Linde	Trimble
Duis	Martin	Turner
Duncan	McLean	Walton
Elken	Overson	Welch
Ellingson	Pierce	Welo
Ganssle	Plain	Wallin

Messrs.—	Messrs.—	Messrs.—
Garden	Putnam	Whitcher
Gibbens	Ruzicka	Williams
Gronvold	Simpson	Young
Gunderson	Steele of Renville	

Absent and not voting.

Messrs.—	Messrs.—	Messrs.—
Allen	LaMoure	Movius
Gilbert	McDonak	Talcott
Kretschmar	McDowell	

So the bill passed and the title was agreed to.

House Bill No. 357.

A bill for an act to amend section 4483 of the Revised Codes of 1905, relating to terms of office of boards of directors of county mutual companies.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 40 ayes, no nays, 9 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Hookway	Steele of Renville
Bessesen	Jacobsen	Syverson
Carter	Johnson	Talcott
Cashel	Kennedy	Thoreson
Davis	LaMoure	Turner
Duis	Martin	Trimble
Duncan	McDonald	Wallin
Elken	Overson	Walton
Ellingson	Pierce	Welo
Ganssle	Plain	Welch
Garden	Putnam	Whitcher
Gibbens	Ruzicka	Williams
Gronvold	Steel of Stutsman	Young
Gunderson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Linde	Movius
Gilbert	McDowell	Simpson
Kretschmar	McLean	Stevens

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,

March 3, 1911.

Mr. President:

I have the honor to inform you that the House declines to concur in the Senate amendments to House Bill No. 145 and asks for a committee of conference, and the Speaker has named as such conferees on the part of the House, Messrs. Ployhar, Boyd and Nelson of Walsh.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

The President appointed Messrs. LaMoure, Duncan and Pierce as a new conference committee on House Bill No. 145.

REPORT OF CONFERENCE COMMITTEE.

Mr. President:

Your conference committee on Senate Bill No. 235 have met with a like committee from the House and wish to report that they could not agree and ask that another conference committee be appointed.

E. F. GILBERT,
A. S. GIBBENS,
JAMES DUNCAN.

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.

A bill for an act to appropriate money for maintenance, equipment and permanent improvements at the State university and School of Mines of North Dakota.

Also

Senate Bill No. 89.

A bill for an act to amend Section 4 of Chapter 172 of the Laws of 1901, entitled, an act to create a State Farmers' institute board of directors and prescribing its powers and duties, and making an appropriation for conducting farmers' institutes, as the same was amended by Chapter 11 of the laws of 1903, and Chapter 23 of the Laws of 1905.

Also,

Senate Bill No. 139.

A bill for an act to provide for the maintenance of the State Normal Industrial school located at Ellendale, and for necessary improvements, and providing appropriations therefor.

Also

Senate Bill No. 305.

A bill for an act to amend and re-enact Section 9363 of the Revised Codes of 1905 as amended by Chapter 183 of the Session Laws of 1909, relating to fees of clerk of a court.

Also

Senate Bill No. 356.

A bill for an act to amend Article 3 of Chapter 75 of the Civil Code of North Dakota, being Section 6186 of the Revised Codes of North Dakota of 1905.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The Secretary announced that the President was about to sign

Senate Bill No. 24.

A bill for an act to appropriate money for maintenance, equipment and permanent improvements at the State university and School of Mines of North Dakota.

Also

Senate Bill No. 89.

A bill for an act to amend Section 4 of Chapter 172 of the Laws of 1901, entitled, an act to create a State Farmers' institute board of directors and prescribing its powers and duties, and making an appropriation for conducting farmers' institutes, as the same was amended by Chapter 11 of the laws of 1903, and Chapter 23 of the Laws of 1905.

Also

Senate Bill No. 139.

A bill for an act to provide for the maintenance of the State Normal Industrial school located at Ellendale, and for necessary improvements, and providing appropriations therefor.

Also

Senate Bill No. 305.

A bill for an act to amend and re-enact Section 9363 of the Revised Codes of 1905 as amended by Chapter 183 of the Session Laws of 1909, relating to fees of clerk of a court.

Also

Senate Bill No. 356.

A bill for an act to amend Article 3 of Chapter 75 of the Civil Code of North Dakota, being Section 6186 of the Revised Codes of North Dakota of 1905.

And the President signed the same in the presence of the Senate.

Mr. Steele moved

That House Bill No. 11 be recalled from the House.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 3, 1911.

Mr. President:

I have the honor to return herewith House Bill No. 11 as per the request of the Senate.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

House Bill No. 232.

A bill for an act providing for salary for sheriffs and providing for fees collected by sheriffs to be turned in to the county treasurer of their respective counties, and prescribing for a penalty for failure to do so.

Was read the third time.

Mr. Pierce moved, as an amendment,

Add section 9: "Provided, however, that the provisions of this act shall not apply to the present term of officers elected or appointed prior to the taking effect of this act."

Roll call demanded.

The question being on the adoption of the amendment,

The roll was called and there were 33 ayes, 14 nays, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Jacobsen	Steel of Stutsman
Besseser	Johnson	Steele of Renville
Cashel	Kennedy	Stevens
Duncan	Kretschmar	Talcott
Elken	LaMoure	Thoreson
Ganssle	Linde	Turner
Garden	Martin	Trimble
Gibbens	McLean	Wallin
Gilbert	Overson	Walton
Gronvold	Pierce	Williams
Gunderson	Plain	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Ruzicka
Carter	McDonald	Syverson
Davis	McDowell	Welch
Duis	Movius	Whitcher
Ellingson	Putnam	

Messrs. Simpson and Welo being absent and not voting.

So the motion prevailed, and

The amendment was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,

March 3, 1911.

Mr. President:

I have the honor to inform you that the House has requested the return of Senate Bill No. 102.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith

Senate Bill No. 54.

A bill for an act providing for the attendance of certain persons upon certain schools.

Which the House has indefinitely postponed.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith:

Senate Bill No. 340.

A bill for an act prohibiting the sale or purchase of political support or political editorials and prescribing a penalty therefor.

Which the House has failed to pass.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith:

Senate Bill No. 124.

A bill for an act to amend Section 2594 of the Revised Codes of North Dakota.

Which the House has indefinitely postponed.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to inform you that the House has requested the return of Senate Bill No. 68.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith:

Senate Bill No. 208.

A bill for an act to provide for and the making of improvements at the North Dakota School of Forestry to assist in the maintenance thereof, and making appropriation therefor.

Also

Senate Bill No. 209.

A bill for an act entitled, an act regulating the business of corporations issuing bonds, notes or other evidences of indebtedness and providing for the examination of such corporations.

Also

Senate Bill No. 218.

A bill for an act to amend and re-enact Section 496 of the Revised Codes of North Dakota, relating to qualifica-

tions of applicants for admission to the bar of the state of North Dakota.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

House Bill No. 232.

A bill for an act providing for salary for sheriffs and providing for fees collected by sheriffs to be turned in to the county treasurer of their respective counties, and prescribing for a penalty for failure to do so.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were 29 ayes, 17 nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steele of Renville
Baker	Jacobsen	Stevens
Bessesen	Linde	Syverson
Carter	Martin	Talcott
Cashel	McDonald	Thoreson
Davis	Movius	Trimble
Duncan	Pierce	Wallin
Ellingson	Ruzicka	Welch
Garden	Simpson	Williams
Gronvold	Steel of Stutsman	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Duis	Kretschmar	Putnam
Elken	LaMoure	Turner
Ganssle	McDowell	Walton
Gilbert	McLean	Whitcher
Johnson	Overson	Young
Kennedy	Plain	

Absent and not voting.

Messrs.—	Messrs.—	Messrs.—
Gibbens	Gunderson	Welo

So the bill passed and the title was agreed to.

House Bill No. 448.

A bill for an act to provide for the direct election of delegates to the national convention of the different political parties, and for the expression of the popular choice for nominees for president and vice president and for the direct election of national committeemen for different political parties.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 15 ayes, 21 nays, 13 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Elken	Putnam	Wallin
Ellingson	Ruzicka	Welch
Johnson	Steele of Renville	Welo
Kretschmar	Syverson	Whitcher
Overson	Turner	Williams

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Movius
Baker	Hookway	Plain
Bessesen	Jacobsen	Simpson
Carter	Kennedy	Stevens
Cashel	LaMoure	Trimble
Ganssle	Martin	Walton
Garden	McLean	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Gronvold	Pierce
Duls	Linde	Steel of Stutsman
Duncan	McDonald	Talcott
Gibbens	McDowell	Thoreson
Gilbert		

So the bill was lost.

Mr. Bessesen moved a call of the Senate.

Mr. McDowell moved

That further proceedings under the call be dispensed with.

Which motion prevailed.

Mr. Bessesen moved

That the vote by which House Bill No. 448 was lost be reconsidered.

Roll call demanded.

The question being on the reconsideration of the bill,

The roll was called and there were 17 ayes, 25 nays, 7 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Overson	Syvertson
Davis	Plain	Turner
Duncan	Putnam	Welo
Elken	Ruzicka	Whitcher
Ellingson	Steele of Renville	Williams
Gibbens	Steel of Stutsman	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Movius
Baker	Kennedy	Simpson
Carter	Kretschmar	Stevens
Cashel	LaMoure	Talcott
Ganssle	Linde	Thoreson
Gilbert	Martin	Trimble
Gronvold	McDowell	Walton
Gundersen	McLean	Young
Hookway		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duis	McDonald	Wallin
Garden	Pierce	Welch
Johnson		

So the motion to reconsider was lost.

Mr. Steel moved

That the Senate do now concur in the House amendments to Senate Bill No. 280.

The question being upon the concurrence in the House amendments,

The roll was called and there were 39 ayes, 2 nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steele of Renville
Bessesen	Jacobsen	Stevens

Messrs.—	Messrs.—	Messrs.—
Carter	Johnson	Syverson
Cashel	Kretschmar	Talcott
Davis	LaMoure	Thoreson
Duncan	Linde	Trimble
Elken	Martin	Turner
Ellingson	McDowell	Wallin
Ganssle	McLean	Walton
Garden	Overson	Welch
Gibbens	Putnam	Whitcher
Gilbert	Ruzicka	Williams
Gronvold	Steel of Stutsman	Young

Messrs. Kennedy and Movius voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baker	McDonald	Simpson
Duis	Pierce	Welo
Gunderson	Plain	

So the House amendments were concurred in.

Mr. Steele moved

That the Senate do now concur in the House amendments to Senate Bill No. 278.

The question being upon the concurrence in the House amendments,

The roll was called and there were 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Steele of Renville
Bessessen	Kennedy	Stevens
Carter	Kretschmar	Syverson
Cashel	LaMoure	Talcott
Davis	Linde	Thoreson
Duncan	Martin	Trimble
Elken	McDowell	Turner
Ganssle	McLean	Wallin
Garden	Movius	Walton
Gibbens	Overson	Welo
Gilbert	Plain	Welch
Gronvold	Putnam	Whitcher
Gunderson	Ruzicka	Williams
Hookway	Simpson	Young
Jacobsen	Steel of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baker	Ellingson	Pierce
Duis	McDonald	

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 3, 1911.

Mr. President:

I have the honor to return herewith

Senate Bill No. 303.

A bill for an act to amend Sections 4695 and 4698 of the Revised Codes of North Dakota for 1905, relating to foreign corporations.

Also

Senate Bill No. 296.

A bill for an act authorizing cities incorporated under the laws of this state to regulate and fix the rate 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. 104.

A bill for an act providing for correcting errors and deficiencies in city plats.

Also,

Senate Bill No. 241.

A bill for an act entitled, an act to prevent drinking or offering to others to drink as a beverage, any intoxicating liquors upon passenger trains in the state of North Dakota.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith:

Senate Bill No. 82.

A bill for an act to provide an appropriation for the erection of new buildings and other necessary improvements at the state hospital for the insane of North Dakota, at Jamestown.

Which the House has amended as follows:

Strike out the last six lines of section 1, and insert in lieu thereof the following:

Fireproof ward building for women and equipment..	\$ 95,000
Addition to laundry	7,000
Alterations to boiler house	1,600
For new main sewer	1,300
Slaughter house and yards	1,250
Dairy barn	7,500
Concrete mixer	350
Total	\$114,000

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. LaMoure moved

That the Senate do now concur in the House amendments to Senate Bill No. 82.

The question being upon the concurrence in the House amendments,

The roll was called and there were 41 ayes, no nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Allen
Bessesen
Carter
Cashel
Duncan
Elken
Ellingson
Ganssle
Garden
Gibbens
Gilbert
Gronvold
Gunderson
Hookway

Messrs.—

Jacobsen
Johnson
Kennedy
Kretschmar
LaMoure
Linde
Martin
McDowell
Movius
Overson
Putnam
Ruzicka
Simpson
Steel of Stutsman

Messrs.—

Stevens
Syvertson
Talcott
Thoreson
Trimble
Turner
Wallin
Walton
Welo
Welch
Whitche
Williams
Young

Absent and not voting:**Messrs.—**

Baker
Davis
Duis

Messrs.—

McDonald
McLean
Pierce

Messrs.—

Plain
Steele o. Renville

So the House amendments were concurred in.

REPORT OF SPECIAL COMMITTEE.**REPORT OF JOINT COMMITTEE.**

To the Twelfth Legislative Assembly of the State of North Dakota:

Your joint committee, appointed for the purpose of examining the records of the state auditing board in order to ascertain the business methods used, the economy practiced and adherence to law by the state auditing board in its auditing and allowances of bills and expense of government, beg leave to report that upon its appointment by the President of the Senate and the Speaker of the House, the committee met and organized by electing Representative Reeve as chairman of the committee, and Senator Williams as secretary. We immediately began to ascertain the methods used by the auditing department and after an investigation of the system practiced we concluded that it would be altogether more than the committee could do to make a systematic examination of the entire proceedings of the auditing board. It therefore was concluded that it would be better to select certain months in the different years and to examine the accounts as audited by the board for these months with care. We began our investigation by taking the month of January, 1908, and we examined the accounts of parts of four months of the years 1908, 1909, 1910. We found some irregularities in the accounts of nearly every month which we examined, and we attach hereto a statement of some of the accounts, specifying the irregularities which we found. In order that the legislative assembly may ascertain for themselves and know of these irregularities, we submit herewith the constitution and statutes governing the duties of the state auditing board:

Section 186 of the Constitution reads as follows: "No money shall be paid out of the state treasury except upon appropriation by law and upon warrant drawn by the proper officer, and no bills, claims, accounts or demands against the state, or any county or other political subdivision, shall be audited, allowed or paid until a full itemized statement in writing shall be filed with the officer or officers, whose duty it may be to audit the same."

Section 237 of the Revised Codes of 1905 prescribes the duties of the auditing board and reads as follows: "State Auditing Board. Duties.) The Governor, State Auditor and Attorney General shall constitute a board to be known as the State Auditing Board, this board shall hold regular monthly meetings on the first day of every month and such other times as shall be deemed necessary, in the executive office at the seat of government. The State Auditor shall act as secretary of the board and shall receive and file all claims presented to him for payment in the order in which presented, and bring them before the board at its next meeting. It shall be the duty of this board to audit all claims which may come before it, and no warrant shall be drawn on the state treasury by the state auditor in payment of any claim except such as have been duly passed upon and approved by the state auditing board." Chapter 261 of the laws of 1907, prescribes how claims against the state are made and verified and reads as follows: "Claims against State. Chapter 261, Laws

of 1907. Section 1. Amendment. Section 394 of the Revised Codes of North Dakota for 1905 is hereby amended to read as follows:

Section 394. Claims Against the State Verified. How.) No bill, claim, account or demand against the state, except in cases of salaries fixed by law, shall be audited, allowed or paid until a full itemized statement in writing shall be filed with the officer, or officers, whose duties it may be to audit the same, and where charges are made for money expended in the performance of official duties, all items of one dollar or more shall be covered by a sub-voucher signed by the party to whom the money was paid. The sub-voucher shall show the date, at what place, and for what the money was paid. The sub-voucher shall be forwarded with the statement and said statement shall be verified by the oath of the party making it, substantially in the following form:

STATE OF NORTH DAKOTA }
County of } ss.

I do solemnly swear that the within account and claim is just and true; that the money therein charged was actually paid for the purpose therein stated; that the services therein charged were actually rendered and of the value therein charged; and that no part of such account, claim or demand has been paid, and that the goods therein charged were actually delivered and of the value charged.

(Sign here)

Subscribed and sworn to this.....day of A. D. 191..

Sec. 2. Exception.) This act shall not apply to charges for expenses as a member of any board of trustees or management of any state institution, except as the form of oath prescribed.

Sec. 3. Repeal.) All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Sec. 4. Emergency.) Whereas, the law in effect now makes it necessary to use two forms of vouchers, which is impractical, therefore this act shall be in force from and after its passage and approval.

Your committee is of the opinion that it is practically impossible for the state auditing board to carry out the provisions of this chapter in every instance, we believe, however, that this is a wise measure and should be followed by the state auditing board as closely as possible. We find a great many bills which were not accompanied by sub-vouchers, and we believe that the state auditing board should exercise the greatest care possible to see that the provisions of this chapter be complied with in every instance possible. Another form of irregularity which we found was the allowance of claims by the state auditing board where the claimant had not sworn to the account. The law very definitely prescribes that all accounts should be sworn to before being allowed by the auditing board; and we believe that it is the duty of said board to refuse to audit or allow any account until the same is verified by the oath of the claimant. We found many accounts which had been allowed and paid which were not signed by the governor.

It is the opinion of the committee, however, that this irregularity is rather an oversight and probably carelessness, more than a neglect of duty. We attach to this report a synopsis showing numbers of vouchers and the irregularities set forth pertaining to same.

We also refer to vouchers number 86543, numbers 92352 and number 84754, copies of same attached hereto. These are accounts presented to the auditing board by Attorney General Miller and duly approved by the board. These accounts are not itemized and have no sub-vouchers attached. It is the opinion of the committee that these bills should have

been properly itemized before being allowed, the itemized statement attached to said vouchers have been procured from the attorney general by this committee. Voucher No. 84745 covers trip to Washington, D. C., for purpose of submitting coal rate cases being State of North Dakota vs. N. P., Soo and G. N. Railway Companies. Your committee is undecided as to the necessity of this trip and we submit questions and answers there to as propounded to Attorney General Miller, also copy of letter from Edward Engerud setting forth practice in the United States Supreme Court on motions to advance cases on the calendar.

Q. Mr. Miller, on October 1st, 1909, you went to Washington, D. C., and returned October 21st, 1909. Now, what was your business in Washington at that time?

A. My business in Washington was to argue a motion before the Supreme Court in regard to the coal cases.

Q. Was not the stipulation sent you before that time?

A. Yes, but it is one of the rules of the court that no case shall be put forward without the making of a formal motion before the court so in order to have the case advanced a reason must be given for having this case take precedence over the other cases on the calendar.

Q. How long were you in Washington?

A. Now I cannot tell you how long I was in Washington, but when I left here the motion was set to come up at a certain time, but there was no way of knowing whether or not it would be reached, so at Chicago or some place on the way, in accordance with my request for same, I received a notice that the case would not be reached until Monday or Tuesday of the next week.

Q. So that the time from October 1st to 21st was entirely occupied with this business?

A. No, on my way to Washington I spent a day at Chicago and two or three days in Washington that were not absolutely necessary. I was at the same time attending a Deep Water Ways Convention as I was a delegate from the State of North Dakota, that and the coal business was the only business I had and I was there two or three days longer than required by this case. The expenses for the two or three days is not charged in this bill or in any other.

The following is copy of letter of Hon. Edward Engerud:

Hon. J. P. Reeve,

Bismarck, North Dakota.

Dear Sir: In response to your inquiry as to the practice in the United State Supreme Court on motions to advance cases on the calendar will say:

Section 949 of the United States Revised Statutes of 1878, provides that any case in which a state is a party in the United States Supreme Court, the State is entitled to have the case advanced on the calendar and take precedence over all civil actions between private parties on the showing of sufficient cause. All ordinary motions in the United States Supreme Court are made in writing as required in paragraph 1 of rule 6 of that court. Motions to advance a case must be printed under rule 26, subdivision 6. Such motions under the rules above cited must set forth the facts involved in the case and the reason for advancing. In cases of public importance involving the governmental operations of the state the motion to advance is granted as a matter of course. It is not necessary nor usual to present any argument in support of such motion other than the statement of facts printed in the motion. It is not usual or necessary for counsel to present such motions in person or orally. The usual practice is to mail the motion papers to the clerk of the court, who procures the necessary order therein for advancement. Where the parties stipulate for the advancement and the fact showing the rights thereto, as

is usually done, there is no occasion for any argument, in fact there is nothing to argue, and court would not care for argument.

Trusting this answers your inquiry, I am,

Yours respectfully,

(Signed) EDWARD ENGERUD.

Voucher No. 92351 by the Attorney General is for expenses allowed by the auditing board on a trip to Fargo. There are no sub-vouchers attached and nothing in the bill to indicate whether or not this trip was made upon business for the state. This committee, however, has no knowledge that this trip was not made upon state business.

There seems to be great diversion of opinion as to whether or not any account for personal expense should be allowed state officials who are receiving their expense in lump sums under the provisions of chapter 216 of the laws of the state of North Dakota of 1909, which provides that the different state officials enumerated therein shall receive certain sums of money per annum for the purpose of defraying their personal expense, such amounts to be payable monthly without the filing of any itemized statement. Your committee finds that this item of personal expense was allowed by the state auditing board to the different state officials for the months of January and February, and up to March 8th, 1909, which was before the time that this provision of the chapter was signed by the governor, thereby making it a law. Upon inquiry we find that the state auditor before issuing the various warrants for these claims requested the attorney general for an opinion as to the legality of such claims, the attorney general in a written opinion (a copy of which is hereto attached), held that such claims were legal and that it was the intent of the Eleventh Legislative Assembly that different items of expense allowed the different state official should apply to the year of 1909 in full. Your committee interviewed the attorney general upon this question, and we submit herewith for your consideration a list of questions which the chairman asked the attorney general, together with his answers to the same.

Q. As attorney general of the state, the legal adviser of the state officers, and a member of the state auditing board, in your opinion does chapter 216 of the laws of 1909 contravene section 186 of the constitution?

A. I do not think it contravenes with the constitution.

Q. In case it is your opinion that chapter 216 of the session laws of 1909, does not contravene section 186 of the constitution, do you consider that the amounts allowed should be classed as an increase in salary to the officers named in the act?

A. No.

Q. If it is your opinion that the amounts authorized by chapter 216 of the laws of North Dakota for 1909, is to be considered an increase of salary for the officers enumerated therein this chapter 216 of the laws of North Dakota for 1909 contravenes section 84 of the constitution?

A. I have already answered this, by the answer that this expense has already been allowed by the legislature and the legislative act passed allowing these various sums as expense to the various state officials.

Q. As attorney general of the state, legal adviser of the state officers, and a member of the state auditing board, what reason do you assign as a member of the state auditing board for approving the vouchers drawn on the state funds as per the provisions of chapter 216 of the laws of North Dakota?

A. The law provides that a certain sum of \$750.00 per annum or for each year, and provides that this sum be paid monthly at the same time as the salary.

Q. Did you consider it lawful for the various officials to draw their money for the two months before the act was approved?

A. My judgment was then and now is that the only logical and sensible conclusion is that this meant that each official would get \$750.00 per year, not so much per month.

Our attention has been called to the account of Peter Roth, who it is claimed drew four (4) months' salary as clerk in the secretary of state's office while not actually at work in the office.

We have looked the matter up and ascertain that Peter Roth drew pay for September, October, November and December, 1910, and that during said time he was employed as cashier of a bank at New Salem, North Dakota; we find further, that Mr. Roth was granted a leave of absence of ninety (90) days by Secretary of State Blaisdell, and that he was in the office of secretary of state on Sundays of each week and occasionally during the week days. We took this matter up personally with each individual member of the auditing board, and they state that they held up the account for some time, but that Mr. Blaisdell recommended the allowance of the salary and gave as his reason therefor that Mr. Roth was a good and efficient clerk and had been employed in the office for eight (8) years without a vacation, also that Mr. Roth was needed in the office during that time and that even though he was not in the office only occasionally, that he, as a matter of fact, supervised the business of the office. The auditing board allowed Mr. Roth a salary of \$125.00 per month for four (4) months, and the account was approved by the department and also by the auditing board. We do not consider the allowance of this item as very business like or economical.

Your committee finds that the deputy game wardens have not followed the law in many instances relative to the procuring of sub-vouchers, and at least such sub-vouchers are not on file in the state auditor's office. The state auditing board informs your committee that under the provisions of the present law they have no jurisdiction over the bills of the game and fish commission or the deputy game wardens. When the present law came into effect there was some conflict of opinion between the state auditing board and the game and fish board upon this question, and the state auditing board informs your committee that they took this matter up with the attorney general, and he held (as per copy of opinion hereto attached), that the state auditing board had no jurisdiction over these bills, and the only reason that these bills passed through the hands of the state auditing board at all is because of the constitutional provision as to the manner in which money shall be paid out by the state.

Your committee suggests and recommends that the present laws governing the fish and game board and deputies be so amended that the state auditing board shall have complete supervision over the expenditures of all money derived from this fund.

We attach hereto copies of vouchers of special wardens for the months of July, August, September and October, also voucher number 92349, of the secretary of fish and game. None of these accounts are sworn to except the account of the secretary. There are no sub-vouchers attached to any of the vouchers and we find what purports to be a voucher is merely a list of names of the special wardens, together with the amount of their salary set opposite their respective names. So far as the record of the state auditing board will show, not one of the special wardens has sworn to the account as provided by law.

Your committee finds in looking over the bills of the department of state oil inspectors, that the board has allowed the deputies telephones at the various points. We find upon investigating this matter that these telephones in most instances were used by the different deputies for state business and also for their private business, and while they should have been allowed something for telephone, your committee believes that the bills should have been pro rated as between the state and the individual business.

It also appears that the members of the legislature are not submitting

proper mileage to the mileage and per diem committee, and we submit the attached figures covering a partial list of the members of the Twelfth Legislature for your consideration, the comparative figures were taken from the 1909 mileage and per diem committee report, as shown on page 130 of House Journal for 1909, and the 1911 mileage and per diem committee report.

We have also referred to railway time cards, and call your attention particularly to the fact that there is daily passenger service from Devils Lake to Casselton, North Dakota, also a daily passenger train from Minot direct to Bismarck, and there were no snow blockades between December 28, 1910, and January 3rd, 1911.

We do not care to comment further on this matter, except to suggest that very few of us would pay from \$5.00 to \$15.00 of our own cash in order to ride on the cars, when we save no time, and in most cases the actual time consumed would be greater.

Your committee recommends that chapter 261 of the session laws of 1907, be amended so that the provisions requiring sub-vouchers shall not apply to state officers when on business outside of the state, as we deem this provision impractical and unnecessary in this respect.

Your committee respectfully submits this report and asks for its discharge.

J. P. REEVE,

Chairman.

JOHN E. WILLIAMS,

Secretary.

R. T. KRETSCHMAR,

J. L. CASHEL,

OLE PAULSON,

S. J. DOYLE.

Mr. Allen moved

That the vote by which House Bill No. 62 was indefinitely postponed be reconsidered.

Mr. Steele moved

That the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Talcott moved

That the rules be suspended and a special committee of five be appointed to suitably amend House Bill No. 11 and report.

Which motion prevailed.

The President announced the appointment of Messrs. Talcott, Steele, Gunderson, Davis and Plain as members of such committee.

MESSAGE FROM THE HOUSE.

A committee from the House laid the following articles before the Senate:

THE STATE OF NORTH DAKOTA TO JOHN F. COWAN GREETING:

Comes now to the House of Representatives of the State of North Dakota, in the name and by the authority of said state and all the people

thereof, and presents to the state of North Dakota, the following Articles of Impeachment against the Hon. John F. Cowan, judge of the District Court, of the Second Judicial District of North Dakota.

ARTICLES OF IMPEACHMENT.

Articles exhibited by the house of representatives of the Twelfth Legislative Assembly of the state of North Dakota in the name of themselves and of all the people of the state of North Dakota, against John F. Cowan, the judge of the district court in and for the Second Judicial District of the state of North Dakota, in maintenance and support of their impeachment against him for habitual drunkenness, crimes, corrupt conduct and malfeasance and misdemeanor in office.

CHARGE I.

That said John F. Cowan is now and has been since on or about the 1st day of January, 1901, the duly elected, qualified and acting judge in and for the Second Judicial District of the state of North Dakota, has been continually during all said time and is now guilty of habitual drunkenness.

Specification 1. That during all of said period the said John F. Cowan being judge as aforesaid has been habitually addicted to the excessive use of intoxicating liquor and at regularly occurring and frequent intervans, has been actually under the influence of intoxicating liquor to the extent that his mental faculties and physical powers were impaired to a noticeable degree, and regularly at numerous and frequent occasions he has actually been under the influence of intoxicating liquor to the extent that he did not have the control of his mental faculties and physical powers; that during all of said time his periods of intoxication have been so frequent and protracted as to materially interfere with the performance of the ordinary duties incident to his said office, this in violation and disregard to the duties of his said office and to the great prejudice of the peace and good order of the state and the dignity thereof.

CHARGE II.

That John F. Cowan, being judge as aforesaid, and during his said incumbency of said office, has been guilty of crimes and offenses against the laws of the state of North Dakota, which crimes and offenses are specified as follows:

Specification 1. That on or about the 18th day of June, 1909, in the city of Rugby, in the county of Pierce, in the state of North Dakota, he, the said John F. Cowan did appear and was found intoxicated in a public place, to-wit: in the court room in the court house in the city of Rugby in the presence of large numbers of people, this wilfully and in violation of the provisions of Section 9392 of the Revised Codes of 1905, and in violation and disregard of the duty and dignity of his said office as judge, and to the great scandal of the community, and to the detriment of the peace, dignity and good order of the state of North Dakota.

Specification 2. That on or about the 18th day of June, 1909, he, the said John F. Cowan did appear and was found intoxicated in a public place, to-wit: in the Hotel Cramond, a public inn, tavern or hotel in said city of Rugby, this in violation of the provisions of Section 9392 of the Revised Codes of 1905, and in violation of the duties and dignity of his said office as judge, and to the detriment of the morals and good order of said community and against the peace and dignity of the state of North Dakota.

Specification 3. That on or about the 10th day of July, 1910, the said John F. Cowan did appear and was found intoxicated in a public place, to-wit: in the lobby of a public hotel, and at various places and points on the streets in the village of Lakota, North Dakota, this in violation of the provisions of Section 9392 of the Revised Codes of 1905, and in violation of the duties and dignity of his said office as judge, and to the great detriment of the morals, peace and good order of the people of the state of North Dakota and contrary to the statute in such cases made and provided and against the peace and dignity of the state of North Dakota.

Specification 4. That on or about the 15th day of January, 1909, he, the said John F. Cowan, did appear and was found intoxicated in a public place, to-wit: in the court room in the court house in the city of Devils Lake, North Dakota, during a session of the district court in and for the county of Ramsey in said state, and in the presence of large numbers of people; this in violation of the provisions of Section 9392 of the Revised Codes of 1905, and in violation of the duties and dignities of his said office as judge, and to the detriment of the morals, dignity and good order of the state of North Dakota.

Specification 5. That on or about the 10th day of November, 1909, he, the said John F. Cowan, did appear and was found intoxicated in a public place, to-wit: in the court room in the court house in the city of Minnewaukon, North Dakota, during a session of the district court in and for the county of Benson, North Dakota, in the presence of large numbers of people assembled in said court room, this in violation of the provisions of Section 9392 of the Revised Codes of 1905, and in violation of the duties and dignities of his said office as judge, and to the detriment of the morals, dignity and good order of the state of North Dakota.

Specification 6. That on or about the 10th day of December, 1907, he, the said John F. Cowan did appear and was found intoxicated in a public place, to-wit: in the court room in the court house in the city or village of Minnewaukon, Benson county, North Dakota, during a session of a term of the district court in and for said county, and in the presence of large numbers of people there assembled, this in violation of the provisions of Section 9392 of the Revised Codes of 1905, and in violation of the duties and dignities of his said office as judge, and to the detriment of the morals, good order and dignity of the state of North Dakota.

Specification 7. That on or about the first day of November, 1908, he, the said John F. Cowan did appear and was found intoxicated in a public place, to-wit: in a public hotel known as the Vanderhoff Hotel, at Devils Lake, in the county of Ramsey, North Dakota, this in violation of the provisions of Section 9392 of the Revised Codes of 1905, and in violation of the duties and dignities of said office as judge, and to the detriment of the morals, good order and dignity of the state of North Dakota.

Specification 8. That on or about the 10th day of May, 1908, he, the said, John F. Cowan, did appear and was found intoxicated in a public place, to-wit: in the Vanderhoff Hotel, a public hotel or inn situated at Devils Lake, North Dakota, both in the lobby of the said hotel and in a room thereof where he, the said John F. Cowan, assumed to and did hold court as in chambers in the presence of large numbers of people assembled in connection with the business of the court being so held; this in violation of the provisions of Section 9392 of the Revised Codes of 1905, and in violation of the duties and dignities of his said office as judge and to the detriment of the morals, good order and dignity of the state of North Dakota.

Specification 9. That on or about the 15th day of August, 1908, he, the said John F. Cowan, did appear and was found intoxicated in a public place, to-wit: in the court room in the court house in the city of Devils Lake, Ramsey county, North Dakota, during a session of the district court in and for said county and in the presence of a large number of people

assembled in connection with the business of said court, this in violation of the provisions of Section 9392 of the Revised Codes of 1905 and in violation of the duties and dignities of his said office as judge and to the detriment of the morals, dignity and good order of the state of North Dakota.

Specification 10. That on or about the 4th day of August, 1908, he, the said John F. Cowan, did appear and was found intoxicated in a public place, to-wit: in the court room in the court house in the city of Devils Lake, Ramsey county, North Dakota, during a session of the district court in and for said county and in the presence of a large number of people there assembled, this in violation of the provisions of Section 9392 of the Revised Codes of 1905, and in violation of the duties and dignities of his said office as judge and to the detriment of the morals, dignity and good order of the state of North Dakota.

Specification 11. That on or about the 29th day of June, 1910, he, the said John F. Cowan, did appear and was found intoxicated in a public place, to-wit: at various places on the public streets of Devils Lake, Ramsey county, North Dakota, in the presence of a large number of people upon said streets, this in violation of the provisions of Section 9392 of the Revised Codes of 1905, and in violation of the duties and dignities of his said office as judge and to the detriment of the morals, dignity and good order of the state of North Dakota.

Specification 12. That on or about the 10th day of October, 1910, he, the said John F. Cowan, did appear and was found intoxicated in a public place, to-wit: in the public part of the post office in the city of Devils Lake, Ramsey county, North Dakota, in the presence of a large number of people there assembled, this in violation of the provisions of Section 9392 of the Revised Codes of 1905 and in violation of the duties and dignities of his said office as judge and to the detriment of the morals, dignity and good order of the state of North Dakota.

Specification 13. That on or about the 24th day of October, 1910, he, the said John F. Cowan, did appear and was found intoxicated in a public place, to-wit: in the court room in the court house in the city of Devils Lake, Ramsey county, North Dakota, during a session of the district court in and for said county in the presence of a large number of people assembled there, this in violation of the provisions of Section 9392 of the Revised Codes of 1905 and in violation of the duties and dignities of his said office as judge and to the detriment of the morals, dignity and good order of the state of North Dakota.

Specification 14. That on or about the 8th day of November, 1910, he, the said John F. Cowan, did appear and was found intoxicated in a public place, to-wit: at various points and places on the public streets of the city of Devils Lake, Ramsey county, North Dakota, and in the presence of a large number of people upon said streets, this in violation of the provisions of Section 9392 of the Revised Codes of 1905 and in violation of the duties and dignities of his said office as judge and to the detriment of the morals, dignity and good order of the state of North Dakota.

Specification 15. That on or about the 8th day of November, 1910, he, the said John F. Cowan, did appear and was found intoxicated in a public place, to-wit: in the office of the county auditor in the court house in the City of Devils Lake, Ramsey county, North Dakota, in the presence of a large number of people there assembled, this in violation of the provisions of Section 9392 of the Revised Codes of 1905 and in violation of the duties and dignities of his said office as judge and to the detriment of the morals, dignity and good order of the state of North Dakota.

Specification 16. That on or about the 7th day of November, 1910, he, the said John F. Cowan, did appear and was found intoxicated in a public place, to-wit: at a public livery barn in the city of Devils Lake, Ramsey county, North Dakota, commonly known as Gordon's Livery Barn, in the

presence of a large number of people there assembled, this in violation of the provisions of Section 9392 of the Revised Codes of 1905 and in violation of the duties and dignities of his said office as judge and to the detriment of the morals, dignity and good order of the state of North Dakota.

Specification 17. That on or about the 15th day of June, 1909, he, the said John F. Cowan, did appear and was found intoxicated in a public place, to-wit: in the office of the clerk of the district court of Pierce county, North Dakota, in the presence of persons assembled there, this in violation of the provisions of Section 9392 of the Revised Codes of 1905 and in violation of the duties and dignities of his said office as judge and to the detriment of the morals, dignity and good order of the state of North Dakota.

Specification 18. That on or about the 20th day of August, 1909, he, the said John F. Cowan, did appear and was found intoxicated in a public place, to-wit: in the public street of the village of Hansboro, North Dakota, in the presence of a large number of persons assembled there, this in violation of the provisions of Section 9392 of the Revised Codes of 1905 and in violation of the duties and dignities of his said office as judge and to the detriment of the morals, dignity and good order of the state of North Dakota.

CHARGE III.

That he, the said John F. Cowan, while he was such district judge as aforesaid, was wilfully and wrongfully guilty of acts and conduct which grossly disturbed the public peace and openly outraged public decency and was injurious to public morals.

Specification 1. That he, the said John F. Cowan, being such district judge as aforesaid, did wilfully and wrongfully, knowingly and openly, habitually frequent places notoriously known to be places where intoxicating liquors were then being sold, disposed of, given away and dispensed as a beverage contrary to law and where intoxicating liquors were then being drunk contrary to law, and he, said John F. Cowan, did in such places, purchase and procure for himself and others intoxicating liquors as a beverage for himself and others contrary to law and did in such places regularly and frequently and habitually drink intoxicating liquors as a beverage and did notoriously frequent and resort to such places for the purpose of obtaining and drinking intoxicating liquors as a beverage contrary to law, this in violation and disregard of the duties and dignity of his said office of judge aforesaid, and to the great detriment and disturbance of the morals, peace and good order of the people of the state; and did thereby openly outrage public decency and injure the public morals contrary to the statute in such cases made and provided and against the peace and dignity of the state of North Dakota.

Specification 2. That he, the said John F. Cowan, while such judge of the district court as aforesaid, during all the time of his incumbency of his office and until the present time did wilfully and wrongfully, notoriously and openly, habitually frequent and resort to a certain place, where intoxicating liquors were, as he, said John F. Cowan, well know, unlawfully sold, bartered, given away, disposed of and dispensed as a beverage and wherein intoxicating liquors were then and there drunk as a beverage, contrary to law, to wit: a drug store commonly known as Ness' Drug Store in the city of Devils Lake, Ramsey county, North Dakota, and he, the said John F. Cowan, did so frequent and resort to said place for the purpose of unlawfully obtaining intoxicating liquor and did frequently and regularly therein unlawfully obtain the same as a beverage, and did regularly, habitually and frequently therein drink intoxicating liquors as a beverage, this in violation and disregard of the duties and dignity of his said office of judge of the district court and to the great

detriment of the morals, peace and good order of the people of the state of North Dakota; and did by his acts and conduct aforesaid disturb the public peace, and grossly outrage public decency and injure public morals contrary to the statute in such cases made and provided and against the peace and dignity of the state of North Dakota.

Specification 3. That he, said John F. Cowan, while such judge of the district court as aforesaid, during all the time of his incumbency of his office and until the present time did wilfully and wrongfully, notoriously and openly, habitually frequent and resort to a certain place, where intoxicating liquors were, as he, said John F. Cowan well know, unlawfully sold, bartered, given away, disposed of and dispensed as a beverage and wherein intoxicating liquors were then and there drunk as a beverage, contrary to law; to-wit: a drug store commonly known as Bond's Drug Store in the city of Devils Lake, Ramsey county, North Dakota, and he, the said John F. Cowan, did so frequent and resort to said place for the purpose of unlawfully obtaining intoxicating liquor and did frequently and regularly therein unlawfully obtain the same as a beverage, and did regularly, habitually and frequently therein drink intoxicating liquors as a beverage, this in violation and disregard of the duties and dignity of his said office as judge of the district court and to the great detriment of the morals, peace and good order of the people of the state of North Dakota; and did by his acts and conduct aforesaid, disturb the public peace, and grossly outrage public decency and injure public morals contrary to the statute in such cases made and provided and against the peace and dignity of the state of North Dakota.

Specification 4. That he, the said John F. Cowan, while such judge of the district court as aforesaid, during all the time of his incumbency of his office and until the present time, wilfully and wrongfully, notoriously and openly, did habitually frequent and resort to a certain place, where intoxicating liquors were, as he, said John F. Cowan, well knew, unlawfully sold, bartered, given away, disposed of and dispensed as a beverage and wherein intoxicating liquor were then and there drunk as a beverage, contrary to law, to-wit: a drug store commonly known as Green's Drug Store in the city of Devils Lake, Ramsey county, North Dakota, and he, said John F. Cowan, did so frequent and resort to said place for the purpose of unlawfully obtaining intoxicating liquor and did frequently and regularly therein unlawfully obtain the same as a beverage, and did regularly, habitually and frequently therein drink intoxicating liquors as a beverage, this in violation and disregard of the duties and dignity of his said office of judge of the district court and to the great detriment of the morals, peace and good order of the people of the state of North Dakota; and did by his acts and conduct aforesaid, disturb the public peace, and grossly outrage public decency and injure public morals, contrary to the statute in such cases made and provided and against the peace and dignity of the state of North Dakota.

Specification 5. That he, said John F. Cowan, while such judge as aforesaid, during all the time of his incumbency of his office and until the present time, did, wilfully and wrongfully, notoriously and openly, habitually frequent and resort to a certain place, where intoxicating liquors were, as he, the said John F. Cowan, well knew, unlawfully sold, bartered, given away, disposed of and dispensed as a beverage and wherein intoxicating liquors were then and there drunk as a beverage, contrary to law, to-wit: a hotel commonly known as the Vanderhoff Hotel in the city of Devils Lake, Ramsey county, North Dakota, and he, said John F. Cowan, did so frequent and resort to said place for the purpose of unlawfully obtaining intoxicating liquor and did frequently and regularly therein unlawfully obtain the same as a beverage, and did regularly, habitually and frequently therein drink intoxicating liquors as a beverage, this in violation and disregard of the duties and dignity of

his said office as judge of the district court and to the great detriment of the morals, peace and good order of the state of North Dakota; and did by his acts and conduct aforesaid, disturb the public peace, and grossly outrage public decency and injure public morals contrary to the statute in such cases made and provided and against the peace and dignity of the state of North Dakota.

Specification 6. That he, the said John F. Cowan, while such judge of the district court as aforesaid, during all the time of his incumbency of his office and until the present time, wilfully and wrongfully, notoriously and openly, did habitually frequent and resort to a certain place, where intoxicating liquors were, as he, the said John F. Cowan well knew, unlawfully sold, bartered, given away, disposed of and dispensed as a beverage and wherein intoxicating liquors were then and there drunk as a beverage, contrary to law, to-wit: a drug store commonly known as Moran's Drug Store in the city of Devils Lake, Ramsey county, North Dakota, and he, the said John F. Cowan, did so frequent and resort to said place for the purpose of unlawfully obtaining intoxicating liquor and did frequently and regularly therein unlawfully obtain the same as a beverage, and did regularly, habitually and frequently therein drink intoxicating liquors as a beverage, this in violation and disregard of the duties and dignity of his said office of judge of the district court and to the great detriment of the morals, peace and good order of the people of the state of North Dakota; and did by his said acts and conduct aforesaid, disturb the public peace, and grossly outrage public decency and injure public morals, contrary to the statute in such cases made and provided and against the peace and dignity of the state of North Dakota.

Specification 7. That he, said John F. Cowan, while such judge as aforesaid, during all the time of his incumbency of his office and until the present time, did, wilfully and wrongfully, notoriously and openly habitually frequent and resort to a certain place, where intoxicating liquors were, as he, the said John F. Cowan, well knew, unlawfully sold, bartered, given away, disposed of and dispensed as a beverage and wherein intoxicating liquors were then and there drunk as a beverage, contrary to law, to-wit: a place commonly known as Otto Chiostris' Restaurant, in the city of Devils Lake, Ramsey county, North Dakota, and he, pose of unlawfully obtaining intoxicating liquor and did frequently and said John F. Cowan, did so frequent and resort to said place for the purpose of unlawfully obtaining the same as a beverage, and did regularly, habitually and frequently therein drink intoxicating liquors as a beverage, this in violation of the duties and dignity of his said office as judge of the district court and to the great detriment of the morals, peace and good order of the state of North Dakota; and did by his acts and conduct aforesaid, disturb the public peace, and grossly outrage public decency and injure public morals contrary to the statute in such cases made and provided and against the peace and dignity of the state of North Dakota.

CHARGE IV.

That said John F. Cowan, while he was judge of the district court as aforesaid, on or about the first day of December, A. D., 1909, in Minnewaukon in the county of Benson in the state of North Dakota, was wilfully and wrongfully guilty of acts and conduct which grossly injured the person of another and which grossly disturbed the public peace and which openly outraged public decency and was injurious to public morals.

Specification 1. That he, said John F. Cowan, while such judge of the District court aforesaid, in the dwelling of one Thomas McDonald in Minnewaukon in the county of Benson in the state of North Dakota, on or about the first day of December, 1909, did wilfully and wrongfully utter

and speak in the presence and hearing of Edith McDonald, who was then and there a member of said Thomas McDonald's household, and divers other persons whose names are unknown to this House of Representatives, certain indecent, obscene, lewd and lascivious words and sentences (which indecent, obscene, lewd and lascivious words and sentences then and there uttered and spoken were so obscene and foul that they ought not to be set forth at large herein) and did then and there and thereby grossly insult, outrage, and offend the said Edith McDonald and other members of the household of said Thomas McDonald, this in violation and disregard of the duties and dignity of his said office of judge of the district court aforesaid to the detriment of the morals, peace and good order of the people of the state of North Dakota and contrary to the statutes in such cases made and provided and against the peace and dignity of the state of North Dakota.

Specification 2. That at the time and place set forth in the next preceding specification of this charge the said John F. Cowan in the said dwelling of Thomas McDonald, and in the presence and hearing of the members of said McDonald's household, did wilfully and wrongfully engage and indulge in disorderly and boisterous conduct in this, that he, with certain companions whose names are unknown to this house of representatives, did then and there drink intoxicating liquor until he became drunk, and did spew and vomit on the floor and furniture of a room of said McDonald's dwelling; and he, said Cowan, and his said companions did then and while so indulging in intoxicating liquor use lewd, profane, indecent and obscene and lascivious language and conduct themselves in a grossly indecent, disorderly and boisterous manner to the great scandal and offense of said McDonald's household, all in violation and disregard of the duty and dignity of his said Cowan's office as judge of the district court aforesaid and to the great detriment of the morals, peace and good order of the people of this state.

CHARGE V.

That said John F. Cowan, while holding the office of judge of the district court aforesaid, at Rugby in the county of Pierce in the state of North Dakota on or about the 10th day of June, 1909, committed the crime of assault:

Specification 1. That said John F. Cowan at Rugby in the county of Pierce and state of North Dakota on or about the 10th day of June, 1909, in a public place, to-wit: in the office of the clerk of the district court of Pierce county, North Dakota, at a time when he, said Cowan, was at Rugby for the purpose of presiding as judge at a term of the district court in and for said Pierce county, did wilfully and unlawfully in and upon the person of one Nellie Schulz commit an assault and did then and there unlawfully and wrongfully by force seize the person of said Nellie Schulz and attempt to embrace and kiss her against her will. This in violation of the duty and dignity of his said office of judge aforesaid and to the great detriment of the morals, peace and good order of the people of the state of North Dakota, and contrary to the statute in such case made and provided and against the peace and dignity of the state of North Dakota.

CHARGE NO. VI.

That the said John F. Cowan during the incumbency of his said office as judge as aforesaid, has been guilty of malfeasance in office and of crimes, and offenses against the laws of the state of North Dakota, which malfeasance, crimes and offenses have greatly hindered and injured the rights of litigants in his court and greatly impeded the administration of justice.

Specification 1. The said John F. Cowan during his said term of office continuously omitted, refused and neglected to perform the duty imposed

upon him by law to decide motions, applications and special proceedings submitted to and pending before him, as such judge, within thirty days after the same were submitted, and to decide issues of fact tried before him for more than sixty days after the same were submitted to him for decision, and not being prevented by sickness or other unavoidable casualty has wilfully, and unlawfully failed and refused to make decisions of such motions, special proceedings, applications and issues of fact for periods of time many months exceeding sixty days after the same were submitted to him for decision. All against the peace and dignity of the state of North Dakota and the statute in such case provided and in violation of the official duty of said John F. Cowan as judge.

Specification 2. That long before the 7th day of March, 1906, there was pending in the district court of Pierce county, North Dakota, one of the counties of the second judicial district, a case entitled Thomas H. Oxendahl, administrator of Thomas Jacobson, plaintiff, against Anna Holes and Clifford Holes, defendants, which said case was tried before said John F. Cowan a judge and finally submitted him for decision on the said 7th day of March, 1906, and which said case he, the said Cowan, has failed, neglected and refused to decide, and the same remains pending undecided to this date, against the peace and dignity of the state, and the statutes in such case provided and his official duty as judge.

Specification 3. That on the 24th day of February, 1902, and long prior thereto there was pending in the district court of Ramsey county, North Dakota, an action entitled the State of North Dakota vs. Sam Goldberg, which case was, on the said 24th day of February, 1902, duly tried and submitted for decision to the said John F. Cowan who has ever since, failed, refused and neglected to decide the same and the same now remains undecided, this against the peace and dignity of the state of North Dakota, the statute in such case made and provided and in violation of the official duties of the said John F. Cowan as judge.

Specification 4. That on the 24th day of February, 1902, there was duly pending in the district court of Ramsey county, North Dakota an action entitled the State of North Dakota, plaintiff, vs. William Coburn, defendant, which case was tried and on the 24th day of February, 1902, submitted to the said John F. Cowan for decision and the said Cowan has ever since failed, refused and neglected to decide the same and the same has never been decided to this date, this against the peace and dignity of the state of North Dakota, the statute in such case made and provided and in violation of the official duties of the said John F. Cowan as judge.

Specification 5. That long prior to June 1st, 1902, there was pending in the District Court of Rolette county, North Dakota, an action entitled William Brown, plaintiff, vs. Michael Leonard, Jr., defendant, which case was duly tried and on the 1st day of June, 1902, submitted to the said John F. Cowan as judge for decision, but he failed, refused and neglected to decide the same until the 31st day of May, 1910, this against the peace and dignity of the state of North Dakota, the statute in such case made and provided and in violation of the official duties of the said John F. Cowan as judge.

Specification 6. That long prior to February 7th, 1902, there was pending in the district court of Rolette county, North Dakota, an action entitled William H. Brown vs. the County of Rolette, which action was duly tried and on the 7th day of February, 1902, duly submitted for decision to the said John F. Cowan, judge, but he failed, refused and neglected to decide the same until the 23rd day of May, 1910, this against the peace and dignity of the state of North Dakota, the statute in such case made and provided and in violation of his duty as judge.

Specification 7. That long prior to the 25th day of March, 1902, there was pending in the district court of Ramsey county, North Dakota, an

action entitled L. Sargent vs. George W. Jamison, which action was duly tried and on the 25th day of March, 1902, duly submitted for decision to the said John F. Cowan, judge, who failed, refused and neglected to decide the same until about the 15th day of May, 1910, this against the peace and dignity of the state of North Dakota, the statute in such case made and provided and in violation of the official duties of the said John F. Cowan as judge.

Specification 8. That long prior to the 1st day of March, 1903, there was pending in the district court of Ramsey county, North Dakota, an action entitled William H. Brown, plaintiff, vs. Louis Comonow, and others, which action was duly tried and on or about the 1st day of March, 1903, submitted for decision to the said John F. Cowan, judge, who failed, refused and neglected to decide the same until the 20th day of April 1904, this against the peace and dignity of the state of North Dakota, the statute in such case made and provided and in violation of the official duties of the said John F. Cowan as judge.

Specification 9. That on the 18th day of May, 1904, there was an action pending in the district court of Ramsey county, North Dakota, entitled, Alexander Carden vs. George Orvis, in which action there was submitted to the said John F. Cowan, judge, on the 18th day of May, 1904, a motion for a new trial, which motion the said Cowan failed, refused and neglected to decide until the 24th day of August, 1906, this against the peace and dignity of the state of North Dakota, the statute in such case made and provided and in violation of the official duties of the said John F. Cowan as judge.

Specification 10. That on the 25th day of June, 1904, and long prior thereto there was pending in the district court of Benson county, North Dakota, an action entitled E. E. Hermon vs. E. S. Rolfe, et al., which action was duly tried and on the said 25th day of June, 1904, submitted for decision to the said John F. Cowan, judge, who failed, refused and neglected to decide the same until the 25th day of October, 1909, this against the peace and dignity of the state of North Dakota, the statute in such case made and provided and in violation of the official duties of the said John F. Cowan as judge.

Specification 11. That on and prior to the 1st day of December, 1905, there was pending in the district court of Benson county, North Dakota, an action entitled Kitsy Burdick vs. John Denoyer, et al, which action was duly tried and on the first day of December, 1905, submitted to the said John F. Cowan, judge, for decision, which action he failed, refused and neglected to decide until the month of December 1907, this against the peace and dignity of the state of North Dakota, the statute in such case made and provided and in violation of the official duties of the said John F. Cowan as judge.

Specification 12. That on and prior to April 14, 1905, there was pending in the county of Ramsey an action entitled Ole L. Ugland vs. Chas. L. Kolb and M. H. Brennan, which action was duly tried and submitted to the said John F. Cowan as Judge for decision on April 14, 1905, and which action he failed, refused and neglected to decide until October 25, 1909, this against the peace and dignity of the state of North Dakota, the statute in such case made and provided and in violation of the official duties of the said John F. Cowan as judge.

Specification 13. That on the 4th day of March, 1901, and prior thereto there was pending in the district court of Williams county, North Dakota, an action entitled Joseph Cartier vs. John Bruegger, which action was duly tried and on the 4th day of March, 1901, submitted to the said John F. Cowan as judge for decision and which action he failed, refused and neglected to decide until the 18th day of August, 1906, this against the peace and dignity of the state of North Dakota, the statute in such

case made and provided and in violation of the official duties of the said John F. Cowan as judge.

Specification 14. That on and prior to the 11th day of August, 1905, there was pending in Benson county, North Dakota, an action entitled G. H. Kilgore, vs. H. A. Smith, which action was submitted to the said John F. Cowan, judge, for decision upon a demurrer therein on the 11th day of August, 1905, which decision he has ever since failed, refused and neglected to render and the same never has been rendered but is still pending, this against the peace and dignity of the state of North Dakota, the statute in such case made and provided and in violation of the official duties of the said John F. Cowan as judge.

Specification 15. That in the month of August, 1905, and prior thereto there was pending in the district court of Benson county, North Dakota, an action entitled A. M. Powell vs. P. D. Norton, and the International Harvester Company, which action was duly tried and on or about the 15th day of August, 1905, submitted for decision to the said John F. Cowan, as judge, who has ever since failed, refused and neglected to decide the same and it still remains pending undecided and this against the peace and dignity of the state of North Dakota, the statute in such case made and provided and in violation of the official duties of the said John F. Cowan as judge.

Specification 16. That in the month of November, 1905, there was pending in the district court of Rollette county an action entitled Melvin Small vs. Nels. Baxtrom, et al., which action was duly tried and submitted for decision to the said John F. Cowan as judge, on or about the 15th day of November, 1905, and which action he failed, refused and neglected to decide until in the month of January, 1908, this against the peace and dignity of the state of North Dakota, the statute in such case made and provided and in violation of the official duties of the said John F. Cowan as judge.

Specification 17. That on the 2nd day of June, 1906, and long prior thereto there was pending in the district court of Ramsey county, North Dakota, an action entitled William Dewar, et al., vs. Bartlet School District, in which action there was duly submitted to the said John F. Cowan as judge on the 2nd day of June, 1906, a motion with respect to an injunction which motion he, the said John F. Cowan, failed, refused and neglected to decide until the 8th day of June, 1907, against the peace and dignity of the state of North Dakota, the statute in such case made and provided and in violation of the official duties of the said John F. Cowan as judge.

Specification 18. That on and prior to the 7th day of May, 1906, there was pending in the district court of Ramsey county, North Dakota, an action entitled J. I. Case Threshing Machine Company, vs. Adam Marr, in which action a motion for a new trial was duly submitted to the said John F. Cowan as judge, on or about the 7th day of May, 1906, which motion he failed, refused and neglected to decide until the month of May, 1909, this against the peace and dignity of the state of North Dakota, the statute in such case made and provided and in violation of the official duties of the said John F. Cowan as judge.

Specification 19. That on the 16th day of February, 1906, there was pending in the district court of Ramsey county, North Dakota an action entitled Charles H. Burlan vs. Adam Scharf, which action was duly tried and on the 16th day of February, 1906, submitted to the said John F. Cowan as judge, for decision and which action he failed, refused and neglected to decide until the 3rd day of June, 1907, this against the peace and dignity of the state of North Dakota, the statute in such case made and provided and in violation of the official duties of the said John F. Cowan as judge.

Specification 20. That in the month of August, 1906, and prior thereto there was pending in the district court of Ramsey county, North Dakota, an action entitled Devils Lake Pressed Brick and Stone Company vs. The Farmers Mill & Elevator Association, which action was duly tried and duly submitted for decision to the said John F. Cowan as judge in the month of August, 1906, and which he failed, refused and neglected to decide until on or about the 22nd day of June, 1907, this against the peace and dignity of the state of North Dakota, the statute in such case made and provided and in violation of the official duties of the said John F. Cowan as judge.

Specification 21. During all the year 1906 there was pending in the district court of Ramsey county, an action entitled Jerry McCarthy vs. Michael Shea, which action was duly tried and submitted to the said John F. Cowan, judge, for decision sometime during the said year, 1906, and which action he has ever since failed, refused and neglected to decide and the same has never been decided, but is still pending, this against the peace and dignity of the state of North Dakota, the statute in such case made and provided and in violation of the official duties of the said John F. Cowan as judge.

Specification 22. In the month of March and long prior thereto there was pending in the district court of Pierce county an action in which William Brown was plaintiff and George H. Gilmore et al. was defendant, which action was duly tried and on or about the 15th day of March, 1906, submitted for decision to said John F. Cowan as judge, and ever since said time he, the said Cowan, has failed, neglected and refused to decide the same, and it still remains pending and undecided, this against the peace and dignity of the state of North Dakota and in violation of the statute and the official duty of said judge.

Specification 23. That on the 30th day of July, 1906, and long prior thereto, an action was pending in the district court of Ramsey county, in which Hans Martinson was plaintiff and Mary Regan was defendant, which action was duly tried and on or about said 30th day of July, 1906, was duly submitted to the said John F. Cowan as judge for decision, and he failed, neglected and refused to decide the same until the 10th day of May, 1907, this against the peace and dignity of the state of North Dakota, in violation of the statute and in violation of the duty of the said Cowan as judge.

Specification 24. That on the 21st day of November, 1906, and long prior thereto, there was pending in the district court of Benson county an action entitled J. D. Zion, L. S. Levy and H. M. Levy against J. C. O'Connell, which action was duly tried and on the said 21st day of November, 1906, submitted for decision to the said John F. Cowan as judge, who has ever since failed, neglected and refused to decide the same, and the same now remains pending and undecided, this against the peace and dignity of the state of North Dakota and in violation of the statute and the official duty of said judge.

Specification 25. That in the month of July, 1907, and long prior thereto, there was pending in the district court of Rolette county an action entitled W. L. Maichaud vs. Augeline Deslierres, which action was on or about the said month of July, 1907, duly submitted to the said John F. Cowan as judge for the determination of a motion for a new trial, and he, the said Cowan, has ever since failed, neglected and refused to decide the same, and the same now remains undetermined, this against the peace and dignity of the state of North Dakota, and in violation of the statute and the official duty of said Cowan as judge.

Specification 26. That in the month of December, 1907, and long prior thereto, there was pending in the district court of Towner county, an action entitled Hansboro State Bank vs. Carl Oberg, which action was in the month of December, 1907, duly submitted to the said John F. Cowan as judge, upon an application then made to vacate a judgment entered in said action, and the said Cowan has ever since failed, neglected and

refused to decide the said motion, and the same now remains undecided this against the peace and dignity of the state of North Dakota, and in violation of the statute and the official duty of said Cowan as judge.

Specification 27. That on the 16th day of December, 1907, and long prior thereto, there was pending in the district court of Rolette county an action entitled Dominick Leonard vs. Michael Leonard Jr., et al., which action was on the said 16th day of December, 1907, duly submitted to the said John F. Cowan as judge, for a decision on a motion for a new trial, and ever since said time, he, the said Cowan, has failed, neglected and refused to decide said motion, and the same now remains undecided and undisposed of, this against the peace and dignity of the state of North Dakota, and in violation of the statute and the duty of said Cowan as judge.

Specification 28. That in the month of May, 1907, and long prior thereto, there was pending in the district court of Ramsey county, an action entitled Maple Bay Wind Stacker Company vs. S. A. Hann, and on or about the said 7th day of May, 1907, a motion for a new trial in said action was duly submitted for decision to the said John F. Cowan as Judge, who ever since said time has failed, neglected and refused to decide the same, and which now remains undecided, this against the peace and dignity of the state of North Dakota and in violation of the statute and the duty of the said Cowan as judge.

Specification 29. That on the 18th day of October, 1908, and long prior thereto, there was pending in the district court of Ramsey county an action entitled Ellen Cline vs. Margaret Duffy, which action was duly tried and on or about the 18th day of October, 1908, submitted for decision to the said John F. Cowan as judge, who failed, refused and neglected to decide the same until the 24th day of May, 1909, this against the peace and dignity of the state of North Dakota, and in violation of the statute and the duty of said Cowan as judge.

Specification 30. That in the month of February, 1908, there was pending in the district court of Ramsey county an action in which one Blank was plaintiff and one Nelson was defendant, the first names of said parties being to the House of Representatives unknown, and on or about the 15th day of February, 1908, a motion to dismiss said action was duly made and submitted for decision to the said John F. Cowan as judge and he, the said Cowan, has ever since failed, neglected and refused to decide the same, and the same now remains undecided, this against the peace and dignity of the state of North Dakota and in violation of the statute and the duty of said Cowan as judge.

Specification 31. That on the 14th day of August, 1908, and long prior thereto, there was pending in the district court of Ramsey county an action entitled Hawkinson Lumber Company vs. Samuel Wineman et al., which action was duly tried and on or about the 14th day of August, 1908, submitted for decision to the said John F. Cowan, as judge, and he failed, refused and neglected to decide the same until in the month of May, 1909, this against the peace and dignity of the state of North Dakota, and in violation of the statute and the duty of said Cowan a judge.

Specification 32. That in the month of July, 1908, there was pending in the district court of Ramsey county, an action entitled Ellen Cline vs. Margaret Duffy, which action was tried and on or about the said 28th day of July, 1908, was duly submitted for decision to the said John F. Cowan as judge, who failed, refused and neglected to decide the same until the 29th day of December, 1908, this against the peace and dignity of the state of North Dakota, and in violation of the statute and the duty of said Cowan as judge.

Specification 33. That on the 8th day of April, 1908, and long prior thereto, there was pending in the district court of Ramsey county an action entitled Farmers Bank of Crary vs. Albert Maxwell, which ac-

tion was duly tried and on or about the 8th day of April, 1908, submitted for decision to the said John F. Cowan as judge, who has ever since failed, neglected and refused to decide the same, and it now remains undecided, this against the peace and dignity of the State of North Dakota, and in violation of the statute and the duty of said Cowan a judge.

Specification 34. That on the 17th day of July, 1908, and long prior thereto, there was pending in the district court of Ramsey county an action entitled Ed Smith vs. the County of Ramsey, which action was duly tried and on or about the said 17th day of July, 1908, submitted for decision to the said John F. Cowan as judge, and he has ever since failed, refused and neglected to decide the same, and it now remains undisposed of and undecided, this against the peace and dignity of the state of North Dakota, and in violation of the statute and the duty of said Cowan as judge.

Specification 35. That on April 11, 1908, and long prior thereto, there was pending in the district court of Ramsey county an action entitled D. N. Maceschern vs. Joseph Jilek, which action was duly tried and on or about the 11th day of April, 1908, submitted for decision to the said John F. Cowan as judge, and he has ever since failed, neglected and refused to decide the same, and it now remains undecided and undisposed of, this against the peace and dignity of the state of North Dakota, and in violation of the statute and the duty of the said Cowan as judge.

Specification 36. That in the month of March, 1909, and long prior thereto, there was an action pending in the district court of Ramsey county, entitled F. S. Chamberlain vs. Charles Doyon, which action was duly tried and on or about the month of March, 1909, submitted for decision to the said John F. Cowan as judge, who has ever since failed, neglected and refused to decide the same, and it is now undecided and undisposed of, this against the peace and dignity of the state of North Dakota, and in violation of the statute and the duty of the said Cowan as judge.

Specification 37. That in the month of August, 1908, and long prior thereto, there was pending in the district court of Ramsey county, an action entitled E. P. McKee vs. Peter Haley, which action was duly tried and about the month of August, 1908, submitted for decision to the said John F. Cowan as judge, who has ever since failed, neglected and refused to decide the same, and it is now undecided and undisposed of, this against the peace and dignity of the state of North Dakota, and in violation of the statute and duty of said Cowan as judge.

Specification 38. That in the month of August, 1908, and long prior thereto, there was pending in the district court of Ramsey county, an action entitled Rock Island Plow Company vs. Herman Stenseth, which action was tried and on or about the month of August, 1908, duly submitted for decision to the said John F. Cowan as judge, who has ever since failed, neglected and refused to decide the same, and it now remains undecided and undisposed of, this against the peace and dignity of the state of North Dakota, and in violation of the statute and the duty of said Cowan as judge.

Specification 39. That on the 18th day of May, 1909, and long prior thereto, there was pending in the district court of Towner county, an action entitled William Beck vs. James McIntyre, which action was on or about the said 18th day of May, 1909, submitted for decision upon a demurrer to the said John F. Cowan as judge, who has ever since failed, neglected and refused to decide the same, and it is now undecided and undisposed of, this against the peace and dignity of the state of North Dakota, and in violation of the statute and the duty of said Cowan as judge.

Specification 40. That on the 9th day of November, 1909, and long prior thereto, there was pending in the district court of Ramsey county an action entitled Mary L. Nelson vs. W. H. Arnold, which action was duly tried and on or about the 9th day of November, 1909, submitted for decision to the said John F. Cowan as judge, who has ever since failed, neglected and refused to decide the same, and it now remains undecided and undisposed of, this against the peace and dignity of the state of North Dakota, and in violation of the statute and the duty of said Cowan as judge.

Specification 41. That on the 20th day of April, 1908, and long prior thereto, there was pending in the district court of Ramsey county, an action entitled "Davis Ruben vs. Della Thomas," which action was duly tried, and on or about the 20th day of April, 1908, was submitted for decision to the said John F. Cowan, as judge, and he, the said Cowan, failed, refused and neglected to decide the same until the 26th day of May, 1909. This against the peace and dignity of the state, in violation of the statutes in such case provided, and of the official duty of the said Cowan as judge.

Specification 42. That on the 6th day of July, 1909, and long prior thereto, there was pending in the district court of Rolette county, an action entitled "Joseph Duffy vs. Axel Egeland," which action was duly tried, and on or about the said 6th day of July, 1909, submitted for decision to the said John F. Cowan as judge, and he failed, refused and neglected to decide the same until the 4th day of October, 1910. This against the peace and dignity of the state, in violation of the statutes in such case provided, and of the official duty of the said Cowan as judge.

Specification 43. That in the month of July, 1910, and long prior thereto, there was pending in the district court of Towner county, an action entitled "Harris E. Leach vs. the County of Rolette," which action was duly submitted for the decision of a demurrer, to the said John F. Cowan as judge, in the month of July, 1910; and he, the said Cowan, has ever since failed, refused and neglected to decide or rule upon the said demurrer, and the same remains now undecided. This against the peace and dignity of the state, in violation of the statutes in such case provided and of the official duty of the said Cowan as judge.

Specification 44. That in the month of March, 1910, and long prior thereto, there was pending in the district court of Ramsey county, an action entitled, "F. H. Stolze vs. Edmore School District," which action was duly tried, and in the month of March, 1910, submitted for decision to the said John F. Cowan, as judge, and he has ever since failed, refused and neglected to decide the same, and it now remains undetermined and undecided. This against the peace and dignity of the state, in violation of the statutes in such case provided and of the official duty of the said Cowan as judge.

Specification 45. That on the 18th day of June, 1910, and long prior thereto, there was pending in the district court of Ramsey county an action entitled, "Anderson Mercantile Company vs. John T. Anderson, et al." which action was on or about the 18th day of June, 1910, submitted for decision to the said John F. Cowan as judge, upon a motion for a new trial therein, which motion he has ever since failed, neglected and refused to decide, and the same now remains undisposed of. This against the peace and dignity of the state, in violation of the statutes in such case provided, and of the official duty of the said Cowan as judge.

Specification 46. That on the 11th day of August, 1909, and long prior thereto, there was pending in the district court of Ramsey county an action entitled, "F. H. Stolze vs. J. A. Hughes, et al.," which action was duly tried and on or about the said 11th day of August, 1908, submitted

for decision to the said John F. Cowan, as judge, who failed, refused and neglected to decide the same until the 26th day of February, 1909. This against the peace and dignity of the state, in violation of the statutes in such case provided, and of the official duty of the said Cowan as judge.

Specification 47. That in the month of September, 1904, and long prior thereto, there was pending in the district court of Nelson county, an action entitled, "A. Deparis vs. Libby M. Sheets," which action was about the said month of September, 1904, tried before the said John F. Cowan as judge presiding over the said district court of Nelson county, and submitted to him for decision; and he has ever since failed, neglected and refused to decide the same, and it now remains undecided and undisposed of. This against the peace and dignity of the state, in violation of the statutes in such case provided, and of the official duty of the said Cowan as judge.

Specification 48. That in the month of April, 1905, and long prior thereto, there was pending in the district court of Ramsey county, an action entitled, "William P. Montreith vs. Frank Goldammer," which action was duly tried, and about the said month of April, 1905, submitted for decision to the said John F. Cowan, as judge; and he has ever since failed, refused and neglected to decide the same, and it now remains undecided and undisposed of. This against the peace and dignity of the state, in violation of the statutes in such case provided, and of the official duty of the said Cowan as judge.

Specification 49. That on July 16, 1907, and long prior thereto, there was pending in the district court of Rolette county, an action entitled "George Sommers vs. M. E. Wagner & Co., which action was duly tried, and on or about the 16th day of July, 1907, submitted for decision to the said John F. Cowan, as judge, who failed, refused and neglected to decide the same until the 4th day of June 1909. This against the peace and dignity of the state, in violation of the statutes in such case provided, and of the official duty of the said Cowan as judge.

Specification 50. That in the month of October, 1905, and long prior thereto, there was pending in the district court of Ward county, North Dakota, an action entitled, "Catherine Ehr vs. Emil L. Jensen," which action was duly tried and on or about the month of October, 1905, submitted for decision to the said John F. Cowan, as judge, he, the said Cowan, having presided over the said district court of Ward county at the time of the trial thereof. That the said Cowan failed, refused and neglected to decide the said action until the 9th day of July, 1907. This against the peace and dignity of the state, in violation of the statutes in such case provided, and of the official duty of the said Cowan as judge.

CHARGE NO. VII.

That said John F. Cowan while such judge of the district court aforesaid was guilty of malfeasance and misdemeanor in office and crimes and offenses against the laws of the state of North Dakota and the same are specified as follows:

Specification No. 1. That said John F. Cowan, while judge as aforesaid, and while acting in his capacity as such did at the end of every three months from and after on or about the first day of January, 1905, for the purpose and with the intent to unlawfully obtain and procure to be paid to him his official salary as such judge in violation of law, wilfully, unlawfully and fraudulently make and present to the auditor of the state of North Dakota a certificate in writing signed by him, said John F. Cowan, in his official capacity as judge of the district court aforesaid, in substance and to the effect that no motion, application or question or issue of fact submitted to him, said Cowan, remained at the date of

such certificate undecided contrary to the provisions of Section 5450 of the Revised Codes of 1899, (being now 7039 of the Revised Codes of 1905) and this he did with the intent to deceive the auditor of the state of North Dakota and to make said auditor believe that he, said Cowan, had complied with the provisions of the statute last above mentioned and by means thereof to cause and procure the payment to him, said Cowan, of his salary from time to time, although he, said Cowan, at the time of making and presenting each of said certificates as he well knew had not complied with the provisions of said statute and had pending before him undecided such decisions not being prevented by sickness or other unavoidable casualty, numerous motions, applications and proceedings and questions and issues of fact which had been duly submitted to him for decision more than sixty days prior to the making and presentation of such respective certificate. This in violation of his duties and obligations as judge aforesaid and contrary to the statute in such cases made and provided and against the peace and dignity of the state of North Dakota and the official duty of such judge.

Specification 2. That said John F. Cowan did on or about the 24th day of December, 1904, wilfully, unlawfully and fraudulently make and present and cause to be presented to the then auditor of the state of North Dakota a certificate made and signed by him, said Cowan, in his official capacity as judge of the district court aforesaid, which certificate was in substance and to the effect that no motion, application or question or issue of fact submitted to him, said Cowan, as such judge remained at the time of the making such certificate undecided contrary to the provisions of Section 5450 of the Revised Codes of 1899; that said certificate was then and there false as he, said Cowan, then and there well knew in this that there were in truth and in fact numerous motions and applications made in actions and special proceedings in the district court of the said Second Judicial District of the state of North Dakota, which had been finally submitted to said Cowan as such judge for decision; more than thirty days before the making of said certificate and there were in truth and in fact as he well knew numerous questions and issues of fact which had been submitted to and tried by said Cowan as such judge in actions and special proceedings pending before him more than sixty days before the date of said certificate, all of which motions, applications, questions and issues of fact remained undecided at the date of said certificate as he, said Cowan, well knew, and the decision of which said motions, applications, questions and issues were not prevented by any sickness or other unavoidable casualty; and he, the said Cowan, did by means of said certificate intend to and did unlawfully cause and procure to be paid to him by the state auditor his, said Cowan's salary as such judge for the months of October, November and December, 1904. That the motions, applications, questions and issues of fact above mentioned which remained undecided at the date said certificates are hereinbefore set forth and described in specifications numbered 1 to 53 of Charge No. 6, and are hereby referred to as part of this specification. All contrary to the statute in such cases made and provided and against the peace and dignity of the state of North Dakota.

Specification 3. That said John F. Cowan in his capacity as judge as aforesaid, did wilfully, unlawfully and fraudulently, on or about the 24th day of December, 1905, make and present and cause to be presented to the state auditor another certificate in the same form and to the same effect as the certificate described in the next preceding Specification herein and with like intent and by purpose and by means thereof did in like manner unlawfully cause and procure the payment to him of his salary for the months of October, November and December, 1905, which certificate was false as he well knew because at the date thereof

there remained undecided for more than sixty days after the same had been submitted to him for decision each of the several motions, applications, questions and issues of fact set forth and described in Specifications numbered 1 to 50 of Charge numbered 6, all contrary to the statute and against the peace and dignity of the state and the official duty of such judge.

Specification 4. That said John F. Cowan in his capacity as judge as aforesaid did wilfully, unlawfully and fraudulently, on or about the 24th day of December, 1906, make and present and cause to be presented to the state auditor another certificate in the same form and to the same effect as the certificate described in the next preceding specification herein and with like intent and purpose and by means thereof did in like manner unlawfully cause and procure the payment to him of his salary for the months of October, November and December, 1906. Which certificate was false as he well knew because at the date thereof there remained undecided for more than sixty days after the same had been submitted to him for decision each of the several motions, applications, questions and issues of fact set forth and described in specifications numbered 1 to 50 of Charge numbered 6, all contrary to the statute and against the peace and dignity of the state and the official duty of such judge.

Specification 5. That said John F. Cowan in his capacity as judge as aforesaid did wilfully, unlawfully, and fraudulently on or about the 24th day of December, 1907, make and present and cause to be presented to the state auditor another certificate in the same form and to the same effect as the certificate described in the next preceding specification herein, and with like intent and purpose and by means thereof did in like manner unlawfully cause and procure the payment to him of his salary for the months of October, November and December, 1907. Which certificate was false as he well know because at the date thereof there remained undecided for more than sixty days after the same had been submitted to him for decision each of the several motions, applications, questions and issues of fact set forth and described in specifications numbered 1 to 50 of charge numbered 6. All contrary to the statute, against the peace and dignity of the state, and the official duty of such judge.

Specification 6. That said John F. Cowan in his capacity as judge as aforesaid did wilfully, unlawfully and fraudulently, on or about the 24th day of December, 1908, make and present and cause to be presented to the state auditor another certificate in the same form and to the same effect as the certificate described in the next preceding specification herein and with like intent and purpose and by means thereof did in like manner unlawfully cause and procure the payment to him of his salary for the months of October, November and December, 1908. Which certificate was false as he well knew because at the date thereof there remained undecided for more than sixty days after the same had been submitted to him for decision each of the several motions, applications, questions and issues of fact set forth and described in specifications numbered 1 to 50 of charge numbered 6. All contrary to the statute, against the peace and dignity of the state and in violation of the official duty of such judge.

Specification 7. That said John F. Cowan in his capacity as judge as aforesaid did wilfully, unlawfully and fraudulently, on or about the 24th day of December, 1909, make and present and cause to be presented to the state auditor another certificate in the same form and to the same effect as the certificate described in the next preceding specification herein, and with like intent and purpose and by means thereof did in like manner unlawfully cause and procure the payment to him of his salary for the months of October, November and December, 1909. Which cer-

tificate was false as he well knew because at the date thereof there remained undecided for more than sixty days after the same had been submitted to him for decision each of the several motions, applications, questions and issues of fact set forth and described in specifications numbered 1 to 50 of charge numbered 6, all against the statute, the peace and dignity of the state and in violation of the official duty of such judge.

Specification 8. That said John F. Cowan in his capacity as judge as aforesaid did wilfully, unlawfully and fraudulently, on or about the 24th day of September, 1910, make and present and cause to be presented to the state auditor another certificate in the same form and to the same effect as the certificate described in the next preceding specification herein and with like intent and purpose and by means thereof did in like manner unlawfully cause and procure the payment to him of his salary for the months of July, August and September, 1910. Which certificate was false as he well knew because at the date thereof there remained undecided for more than sixty days after the same had been submitted to him for decision each of the several motions, applications, questions and issues of fact set forth and described in specifications numbered 1 to 50 of charge numbered 6. All against the statute, the peace and dignity of the state and in violation of the official duty of such judge.

CHARGE NO. 8.

That said John F. Cowan has continuously during his incumbency of said office of Judge of the district court aforesaid been guilty of malfeasance and misdemeanors in office as follows, that is to say:

Specification 1. That he, said John F. Cowan, while such judge and acting as such did habitually in and during the trial of causes before him, as such judge in the presence of the jurymen, officials of the court, witnesses and spectators, speak and conduct himself in a grossly, unseemly and arbitrary manner and without any cause or provocation, abuse and treat with gross contumely the parties to the litigation, witnesses and counsel appearing before him and intimidate therein and thereby hinder, delay and impede the administration of justice and bring said court and the administration of justice therein into disrepute and contempt.

Specification 2. That said John F. Cowan as such judge did habitually in the trial of causes in his court before a jury unlawfully and arbitrarily conduct himself and speak in such a way as to plainly indicate and show to the jurors his bias prejudice and partiality in the cause on trial with the intent to influence and with the actual effect of influencing the minds of the jurors in deciding the cause on trial.

Specification 3. That said John F. Cowan as judge did habitually during all the time of his incumbency of said office act and conduct himself toward litigants, properly before him in court, and attorneys properly before him and exercising the rights of their office, in a domineering, abusive and insulting manner, and did by his said domineering, abuse and insults directed to the litigants and attorneys, attempt to and actually intimidate them and prevent them from properly presenting and having presented their rights in the court in which he presided, thus impeding the administration of justice and bringing the court over which he presided into disrepute and contempt.

And the House of Representatives, by protestation, saving to themselves the liberty of exhibiting at any time hereafter any further articles, or other accusation of impeachment against the said John F. Cowan, and also reserving to themselves all right of amending, adding to, amplifying and correcting these articles of impeachment, and also of replying to his answers which he shall make unto the articles here-

in preferred against him, and of offering proof to the same and every part thereof, and to all and every article, accusation, or impeachment which shall be exhibited by them as the case shall require, do demand that the said John F. Cowan may be put to answer the charges of habitual drunkenness, crimes, malfeasance, corrupt conduct and misdemeanors herein charged against him, and that such proceedings, examinations, trials, and judgments may be thereupon had and given as may be agreeable to law and justice.

The foregoing articles were approved and adopted by the House of Representatives of North Dakota March 3, 1911.

J. M. HANLEY,
Speaker House of Representatives.

Attest: E. H. GRIFFIN,
Clerk, House of Representatives.

The President announced that such action would be taken by the Senate as the law provided and the voice of the Senate directed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 3, 1911.

Mr. President:

I have the honor to return herewith:

Senate Bill No. 268.

A bill for an act to amend Section 28 of Chapter 92, of the Session Laws of North Dakota for 1909.

Also

Senate Bill No. 134.

A bill for an act making an appropriation for the Williston Experimental station, located at the city of Williston, Williams county.

Also

Senate Bill No. 285.

A bill for an act establishing a temporary educational commission and appropriating one thousand dollars for the expenses thereof.

Also

Senate Bill No. 29.

A bill for an act to amend sections 240 and 241 of the Revised Codes of 1905, and section 242 of the same code as amended by Chapter 132, laws of 1907, relating to the State Historical society of North Dakota, and making it an appropriation.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Davis moved

That the Senate do now go into executive session.

Which motion prevailed.

In open session announcement was made of the confirmation of the following executive appointments and of the adoption of the following resolution:

For appointment as state examiner, Oliver Knudson of Michigan City, N. D.

For appointment as inspector of hotels, William O'Gorman of Grand Forks, N. D.

For appointment as members of the Probate Code compilation commission, Judge A. G. Hanson of Fargo, N. D.; George E. Wallace of Wahpeton, N. D.; Charles Ego of Lisbon, N. D.

For appointment as superintendent of public health, Dr. J. Grassick of Grand Forks, N. D.

For appointment as members of the board of trustees of the North Dakota School of Forestry, Frank Peltier of Rolette, N. D.; A. R. Mackay of Bottineau, N. D.

For appointment as members of the board of trustees of the North Dakota Academy of Science, John J. Zentgraf of Wahpeton, N. D.; Charles Quinn of Wahpeton, N. D.; John B. Wagner of Lidgerwood, N. D.

For appointment of trustees of the blind asylum, Alexander Morrison, Bathgate; H. C. Thompson, Bowesmont; John Childerhose, St. Thomas; H. N. Johnson, Lankin, N. D.

For appointment as trustee of the School for the Deaf and Dumb, Fred Stevens, Crary, N. D.

For appointment as trustees of the Institution for the Feeble Minded, T. J. Traveler, Grafton; M. F. Hegge, Hatton; J. J. O'Brien, Grafton; Ely J. Provado, Lankin.

For appointment as trustees State Hospital for the Insane, H. J. Mitchell, New Rockford; M. A. Hildreth, Fargo; W. F. Stege, Medina.

For appointment as trustees state penitentiary, Michael Murphy, Jamestown (four-year term); August Hoefs, Hankinson (four-year term); Thomas Conyers, Cando (two-year term).

For appointment as members of the board of trustees of the state reform school, Christian Bertsch, Bismarck; O. L. Ohnstad, Denbigh; M. F. Minehan, Garrison.

For appointment as trustee of the University of North Dakota, Victor Wardrope, Leeds.

For appointment as members of the state Board of Normal School Trustees, Hugh McDonald, Valley City (resident trustee, four-year term); S. H. Taylor, Mayville (resident trustee, two-year term); Martin Jacobson, Minot (resident trustee, two-year term); H. N. Nelson, Nessen (at large, four-year term); Frank A. Willson, Bathgate (at large, four-year term); R. M. Rishworth, McClusky (at large, two-year term).

For appointment as state inspector of oils, D. H. McArthur, Fargo.

For appointment as members of the board of trustees of the agricultural college, H. D. Mack, LaMoure, N. D.; Geo. H. Hollister, Fargo, N. D.; Peter Elliott, Fargo, N. D.; Claude Nugent, Fargo, N. D.; Clark W. Kelley, Devils Lake, N. D.

RESOLUTION.

Resolved, that the secretary inform the House of the date assigned for the hearing of the impeachment proceedings against the Hon. John F. Cowan, judge of the district court of the Second judicial district of North Dakota.

RESOLUTION.

Mr. President:

Your special committee appointed to confer with the accused and the board of managers appointed by the House for the conduct of the impeachment against the honorable district judge of the Second judicial district, beg leave to report:

That they have conferred with the said managers and with the accused, and have ascertained that Tuesday, the 28th day of March, 1911, would be the most appropriate and acceptable date to be set for the hearing of the said impeachment in the Senate, and do therefore recommend that such date be so set, and a motion to take a recess until that date be made at the close of today's session.

Your committee further recommend that the Senate, by resolution, should prescribe that the ordinary procedure in the district court in the trial of civil cases should prevail in the trial of said impeachment proceedings in so far as the same can be made applicable.

Your committee further recommends that the secretary of the Senate be, by resolution, authorized and empowered to issue subpoenas for witnesses on request of the managers or of the accused, or the counsel of either.

Your committee further recommends that in addition to the regular officers of the Senate the secretary of the Senate be authorized to employ two proficient court stenographers to take and transcribe the proceedings upon the trial of such impeachment.

ED PIERCE,
GEO. E. DUIS,
J. E. DAVIS.

The Secretary announced that the President was about to sign

House Bill No. 420.

A bill for an act to amend Section 2826 of the Revised Codes of North Dakota for the year 1905, as amended by Chapter 58 of the Session Laws, for the year 1909, 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

House Bill No. 402.

A bill for an act to prohibit the manufacture, use and sale of blank cartridges, fire arms, certain fire crackers and certain other explosives.

Also

House Bill No. 401.

A bill for an act to amend and re-enact Section 2979 of the Revised Codes of North Dakota of 1905, relating to increasing the debt limit.

Also

House Bill No. 260.

A bill for an act to amend Section 12, Chapter 109, of the laws of 1907, entitled, an act providing for the selection of candidates for election by popular vote, and relating to their nomination and perpetuation of political parties, and relating particularly to percentage of votes required to nominate candidates.

Also

House Bill No. 351.

A bill for an act to amend and re-enact section 164 of the Revised Codes of North Dakota for 1905.

Also,

House Bill No. 31.

A bill for an act to amend Section 2247 of the Revised Code of 1905, defining public warehouses.

Also,

House Bill No. 205.

A bill for an act appropriating money for the construction and equipment of a dairy laboratory building and dairy cattle barn at the North Dakota Agricultural college at Fargo.

Also,

House Bill No. 378.

A bill for an act to amend and re-enact Chapter 196 of the Session Laws of 1909, relating to auditor's notice of tax sale.

Also,

Senate Bill No. 137.

A bill for an act making an appropriation to compensate F. C. Heffron for services as assistant attorney general, especially authorized to enforce the prohibitory law of this state.

Also

House Bill No. 305.

A bill for an act to amend Section 3013 of the Revised Codes of 1905, relating to bridge funds to be turned over to cities of certain classes.

Also

House Bill No. 297.

A bill for an act to amend Section 1168 of the Revised Codes of 1905, as amended by Section 3 of Chapter 237 of the Session Laws of 1907.

Also

House Bill No. 257.

A bill for an act to provide for the better preservation of all plats and plans on file in the register of deeds office in organized counties.

Also

House Bill No. 284.

A bill for an act to amend Section 4177 of the Revised Codes of North Dakota of 1905, as amended by Chapter 64 of the Laws of North Dakota of 1909, relating to fees for filing articles of incorporation.

Also,

House Bill No. 288.

A bill for an act to amend Section 9319 of the Revised Codes of North Dakota for 1905, relating to the abuse of domestic animals and providing punishment therefor.

Also,

House Bill No. 298.

A bill for an act to amend Sections 516, 524, 9797, 9803, 9810, 9818 and 9841 of the Revised Codes of 1905, relating to a grand jury, adding new sections and repealing Sections 9798, 9801, 9833 and 9840.

And the President signed the same in the presence of the Senate.

The President announced the appointment of Messrs. Talcott, Overson and Stevens as a conference committee on Senate Bill No. 235.

Mr. Talcott moved

That the Senate take a recess until 8 p. m.

Which motion prevailed, and

The Senate took a recess until 8 p. m.

J. W. FOLEY,
Secretary.

SIXTIETH DAY AFTER RECESS.

SENATE CHAMBER, BISMARCK, NORTH DAKOTA,

March 3, 1911.

The Senate convened at 8 o'clock.

The president presiding.

Mr. Cashel introduced the following resolution:

As the Twelfth legislative assembly of North Dakota draws to a close more and more do we realize that the hours are but few in which we shall have the pleasure and profit of official companionship with one of its most honored, time-tried and valued members.

From point of length of service, and from active legislative experience his career is without equal in any of our western states, and one historian has said "in the whole United States."

In 1872, at the city of Yankton, in the then territory of Dakota, as a member of the House, Hon. Judson LaMoure commenced his active legislative work. In 1877 his constituents returned him to the council, the territorial organization corresponding to this body; in 1881 he was again chosen to the House of Representatives and in 1885 for the second time became a member of the upper branch. On the division of the territory of Dakota and the admission of North Dakota in 1889, the people of Pembina county elected him state senator and for the unparalleled period of twenty-one years he has been an active, energetic, enthusiastic, careful and conscientious worker as a member of this body.

It can be said, and said so that none can gainsay, that the future historian, when he calmly and judicially reports the legislative proceedings of the territory and of the state of North Dakota, will write that no other person has placed his imprint upon as much wise and careful legislation in the interests of the people as the Honorable Judson LaMoure.

For a number of sessions he has been the chairman of one of our most important committees, that of appropriations, and as such chairman has brought to his duties the ripe business judgment and careful

financial discrimination essential to the position. His one aim has been at all times to be fair to all sections of the state and yet to keep within its revenues. By his wise counsel he has saved to this state thousands of dollars and has directed the expenditure of millions, where the greatest good was attained. The position of chairman of such committee is one that makes but few friends and whose work is hard, but all the more honor to the one who so successfully filled it.

And now the time draws near for our adjournment, and as the district that he has so ably represented will no longer exist, the Hon. Judson LaMoure will cease to occupy a place among us.

Therefore, this Senate expresses its unanimous appreciation of the great work he has done for our state, its earnest and sincere hope that during his remaining years he will enjoy peace and plenty and that he will, as we have, forget the little differences that have arisen between us and return to his home with the hearty good wishes of all of us and the thanks of this body for the valuable services which he has rendered.

It is directed that these resolutions be spread at length upon our journal, that an engrossed copy of the same, signed by the lieutenant governor and members of the Senate, be presented to Mr. LaMoure and at the proper time he be requested to make the motion by which the Senate of the Twelfth legislative assembly passes into history.

Mr. Cashel moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Cashel, on behalf of the Senate, presented Mr. LaMoure with a cutglass punch bowl and glasses in fitting words.

A recess of five minutes was taken, during which members of the Senate extended good wishes to Mr. LaMoure.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

March 3, 1911.

Mr. President:

I have the honor to return herewith:

Senate Bill No. 284.

A bill for an act making an appropriation for the purpose of re-imbursing members of the railroad commission of North Dakota for money actually and necessarily ex-

pended in the conduct of the business of the office, and for which bills there has never been funds with which to make payment.

Which the House has indefinitely postponed.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith:

Senate Bill No. 12.

A bill for an act making appropriation to pay balance due on girls' dormitory and domestic science laboratory and for the equipment and furnishing of same; for the installation of a boiler and smokestack for the heating plant and for the purchase of additional land for the use of the government experiment station at Fargo.

Which the House has passed unchanged.

Very Respectfully

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith:

Senate Bill No. 41.

A bill for an act appropriating money for the purpose of building and equipping a chemistry building and laboratories for the North Dakota Agricultural college at Fargo, North Dakota.

Which the House has passed unchanged.

Very Respectfully

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith

Senate Bill No. 352.

A bill for an act entitled, an act to amend Section 2389 of the Revised Codes of 1905, relating to county commissioners.

Which the House has indefinitely postponed.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith:

Senate Bill No. 295.

A bill for an act providing for the establishment of county agricultural and training schools and 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

Senate Bill No. 325.

A bill for an act entitled, an act fixing the terms of court in the various counties comprising the fourth judicial district of this state and the beginning and duration thereof.

Also,

Senate Bill No. 366.

A bill for an act to amend and re-enact Section six (6) of Chapter 210 of the Laws of North Dakota for the year of 1909.

Also

Senate Bill No. 37.

A bill for an act to provide an appropriation for the current and contingent expenses, and for permanent improvement for the institution for feeble minded at Grafton.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith:

Senate Bill No. 13.

A bill for an act to provide additional maintenance for the government experiment station and North Dakota agricultural college at Fargo.

Which the House has amended as follows:

In line 3, section 1 of the engrossed bill, strike out the words "twenty-five" and insert in lieu thereof the word "forty." In the same line strike out the figures "\$25,000.00" and insert the figures "\$40,000.00."

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith:

Senate Bill No. 158.

A bill for an act making appropriations for the current and contingent expenses of the State Reform school of North Dakota, and for making permanent improvements thereto.

Which the House has amended as follows:

Strike out all of section 1 after line 6, of the engrossed bill, and insert the following:

"For sidewalks, relaying floors, repainting buildings, etc. . .	\$ 1,500.00
"For furnishing girls' building, superintendent's room and office	3,000.00
"For increased water supply	1,000.00
"For putting in steam laundry	1,500.00

"7,000.00"

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith:

Senate Bill No. 32.

A bill for an act to provide for the completion of a school building and making necessary improvements at the school for the deaf and dumb, at Devils Lake, North Dakota, and making an appropriation therefor.

Which the House has amended as follows:

Referring to the original bill: Section 1, in line 3, strike out the word "fifteen" and insert in lieu thereof the words "twenty-seven."

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith:

Senate Bill No. 141.

A bill for an act appropriating money for the erection of a seed house and soil testing room, hog and chicken house and the purchase of brood mares, gasoline engine and other needed repairs at the Langdon sub-experiment station.

Also

Senate Bill No. 274.

A bill for an act making an appropriation for the Dickinson experiment station located in the city of Dickinson.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

A.so

Mr. President:

I have the honor to return herewith:

Senate Bill No. 351.

A bill for an act to provide for party registration of electors desiring to vote at the primary election in this state.

Which the House has indefinitely postponed.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith:

Senate Bill No. 308.

A bill for an act to amend Section 474 of the Revised Codes of North Dakota of 1905, relating to the boundaries and terms of court in the Sixth judicial district.

Which the house has amended as follows:

Line 11, strike out "the fourth Tuesday in November" and insert "second Tuesday in December."

Line 26, strike out "second Monday in December" and insert "second Wednesday in November."

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith:

Senate Bill No. 353.

A bill for an act to provide for the expression by the qualified voters of the several political parties of their choice for nomination by their party for president and vice president of the United States; to provide for and regulate direct primary election for the election of said political party's delegates to their respective national conventions, and for the payment of delegates' necessary expenses, not exceeding \$200 each, for the election of party candidates for the office of presidential elector, and for the election of national committeemen.

Also,

Senate Bill No. 331.

A bill for an act to amend Section 6798, Revised Codes of 1905, relating to limitations of actions or proceedings to foreclose real estate mortgages.

Also

Senate Bill No. 362.

A bill for an act to amend and re-enact Section 10393 of the Revised Codes of 1905, providing that twenty-five (25) per cent of the profits of the brick yard be set aside as a manufacturing and operating fund for making furniture and school supplies for sale to public institutions of this state.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to inform you that the House has requested the return of Senate Bill No. 128.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Martin moved

That the Senate do now recall House Bill No. 337.
Which motion prevailed.

Mr. Welch moved
That the Senate do now recall House Bill No. 444.
Which motion prevailed

Mr. Welch moved
That the Senate do now concur in the House amendments
to Senate Bill No. 308.

The question being upon the concurrence in the House
amendments,

The roll was called and there were 42 ayes, no nays, 7
absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Steel of Stutsman
Baker	Kennedy	Steele of Renville
Bessesen	Kretschmar	Stevens
Carter	LaMoire	Syverson
Cashel	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welch
Gronvold	Plain	Whitcher
Gunderson	Putnam	Williams
Hookway	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Jacobsen	Simpson
Gibbens	Pieroe	Welo
Gilbert		

So the House amendments were concurred in.

Mr. Baker moved

That the Senate do not concur in the House amendments
to Senate Bill No. 32 and that a conference committee be
appointed.

Which motion prevailed.

The President announced the appointment of Messrs.
LaMoire, Baker and Gunderson as such committee.

Mr. Walton moved

That the Senate do now concur in the House amendments to Senate Bill No. 158.

The question being upon the concurrence in the House amendments,

The roll was called and there were 47 ayes, no nays, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Simpson
Baker	Jacobsen	Steel of Stutsman
Bessesen	Johnson	Steele o. Renville
Carter	Kenned-	Stevens
Cashel	Kretschmar	Syvertson
Davis	LaMoure	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Trimble
Elken	McDonald	Turner
Ellingson	McDowell	Walton
Ganssle	McLean	Welo
Garden	Movius	Welch
Gibbens	Overson	Whitcher
Gilbert	Plain	Williams
Gronvold	Putnam	Young
Gunderson	Ruzicka	

Messrs. Pierce and Wallin being absent and not voting.

So the House amendments were concurred in.

Mr. LaMoure moved

That the Senate do not concur in the House amendments to Senate Bill No. 13, and that a conference committee be named.

Which motion prevailed.

The President announced the appointment of Messrs. LaMoure, Kennedy and Putnam as such conference committee.

REPORT OF CONFERENCE COMMITTEE.

Mr. President:

Your conference committee appointed on Senate Bill No. 210 beg leave to report as follows:

We have had Senate Bill No. 210 under consideration and beg leave to recommend that the same be amended as follows:

In section 3, line 5, of the printed bill, between the words "than" and "two" insert the following: "One thousand inhabitants with a capital stock of less than ten thousand dollars; in cities, towns or villages containing over one thousand inhabitants and less than two." In same section, line 44, strike out the word "twenty" and insert the word "ten" in lieu thereof. In line 49 of the same section, substitute the word "ten" in place of the word "twenty."

And when so amended recommend the same do pass.

WESLEY E. McDOWELL,
E. A. MOVIUS,
H. W. ALLEN,
J. N. KUHLE,
A. P. HANSON,
Conferees.

Mr. McDowell moved

That the Senate do now concur in the House amendments to Senate Bill No. 210 and that the bill pass as reported from the conference committee.

The question being upon the concurrence in the House amendments and the passage of the bill as reported from the conference committee,

The roll was called and there were 49 ayes, no nays.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Simpson
Baker	Johnson	Steel of Stutsman
Bessesen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syvertson
Davis	Linde	Talcott
Duis	Martin	Thoreson
Duncan	McDonald	Trimble
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbens	Pierce	Welch
Gilbert	Plain	Whitcher
Gronvold	Putnam	Williams
Gunderson	Ruzicka	Young
Hookway		

So the House amendments were concurred in and the bill passed as reported from the conference committee.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 3, 1911.

Mr. President:

I have the honor to return herewith:

Senate Bill No. 188.

A bill for an act to license motor and other vehicles, and chauffeurs, defining the road regulations of such vehicles, providing that the funds received from such licenses shall be expended on the maintenance of public highways and making it a misdemeanor to take and remove motor and other vehicles from any warehouse, garage or building without the knowledge and consent of the owner, and repealing Sections 2169, 2170, 2171 and 2172 of the Revised Codes of 1905, and repealing Sections 2173 and 2174 of the Revised Codes of 1905, as amended in Chapter 42 of the Session Laws of 1909.

Which the House has amended as follows:

In section 7 of the engrossed bill change "\$5.00" to "\$3.00."

In section 12 of engrossed bill change rate of speed in incorporated cities or villages from eight miles to ten miles per hour.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith:

Senate Bill No. 361.

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 the House has indefinitely postponed.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Ellingson moved

That the Senate do now concur in the House amendments to Senate Bill No. 188.

The question being upon the concurrence in the House amendments,

The roll was called and there were 48 ayes, no nays, 1 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Ruzicka
Baker	Jacobsen	Simpson
Bessesen	Johnson	Steel of Stutsman
Carter	Kennedy	Steele of Renville
Cashel	Kretschmar	Stevens
Davis	LaMoure	Syverson
Duis	Linde	Talcott
Duncan	Martin	Thoreson
Elken	McDonald	Trimble
Ellingson	McDowell	Turner
Ganssle	McLean	Wallin
Garden	Movius	Walton
Gibbens	Overson	Welch
Gilbert	Pierce	Whitcher
Gronvold	Plain	Williams
Gunderson	Putnam	Young

Mr. Welo being absent and not voting.

So the House amendments were concurred in.

The Secretary announced that the President was about to sign

House Bill No. 25.

A bill for an act to re-district the state of North Dakota into senatorial districts and apportion the senators and representatives therein.

Also,

House Bill No. 275.

A bill for an act entitled, "An act to regulate and provide for admission of live stock into the state of North Dakota from all other states and territories and foreign countries; and providing penalties for violation thereof."

Also,

House Bill No. 443.

A bill for an act to amend Section 2020 of the Revised Codes of 1905, relating to registration fees and compensation of the state board of veterinary examiners.

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 3, 1911.

Mr. President:

I have the honor to return herewith House Bill No. 337 as requested by the Senate.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to inform you that the Speaker has named as conferees on the part of the House for the consideration of amendments to Senate Bill No. 32, Messrs. DeLance, Hyland and Bond.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith House Bill No. 444 as requested by the Senate.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith:

Senate bill No. 355.

A bill for an act to amend Chapter 214 of the Session Laws of 1907, relative to assessment of coal mines.

Also,

Senate Bill No. 328.

A bill for an act to create a commission to investigate and report to the legislature of this state, on the first day of the legislative session of 1913, a bill to fairly compensate employes for injuries received in the course of employment and defining the duties of said commission, and making appropriation therefor.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to inform you that the Speaker has named as conferees on the part of the House for the consideration of Senate Bill No. 13, Messrs. Price, Hedalen and Putnam.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

House Bill No. 445.

A bill for an act to amend and re-enact Section 1189 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 44 ayes, no nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Bessesen	Jacobsen	Steele of Renville
Carter	Johnson	Stevens
Cashel	Kennedy	Syverson
Davis	Kretschmar	Thoreson
Duis	LaMoure	Trimble
Duncan	Linde	Turner
Elken	Martin	Wallin
Ellingson	McDowell	Walton
Ganssle	McLean	Welo
Garden	Movius	Welch
Gibbens	Overson	Whitcher
Gilbert	Plain	Williams
Gronvoid	Putnam	Young
Gunderson	Ruzicka	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baker	Pierce	Talcott
McDonald	Simpson	

So the bill passed and the title was agreed to.

House Bill No. 444.

A bill for an act to require the shipper of emigrant movables and live stock to deposit with the agent of the transportation company, paid tax receipts for the fiscal year in which such shipment is offered for transportation.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were 46 ayes, no nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Jacobsen	Steele of Renville
Bessesen	Johnson	Stevens
Carter	Kretschmar	Syverson
Cashel	Linde	Talcott
Davis	Martin	Thoreson
Duis	McDonald	Trimble
Duncan	McDowell	Turner
Elken	McLean	Wallin
Ellingson	Movius	Walton
Ganssle	Overson	Welo
Garden	Pierce	Welch

Messrs.—
Gibbens
Gilbert
Gronvold
Gunderson

Messrs.—
Plain
Ruzicka
Simpson

Messrs.—
Whitcher
Williams
Young

Absent and not voting:

Messrs.—
Kennedy

Messrs.—
LaMoure

Messrs.—
Putnam

So the bill passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE.

To the Senate and House:

Your conference committee, appointed for the consideration of House Bill No. 145, beg leave to report that they have had the same under consideration and recommend:

That the Senate recede from its amendment in line 7 of section 1 of the printed bill to the extent of \$25,000.00, making said line 7 read as follows, to-wit: "seven, for the building for industrial arts, \$25,000.00."

That the bill be so amended and that, when so amended, that the same do pass.

FRANK E. PLOYHAR,
JACOB NELSON,
S. J. A. BOYD,
ED PIERCE,
J. LAMOURE,
JAMES DUNCAN.

House Bill No. 145.

A bill for an act to provide for making permanent improvements at the State Normal school at Valley City, 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 as amended by the conference committee,

The roll was called and there were 46 ayes, no nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—
Allen
Baker

Messrs.—
Hookway
Jacobsen

Messrs.—
Steele of Renville
Steel of Stutsman

Messrs.—

Bessesen
Carter
Cashel
Davis
Duis
Duncan
Elken
Ellingson
Ganssle
Garden
Gibbens
Gilbert
Gronvold
Gunderson

Messrs.—

Johnson
Kretschmar
Linde
Martin
McDonald
McDowell
McLean
Movius
Overson
Pierce
Plain
Ruzicka
Simpson

Messrs.—

Stevens
Syvertson
Talcott
Thoreson
Trimble
Turner
Wallin
Walton
Welo
Welch
Whitcher
Williams
Young

Absent and not voting:

Messrs.—

Kennedy

Messrs.—

LaMoure

Messrs.—

Putnam

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. 58.

A bill for an act amending and re-enacting Section 2597 of the Revised Codes of 1905, relating to the fees in the office of the register of deeds.

Also

Senate Bill No. 109.

A bill for an act making appropriation for the Mayville State Normal school, located at Mayville, North Dakota, for hospital, green house, fuel bin, library, museum, boiler, grounds, lecture course, manual training and domestic science and improvements on ventilating system, and for reimbursement of money transferred from local and interest and income funds.

Also

Senate Bill No. 145.

A bill for an act making an appropriation for the experimental station of the School of Mines and the Mining substation at Hebron, Morton county.

Also,

Senate Bill No. 161.

A bill for an act to provide an appropriation for the current and contingent expenses and for the permanent improvements of the State School of Science at Wahpeton.

Also

Senate Bill No. 193.

A bill for an act to amend and re-enact Section 1486 of the Revised Codes of 1905, relating to listing of property for taxation.

Also

Senate Bill No. 238.

A bill for an act authorizing the board of university and school lands to make examination of all state and school lands to determine the extent, depth and thickness of any lignite coal veins underlying the surface, and to show the soil characteristics and topographical features of such land, and providing an appropriation therefor.

Also

Senate Bill No. 241.

A bill for an act entitled, and act to prevent drinking or offering to others to drink as a beverage, any intoxicating liquors upon passenger trains in the state of North Dakota.

Also,

Senate Bill No. 278.

A bill for an act to amend and re-enact Section 13 of the Session Laws for the year 1907 of the state of North Dakota, relating to primary election.

Also

Senate Bill No. 299.

A bill for an act providing for the making of necessary repairs upon the capitol building and making an appropriation therefor.

Also

Senate Bill No. 301.

A bill for an act to amend and re-enact Section 237 of the Revised Codes of the state of North Dakota for the year 1905.

Also:

Senate Bill No. 303.

A bill for an act to amend Sections 4695 and 4698 of the Revised Codes of North Dakota for 1905, relating to foreign corporations.

Also

Senate Bill No. 304.

A bill for an act requiring a more thorough and comprehensive system of instruction in all common and high schools of this state, and providing a penalty for the violation thereof.

Also

Senate Bill No. 369.

(Title)

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The secretary announced that the President was about to sign:

Senate Bill No. 58.

A bill for an act amending and re-enacting Section 2597 of the Revised Codes of 1905, relating to the fees in the office of the register of deeds.

Also,

Senate Bill No. 109.

A bill for an act making appropriation for the Mayville State Normal school, located at Mayville, North Dakota, for hospital, green house, fuel bin, library, museum, boiler, grounds, lecture course, manual training and domestic sci-

ence and improvements on ventilating system, and for reimbursement of money transferred from local and interest and income funds.

Also

Senate Bill No. 145.

A bill for an act making an appropriation for the experimental station of the School of Mines and the Mining substation at Hebron, Morton county.

Also,

Senate Bill No. 161.

A bill for an act to provide an appropriation for the current and contingent expenses and for the permanent improvements of the State School of Science at Wahpeton.

Also

Senate Bill No. 193.

A bill for an act to amend and re-enact Section 1486 of the Revised Codes of 1905, relating to listing of property for taxation.

Also,

Senate Bill No. 238.

A bill for an act authorizing the board of university and school lands to make examination of all state and school lands to determine the extent, depth and thickness of any lignite coal veins underlying the surface, and to show the soil characteristics and topographical features of such land, and providing an appropriation therefor.

Also,

Senate Bill No. 241.

A bill for an act entitled, an act to prevent drinking or offering to others to drink as a beverage, any intoxicating liquors upon passenger trains in the state of North Dakota.

Also

Senate Bill No. 278.

A bill for an act to amend and re-enact Section 13 of the Session Laws for the year 1907 of the state of North Dakota, relating to primary election.

Also,

Senate Bill No. 299.

A bill for an act providing for the making of necessary repairs upon the capitol building and making an appropriation therefor.

Also

Senate Bill No. 301.

A bill for an act to amend and re-enact Section 237 of the Revised Codes of the state of North Dakota for the year 1905.

Also

Senate Bill No. 303.

A bill for an act to amend Sections 4695 and 4698 of the Revised Codes of North Dakota for 1905, relating to foreign corporations.

Also

Senate Bill No. 304.

A bill for an act requiring a more thorough and comprehensive system of instruction in all common and high schools of this state, and providing a penalty for the violation thereof.

Also,

Senate Bill No. 369.

(Title.)

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 3, 1911.

Mr. President:

I have the honor to transmit herewith the following concurrent resolution:

Whereas, the committee in the investigation of the state treasurer's office, in its report to the legislative assembly, filed on February 27, 1911, sets forth certain irregularities in and about the conduct of the business of said office into which it had not sufficient time to inquire; and

Whereas, said committee in its report recommend that a committee be appointed to carry on the examination of said office; therefore, be it

Resolved by the House of Representatives, the Senate concurring, that a committee of three, two members of the House and one of the Senate, be appointed to carry on the examination of the state treasurer's office in conformity with the resolution authorizing the appointment of the committee which has just reported in this matter, and the committee to be appointed as aforesaid is especially instructed to examine the office with reference to possible loss to the state of interest on state funds. Such committee is authorized to employ the assistance of a skilled accountant. Be it further

Resolved, that such committee make its report to the governor not less than sixty days after the close of the present session, a copy of such report shall be mailed to each of the members of the legislative assembly, such reports also to be submitted to the next legislative assembly. Be it further

Resolved, that as compensation for this work each member of such committee be allowed five dollars per day.

Which the House has adopted and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Martin moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Simpson introduced the following concurrent resolution:

Be It Resolved by the Senate and House of Representatives of the Legislative Assembly of the State of North Dakota:

That the report of the committee appointed to investigate the affairs of the state treasurer's office and the report of the expert accountants as to the condition of said office shall be made in duplicate, and one copy thereof shall be delivered to the state's attorney of Burleigh county, North Dakota.

Mr. Simpson 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,

March 3, 1911.

Mr. President:

I have the honor to return herewith:

Senate Bill No. 220.

A bill for an act to divide the state of North Dakota into three (3) congressional districts, and defining the boundaries of each said congressional district of the state of North Dakota.

Which the House has amended as follows:

After the enacting clause, strike all of the bill and insert the following:

Section 1. The state of North Dakota is hereby divided into three congressional districts, each of which is entitled to elect one representative to the congress of the United States.

Section 2. First District Defined.) The counties of Pembina, Cavalier, Towner, Ramsey, Walsh, Nelson, Grand Forks, Steele, Trail, Cass, Ransom, Sargent and Richland, shall constitute the first congressional district.

Section 3. Second District Defined.) The counties of Bottineau, Rolette, McHenry, Pierce, Benson, Sheridan, Wells, Eddy, Foster, Griggs, Stutsman, Barnes, Kidder, Burleigh, Emmons, Logan, McIntosh, LaMoure and Dickey shall constitute the second congressional district.

Section 4. Third District Defined.) The counties of Divide, Burke, Renville, Ward, Mountrail, Williams, McKenzie, McLean, Dunn, Mercer, Oliver, Billings, Stark, Morton, Hettinger, Bowman and Adams shall constitute the third congressional district.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Simpson moved

That the Senate do not concur in the House amendments, and that a conference committee of three be appointed to confer with a like committee of the House.

Mr. Bessesen moved

That the House do now concur in the amendments.
The motion was declared out of order.

Mr. Bessesen appealed from the decision of the chair.
The question being on the decision of the chair,
The decision of the chair was sustained.

Mr. Talcott moved

To amend the motion of Mr. Simpson by increasing the committee from three to five.

Which motion prevailed.

The question being on the motion to not concur and appoint a committee of five.

Roll call demanded.

The roll was called and there were 36 ayes, 13 nays.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jacobsen	Plain
Carter	Johnson	Simpson
Davis	Kennedy	Steele of Renville
Duncan	Kretschmar	Syvertson
Ellingson	LaMoure	Talcott
Ganssle	Linde	Thoreson
Garden	Martin	Trimble
Gibbens	McDonald	Wallin
Gilbert	McLean	Weio
Gronvold	Movius	Welch
Gunderson	Overson	Williams
Hookway	Pierce	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Baker	McDowell	Stevens
Bessesen	Putnam	Turner
Cashel	Ruzicka	Walton
Duis	Steel of Stutsman	Whitcher
Elken		

So the original motion prevailed.

The President announced the appointment of Messrs. Simpson, Elken, Davis, Kennedy and Pierce as such conference committee.

Mr. Hookway introduced the following concurrent resolution:

Whereas, John Wigby and Lawrence Casey, bill clerk and assistant of the Senate, have been receiving only \$4.00 per day for work for which the House of Representatives pays \$5.00 per day; and

Whereas, C. E. Forrest, assistant journal clerk of the House has been performing services for which like positions in the Senate are paid \$5.00 per day; and

Whereas, these positions are equally important with any positions in either the House or Senate; now, therefore, be it

Resolved, by the Senate, the House of Representatives concurring, that the sum of \$1.00 per day additional be allowed each of the three named persons to make fair and equitable compensation for the services they have performed.

Mr. Hookway 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,

March 3, 1911.

Mr. President:

I have the honor to inform you that the House has adopted the report of the committee of conference on House Bill No. 145 and has passed the bill as amended.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith:

Senate Bill No. 259.

A bill for an act making an appropriation to compensate P. G. Johnson for services as assistant attorney general, especially authorized to enforce the prohibitory law of this state.

Which the House has indefinitely postponed.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith:

Senate Bill No. 371.

A bill for an act making disposition of certain moneys now in the hands of the treasurer of the state of North Da-

kota, or that may hereafter come into his hands by reason of the act of congress approved May 23, 1908, making an appropriation for the national forest reserve, located in the county of Billings, state of North Dakota.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
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. 227.

A bill for an act making it unlawful for corporations having banking powers to invest more than thirty per cent of its capital stock and surplus 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.

Also

Senate Bill No. 290.

A bill for an act to amend and re-enact Section 496 of the Revised Codes of North Dakota, relating to qualifications of applicants for admission to the bar of the state of North Dakota.

Also

Senate Bill No. 307.

A concurrent resolution for an amendment to the Constitution of the state of North Dakota, relating to the term of office of the judges of the supreme court.

Also

Senate Bill No. 218.

A bill for an act to amend and re-enact Section 7047 of the Revised Codes of North Dakota for the year 1905, relating to references and trials by referees.

Also

Senate Bill No. 84.

A concurrent resolution amending the Constitution of the state of North Dakota, relating to the legislative department and providing for direct legislation, the proposing of constitutional amendments and reference of laws.

Also

Senate Bill No. 138.

A concurrent resolution 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. 189.

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. 209.

A bill for an act entitled, an act regulating the business of corporations issuing bonds, notes or other evidences of indebtedness and providing for the examination of such corporations.

Also,

Senate Bill No. 313.

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. 347.

A bill for an act making an appropriation for the enforcement of the feeding stuffs, fertilizer, beverage and sanitary inspection laws, and for the making of such investigations as are deemed necessary for the purpose of gaining information, under the laws mentioned, and for the dissemination of information.

Also,

Senate Bill No. 211.

A bill for an act to amend Sections 1, 3, 5, 8 and 13 of Chapter 161 of the Session Laws of 1909, entitled, an act to regulate the public service of stallions in North Dakota and providing a penalty for violation thereof.

Also,

Senate Bill No. 277.

A bill for an act relating to trespassing while hunting game.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The secretary announced that the President was about to sign:

Senate Bill No. 227.

A bill for an act making it unlawful for corporations having banking powers to invest more than thirty per cent of its capital stock and surplus 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.

Also

Senate Bill No. 290.

A bill for an act to amend and re-enact Section 496 of the Revised Codes of North Dakota, relating to qualifications of applicants for admission to the bar of the state of North Dakota.

Also

Senate Bill No. 307.

A concurrent resolution for an amendment to the Constitution of the state of North Dakota, relating to the term of office of the judges of the supreme court.

Also,

Senate Bill No. 218.

A bill for an act to amend and re-enact Section 7047 of the Revised Codes of North Dakota for the year 1905, relating to references and trials by referees.

Also

Senate Bill No. 84.

A concurrent resolution amending the Constitution of the state of North Dakota, relating to the legislative department and providing for direct legislation, the proposing of constitutional amendments and reference of laws.

Also,

Senate Bill No. 138.

A concurrent resolution 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. 189.

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. 209.

A bill for an act entitled; an act regulating the business of corporations issuing bonds, notes or other evidences of indebtedness and providing for the examination of such corporations.

Also

Senate Bill No. 313.

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. 347.

For an act making an appropriation for the enforcement of the feeding stuffs, fertilizer, beverage, and sanitary in-

spection laws, and for the making of such investigations as are deemed necessary for the purpose of gaining information, under the laws mentioned, and for the dissemination of information.

Also

Senate Bill No. 211.

A bill for an act to amend Sections 1, 3, 5, 8 and 13 of Chapter 161 of the Session Laws of 1909, entitled, an act to regulate the public service of stallions in North Dakota and providing a penalty for violation thereof.

Also

Senate Bill No. 277.

A bill for an act relating to trespassing while hunting game.

Also

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 3, 1911.

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 (NW¼ 36-148-51), Traill 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 (NW¼ 36-148-51), Traill 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 find that 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; 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 8.71 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 line to said gravel pit and that from time to time thereafter without any semblance of legal or moral right it had 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 twenty 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 (NW¼) of section 36, township 148, range 51, and legal interest thereon.

Whereas, it appears that the reason no action has been taken in this matter, was that no provision had been made to have the purchase money returned to the purchaser.

Therefore, Be It Resolved by the House of Representatives, the Senate Concurring Therein, That the attorney general is hereby authorized and instructed to make a tender to the said Great Northern Railway company of the amount paid to the state for said land, and at once bring an action to set aside the title and recover damages for waste by said railway company, committed on the northwest quarter section 36-148-51. And the state auditor is hereby authorized to draw a warrant for said sum on the state treasurer.

Which the House has adopted and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Elken moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. LaMoure moved

That the Senate reconsider the vote by which the committee report on House Bill No. 337 was adopted, and place the bill on its third reading and final passage.

Which motion prevailed.

House Bill No. 337.

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 46 ayes, no nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—
Allen
Carter

Messrs.—
Johnson
Kennedy

Messrs.—
Steel of Stutsman
Steele of Renville

Messrs.—

Cashel
 Davis
 Duis
 Duncan
 Elken
 Ellingson
 Ganssle
 Garden
 Gibbens
 Gilbert
 Gronvold
 Gunderson
 Hookway
 Jacobsen

Messrs.—

Kretschmar
 LaMoire
 Linde
 Martin
 McDonald
 McDowell
 McLean
 Movius
 Overson
 Plain
 Putnam
 Ruzicka
 Simpson

Messrs.—

Stevens
 Syvertson
 Talcott
 Thoreson
 Trimble
 Turner
 Wallin
 Walton
 Welo
 Welch
 Whitcher
 Williams
 Young

Absent and not voting:

Messrs.—

Baker

Messrs.—

Bessesen

Messrs.—

Pierce

So the bill passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE.

Mr. President:

The House members appointed on the conference committee to consider the amendment to Senate Bill No. 32 have agreed with the committee from the Senate to change the words "Fifteen thousand," as amended in the engrossed bill, to read "twenty thousand," line 9; and recede from the House amendments.

J. LAMOURE,
 F. A. BAKER,
 J. G. GUNDERSON,
 Senate Members.

FRANK H. HYLAND,
 A. J. DELANCE,
 W. R. BOND,
 House Members.

Mr. LaMoire moved

That the Senate do now concur in the conference committee amendments to Senate Bill No. 32.

The question being upon the concurrence in the committee amendments,

The roll was called and there were 45 ayes, no nays, 4 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Ruzicka
Bessesen	Jacobsen	Simpson
Carter	Johnson	Steel o. Stutsman
Cashel	Kennedy	Stevens
Davis	Kretschmar	Syvertson
Duis	LaMoure	Thoreson
Duncan	Linde	Trimble
Elken	Martin	Turner
Ellingson	McDonald	Wallin
Ganssle	McDowell	Walton
Garden	McLean	Welo
Gibbens	Movius	Welch
Gilbert	Overson	Whitcher
Gronvold	Plain	Williams
Gunderson	Putnam	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baker	Steele of Renville	Talcott
Pierce		

So the conference committee 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. 58.

A bill for an act amending and re-enacting Section 2597 of the Revised Codes of 1905, relating to the fees in the office of the register of deeds.

Also

Senate Bill No. 304.

A bill for an act requiring a more thorough and comprehensive system of instruction in all common and high schools of this state, and providing a penalty for the violation thereof.

Also,

Senate Bill No. 369.

(Title)

Also,

Senate Bill No. 109.

A bill for an act making appropriation for the Mayville State Normal school, located at Mayville, North Dakota, for hospital, green house, fuel bin, library, museum, boiler, grounds, lecture course, manual training and domestic science and improvements on ventilating system, and for reimbursement of money transferred from local and interest and income funds.

Also,

Senate Bill No. 145.

A bill for an act making an appropriation for the experimental station of the School of Mines and the Mining substation at Hebron, Morton county.

Also,

Senate Bill No. 161.

A bill for an act to provide an appropriation for the current and contingent expenses and for the permanent improvements of the State School of Science at Wahpeton.

Also,

Senate Bill No. 238.

A bill for an act authorizing the board of university and school lands to make examination of all state and school lands to determine the extent, depth and thickness of any lignite coal veins underlying the surface, and to show the soil characteristics and topographical features of such land, and providing an appropriation therefor.

Also,

Senate Bill No. 241.

A bill for an act entitled, and act to prevent drinking or offering to others to drink as a beverage, any intoxicating liquors upon passenger trains in the state of North Dakota.

Also,

Senate Bill No. 278. -

A bill for an act to amend and re-enact Section 13 of the Session Laws for the year 1907 of the state of North Dakota, relating to primary election.

Also

Senate Bill No. 299.

A bill for an act providing for the making of necessary repairs upon the capitol building and making an appropriation therefor.

Also

Senate Bill No. 301.

A bill for an act to amend and re-enact Section 237 of the Revised Codes of the state of North Dakota for the year 1905.

Also,

Senate Bill No. 277.

A bill for an act relating to trespassing while hunting game.

Also,

Senate Bill No. 290.

A bill for an act to amend and re-enact Section 496 of the Revised Codes of North Dakota, relating to qualifications of applicants for admission to the bar of the state of North Dakota.

Also,

Senate Bill No. 307.

A bill for an act to amend and re-enact Section 7047 of the Revised Codes of North Dakota for the year 1905, relating to references and trials by referees.

Also

Senate Bill No. 218.

A bill for an act to amend and re-enact Section 7047 of the Revised Codes of North Dakota for the year 1905, relating to references and trials by referees.

Also

Senate Bill No. 84.

A concurrent resolution amending the Constitution of the state of North Dakota, relating to the legislative department and providing for direct legislation, the proposing of constitutional amendments and reference of laws.

Also

Senate Bill No. 138.

A concurrent resolution 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. 189.

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. 209.

A bill for an act entitled, an act regulating the business of corporations issuing bonds, notes or other evidences of indebtedness and providing for the examination of such corporations.

Also

Senate Bill No. 313.

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. 347.

A bill for an act making an appropriation for the enforcement of the feeding stuffs, fertilizer, beverage and sanitary inspection laws, and for the making of such investigations as are deemed necessary for the purpose of gaining information, under the laws mentioned, and for the dissemination of information.

Also

Senate Bill No. 211.

A bill for an act to amend Sections 1, 3, 5, 8 and 13 of Chapter 161 of the Session Laws of 1909, entitled, an act to regulate the public service of stallions in North Dakota; and providing a penalty for violation thereof.

Also

Senate Bill No. 227.

A bill for an act making it unlawful for corporations having banking powers to invest more than thirty per cent of its capital stock and surplus 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.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The secretary announced that the President was about to sign:

Senate Bill No. 58.

A bill for an act amending and re-enacting Section 2597 of the Revised Codes of 1905, relating to the fees in the office of the register of deeds.

Also

Senate Bill No. 304.

A bill for an act requiring a more thorough and comprehensive system of instruction in all common and high schools of this state; and providing a penalty for the violation thereof.

Also,

Senate Bill No. 369.

(Title)

Also,

Senate Bill No. 109.

A bill for an act making appropriation for the Mayville State Normal school, located at Mayville, North Dakota, for hospital, green house, fuel bin, library, museum, boiler, grounds, lecture course, manual training and domestic science and improvements on venilating system, and for reimbursement of money transferred from local and interest and income funds.

Also,

Senate Bill No. 145.

A bill for an act making an appropriation for the experimental station of the School of Mines and the Mining substation at Hebron, Morton county.

Also,

Senate Bill No. 161.

A bill for an act to provide an appropriation for the current and contingent expenses and for the permanent improvements of the State School of Science at Wahpeton.

Also,

Senate Bill No. 238.

A bill for an act authorizing the board of university and school lands to make examination of all state and school lands to determine the extent, depth and thickness of any lignite coal veins underlying the surface, and to show the soil characteristics and topographical features of such land, and providing an appropriation therefor.

Also

Senate Bill No. 241.

A bill for an act entitled, and act to prevent drinking or offering to others to drink as a beverage, any intoxicating liquors upon passenger trains in the state of North Dakota.

Also,

Senate Bill No. 278.

A bill for an act to amend and re-enact Section 13 of the Session Laws for the year 1907 of the state of North Dakota, relating to primary election.

Also

Senate Bill No. 299.

A bill for an act providing for the making of necessary repairs upon the capitol building and making an appropriation therefor.

Also

Senate Bill No. 301.

A bill for an act to amend and re-enact Section 237 of the Revised Codes of the state of North Dakota for the year 1905.

Also

Senate Bill No. 277.

A bill for an act relating to trespassing while hunting game.

Also

Senate Bill No. 290.

A bill for an act to amend and re-enact Section 496 of the Revised Codes of North Dakota, relating to qualifications of applicants for admission to the bar of the state of North Dakota.

Also

Senate Bill No. 307.

A concurrent resolution for an amendment to the Constitution of the state of North Dakota, relating to the term of office of the judges of the supreme court.

Also

Senate Bill No. 218.

A bill for an act to amend and re-enact Section 7047 of the Revised Codes of North Dakota for the year 1905, relating to references and trials by referees.

Also

Senate Bill No. 84.

A concurrent resolution, amending the Constitution of the State of North Dakota, relating to the legislative de-

partment and providing for direct legislation, the proposing of constitutional amendments, reference of laws and recall of officers.

Also

Senate Bill No. 138.

A concurrent resolution 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. 189.

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. 209.

A bill for an act entitled, an act regulating the business of corporations issuing bonds, notes or other evidences of indebtedness, and providing for the examination of such corporations.

Also

Senate Bill No. 313.

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. 347.

A bill for an act making an appropriation for the enforcement of the feeding stuffs, fertilizer, beverage and sanitary inspection laws, and for the making of such investigations as are deemed necessary for the purpose of gaining information, under the laws mentioned, and for the dissemination of information.

Also

Senate Bill No. 211.

A bill for an act to amend Sections 1, 3, 5, 8 and 13 of Chapter 161 of the Session Laws of 1909, entitled, an act to regulate the public service of stallions in North Dakota; and providing a penalty for violation thereof.

Also

Senate Bill No. 227.

A bill for an act making it unlawful for corporations having banking powers to invest more than thirty per cent of its capital stock and surplus 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.

Also

House Bill No. 269.

A bill for an act entitled, an act to amend and re-enact Sections 1352 and 1353 of Chapter 19 of the Revised Codes of North Dakota for the year 1905, relating to altering, discontinuing and laying out public roads and defining what shall be deemed sufficient notices to all parties concerned.

Also,

House Bill No. 300.

A bill for an act providing for the erection of a stand-pipe near the capitol building, the sinking of one or more wells, the improvement of the capitol grounds, the purchase of a pump and necessary machinery to operate same and making an appropriation therefor.

Also

House Bill No. 357.

A bill for an act to amend section 4483 of the Revised Codes of 1905, relating to terms of office of boards of directors of county mutual companies.

Also,

House Bill No. 350.

A bill for an act to amend Section 1554 of the Revised Codes of North Dakota of 1905, as amended by Chapter

197 of the Laws of 1909, relating to delinquent personal property taxes and the collection of taxes.

Also

House Bill No. 359.

A bill for an act to amend and re-enact sections 4602 and 4603, Revised Codes of North Dakota for 1905, being an act to regulate the importation of dependent children from other states.

Also,

House Bill No. 385.

A bill for an act to require railroad companies to provide telephone connections with their offices in towns, cities and villages in this state, where there is a local telephone exchange, and providing penalty for violation thereof.

Also

House Bill No. 335.

A bill for an act to amend Section 4494 of the Revised Codes of North Dakota of 1905, relating to county mutual companies.

Also

House Bill No. 206.

A bill for an act establishing a Missouri Slope agricultural fair at Mandan and making appropriation therefor.

Also

House Bill No. 416.

A bill for an act fixing the terms of court in the various counties comprising the Fourth judicial district of this state and the beginning and duration thereof.

Also

House Bill No. 427.

A bill for an act to withdraw from sale or rent certain school land in Dunn county.

Also

House Bill No. 271.

A bill for an act to create a state board of control, and provide for the management and control of the soldiers' home, the charitable,, reformatory and penal institutions of the state, and to provide for supervisory powers over the state educational institutions,, and to make an appropriation therefor, and for the defining of certain offenses and providing penalties therefor.

And 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 3, 1911.

Mr. President:

I have the honor to return herewith:

Senate Bill No. 106.

A bill for an act to amend Sections 1985 and 1986 of the Revised Codes, relating to cruelty to animals, and to provide for the organization and operation of societies for the purpose of inculcating humane principles and the prevention of cruelty especially to animals and children.

Which the House has failed to pass.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to inform you that the House has concurred in the report of the conference committee on Senate Bill No. 32 and passed the bill as amended.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to inform you that the House has concurred in the report of the conference committee on Senate Bill No. 210 and passed the bill as amended.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith:

Senate Bill No. 363.

A bill for an act to amend and re-enact Section 10393 of the Revised Codes of 1905, providing that twenty-five (25) per cent of the profits of the brick yard be set aside as a manufacturing and operating fund for making furniture and school supplies for sale to public institutions of this state.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to inform you that the Speaker has named as conferees on the part of the House for the consideration of Senate Bill No. 220, Messrs. Fraine, Williams, Homnes, Doyle of Foster and Bond.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

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. 235 and has passed the bill as amended.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to inform you that the House has concurred in the Senate concurrent resolution regarding the salary of the assitant Journal clerks.

Very respectfully,

E. H. GRIFFIN,
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. 1.

An act appropriating an annual sum of money for the use of the government experiment station at Fargo for conducting demonstration farms and for furnishing samples of seed grain and otherwise co-operating with farmers; 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. 10.

A bill for an act to amend Sections 1031, 1034, 1035 and 1036, of the Revised Codes of 1905, relating to education.

Also,

Senate Bill No. 36.

A bill for an act amending Section 616 of Article 6, Chapter 8 of the Revised Codes of 1905, titled Elections.

Also,

Senate Bill No. 104.

A bill for an act providing for correcting errors and deficiencies in city plats.

Also

Senate Bill No. 130.

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 annual statements of insurance companies.

Also

Senate Bill No. 132.

A bill for an act appropriating money for the maintenance of the public health laboratory in the medical department of the State University and School of Mines at Grand Forks, and its branches at Bismarck and at Minot, and to repeal Section 1, Chapter 26, Session Laws of 1907.

Also

Senate Bill No. 271.

A bill for an act for the organization of villages in territory embracing more than one county.

Also,

Senate Bill No. 296.

A bill for an act authorizing cities incorporated under the laws of this state to regulate and fix the rate 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. 325.

A bill for an act entitled, an act fixing the terms of court in the various counties comprising the fourth judicial district of this state and the beginning and duration thereof.

Also

Senate Bill No. 223.

A bill for an act to amend and re-enact Section 39 and Section 40 of Chapter 109 of the Session Laws of the year 1907, of the State of North Dakota, relating to primary election.

Also,

Senate Bill No. 338.

A bill for an act providing for the publication of the names of candidates before the primary.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The secretary announced that the President was about to sign:

Senate Bill No. 1.

An act appropriating an annual sum of money for the use of the government experiment station at Fargo for conducting demonstration farms and for furnishing samples of seed grain and otherwise co-operating with farmers; 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. 10.

A bill for an act to amend Sections 1031, 1034, 1035 and 1036, of the Revised Codes of 1905, relating to education.

Also

Senate Bill No. 36.

A bill for an act amending Section 616 of Article 6, Chapter 8 of the Revised Codes of 1905, titled Elections.

Also

Senate Bill No. 104.

A bill for an act providing for correcting errors and deficiencies in city plats.

Also

Senate Bill No. 130.

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 annual statements of insurance companies.

Also,

Senate Bill No. 132.

A bill for an act appropriating money for the maintenance of the public health laboratory in the medical department of the State University and School of Mines at Grand Forks, and its branches at Bismarck and at Minot, and to repeal Section 1, Chapter 26, Session Laws of 1907.

Also

Senate Bill No. 271.

A bill for an act for the organization of villages in territory embracing more than one county.

Also

Senate Bill No. 296.

A bill for an act authorizing cities incorporated under the laws of this state to regulate and fix the rate 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. 325.

A bill for an act entitled, an act fixing the terms of court in the various counties comprising the fourth judicial district of this state and the beginning and duration thereof.

Also,

Senate Bill No. 223.

A bill for an act to amend and re-enact Section 39 and Section 40 of Chapter 109 of the Session Laws of the year 1907, of the State of North Dakota, relating to primary election.

Also,

Senate Bill No. 338.

A bill for an act providing for the publication of the names of candidates before the primary.

Also,

Senate Bill No. 369.

(Title)

Also,

Senate Bill No. 304.

A bill for an act requiring a more thorough and comprehensive system of instruction in all common and high schools of this state, and providing a penalty for the violation thereof.

Also,

Senate Bill No. 58.

A bill for an act amending and re-enacting Section 2597 of the Revised Codes of 1905, relating to the fees in the office of the register of deeds.

Also,

Senate Bill No. 109.

A bill for an act making appropriation for the Mayville State Normal school, located at Mayville, North Dakota, for hospital, greenhouse, fuel bin, library, museum, boiler, grounds, lecture course, manual training and domestic science and improvements on ventilating system and for reimbursement of money transferred from local and interest and income funds.

Also,

Senate Bill No. 145.

A bill for an act making an appropriation for the experimental station of the School of Mines and the mining substation at Hebron, Morton county.

Also,

Senate Bill No. 161.

A bill for an act to provide an appropriation for the current and contingent expenses and for the permanent improvements of the State School of Science at Wahpeton.

Also,

Senate Bill No. 238.

A bill for an act authorizing the board of university and school lands to make examination of all state and school lands to determine the extent, depth and thickness of any lignite coal veins underlying the surface, and to show the soil characteristics and topographical features of such land; and providing an appropriation therefor.

Also,

Senate Bill No. 241.

A bill for an act entitled, and act to prevent drinking or offering to others to drink as a beverage, any intoxicating liquors upon passenger trains in the state of North Dakota.

Also,

Senate Bill No. 278.

A bill for an act to amend and re-enact Section 13 of the Session Laws for the year 1907 of the state of North Dakota, relating to primary election.

Also,

Senate Bill No. 299.

A bill for an act providing for the making of necessary repairs upon the capitol building and making an appropriation therefor.

Also,

Senate Bill No. 301.

A bill for an act to amend and re-enact Section 237 of the Revised Codes of the state of North Dakota for the year 1905.

And the President signed the same in the presence of the Senate.

REPORT OF CONFERENCE COMMITTEE.

Mr. President:

Your conference committee on Senate Bill No. 63 recommend that the bill pass as amended by the House.

J. LAMOURE,
Chairman.

Mr. LaMoure moved

That the Senate do now concur in the conference committee amendments to Senate Bill No. 63.

The question being upon the concurrence in the committee amendments,

The roll was called and there were 47 ayes, no nays, 2 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Steel of Stutsman
Bessesen	Kennedy	Steele of Renville
Carter	Kretschmar	Stevens
Cashel	LaMoure	Syverson
Davis	Linde	Talcott
Duncan	Martin	Thoreson
Elken	McDonald	Trimble
Ellingson	McDowell	Turner
Ganssle	McLean	Wallin
Garden	Movius	Walton
Gibbens	Overson	Welo
Gilbert	Pierce	Welch
Gronvold	Plain	Whitcher
Gunderson	Putnam	Williams
Hookway	Ruzicka	Young
Jacobsen	Simpson	

Messrs, Baker and Duis being absent and not voting.

So the bill passed as amended by the House.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 37.

A bill for an act to provide an appropriation for the current and contingent expenses, and for permanent improvement for the institution for feeble minded at Grafton.

Also,

Senate Bill No. 268.

A bill for an act to amend Section 28 of Chapter 92, of the Session Laws of North Dakota for 1909.

Also,

Senate Bill No. 181.

A bill for an act to provide for the levy and collection of taxes in the villages of the state of North Dakota, and to repeal Sections 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882 and 2883 of the Revised Codes of 1905.

Also,

Senate Bill No. 90.

A bill for an act to provide for the ascertaining and giving notice of the title of lands to the heirs of deceased persons and establishing the right of heirship to real property and to provide a method of procedure therefor.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The secretary announced that the President was about to sign:

Senate Bill No. 90.

A bill for an act to provide for the ascertaining and giving notice of the title of lands to the heirs of deceased persons and establishing the right of heirship to real property and to provide a method of procedure therefor.

Also,

Senate Bill No. 281.

A concurrent resolution for an amendment to the Constitution of the state of North Dakota, providing for the recall of public officers by the people.

Also,

Senate Bill No. 37.

A bill for an act to provide an appropriation for the current and contingent expenses, and for permanent improvement for the institution for feeble minded at Grafton.

Also,

Senate Bill No. 268.

A bill for an act to amend Section 28 of Chapter 92, of the Session Laws of North Dakota for 1909.

And the President signed the same in the presence of the Senate.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was filed:

REPORT OF SPECIAL COMMITTEE TO EXAMINE NORTH
DAKOTA GAME AND FISH BOARD OF CONTROL.

To the Twelfth Legislative Assembly of the State of North Dakota:

Gentlemen: Your committee appointed under the concurrent resolution providing for a committee to examine and report on the North Dakota Game and Fish Board of Control, desire to make the following report:

The resolution under which the committee was appointed made no provision for the payment of the expenses of witnesses called in regard to it, conferred no power on your committee to enforce the attendance of witnesses, neither did it authorize the administration of oaths or compulsory production of books and papers. It was the concensus of opinion on the part of your committee, that an attempt should be made to obtain the presence of witnesses voluntarily, and that they should be examined without being sworn, the intention being on the part of the committee in case of a refusal by a material witness to appear and testify, to ask of your body the necessary authority for compelling the appearance of such witnesses. Certain witnesses requested to appear before the committee have failed or neglected to appear, some on account of refusal to advance the necessary expenses in making the trip to Bismarck, others on account of claimed inability through illness, and others have entirely ignored the requests of the committee. Certain necessary delays in obtaining witnesses and the pressure of other business delayed the taking of such testimony as was obtainable until so late a day in the session that it became impracticable to ask this assembly for the necessary authority to compel attendance in time to obtain the testimony of absentees and report before the close of this session. We therefore have decided to make such report as the evidence we have obtained will warrant, and accompany the report by the transcribed testimony of the witnesses, which is hereto attached and made a part of this report.

It is the general expression of opinion on the part of all the witnesses examined, all but three of whom are either members of the Board of Control, state or district wardens, also the opinion of your committee, that the game enforcement under the present law is far better and more efficient than under any other prior law on the same subject in this state. We find on a computation based on an examination of the warrants filed

in the office of the state auditor, that for the year 1909 there was expended in the enforcement of this law less than \$12,000, and up to the first of December, 1910, there was spent for the same purpose over \$31,000. In the opinion of the witnesses generally, excluding the three above mentioned who testified on minor and collateral matters, the law with a very few amendments, which amendments your committee believe to have been embodied in legislation already presented to this assembly, should be continued and is well calculated to preserve the game and fish of this state.

It is the conclusion of your committee, based upon an examination of the reports of the Game and Fish Board of Control, and the testimony of the various witnesses herewith presented, that there has been some laxity and lack of method in the administration of this law.

It is with no desire to make undue strictures upon the Game and Fish Board of Control or any of the wardens, that this statement is made, and the specific instances to support this conclusion are hereinafter pointed out, for it is the opinion of your committee that all members of the Board of Control and some of the wardens, have been actuated by a sincere desire to carry out the intent of the law and to preserve and protect the game birds, fish and other game in this state. Your committee would specifically refer to the following instances where at times there has been laxity of administration or misconception and abuse of power under the law.

First. The State Board of Control have allowed themselves in addition to hotel bills and other expenses, the sum of three dollars per day for their time while actually engaged in meetings of the board. The section of the law regarding paying the Board of Control is not explicit and two different interpretations are put upon it, and this defect should be remedied by appropriate legislation.

Your committee is also of the opinion that the allowance of one hundred dollars per month for the maintenance of the secretary's office is unwarranted under the law, the evidence before the committee showing that this money was paid to a member of the Board of Control for doing the necessary work, and while the amount may not be in excess of the value of the work done, none the less the law expressly forbids any member of the Board of Control from obtaining or receiving any compensation except that prescribed by the game law. The Board of Control evidently had this law in their minds when they made the resolution allowing the said sum of one hundred dollars per month for the maintenance of the office instead of making the said allowance as a salary. Your committee is of the opinion that appropriate legislation should be passed authorizing the president of the Board of Control to engage such clerical help as to the board shall seem necessary, with authority to pay such amounts for help as would be reasonable and just.

Second. Your committee is of the opinion that the Board of Control has not exercised a sufficiently close supervision over the state game wardens and the district wardens, and have delegated too much power to such wardens; it appearing from the testimony that the Board of Control did not know until the last meeting of the state board that so many paid wardens were in the employ of the board. It appears from the testimony and is authorized by law, that the state game wardens exercised all the authority of the Board of Control when the board was not in session, and in the exercise of their authority made appointments and contracted for salaries to be paid which to your committee in some cases seem unnecessary and excessive.

Third. A proper system of reports of district and specially paid wardens to the state wardens, and state wardens to the Board of Control has not been devised, and by reason of this lack the Board of Control is without knowledge of the operations of its agents, the extent or place of their activity, or the efficiency of their services at any time.

Fourth. The Board of Control has failed to see that the provisions of the law have been carried out in the matter of the state game warden having no other occupation or business, it appearing from the evidence that both of said state game wardens had more or less other business than that of the enforcement of the game laws of this state, and in the case of the game warden for the northern part of the state it is apparent on the record that during all the time of his appointment he has been receiving from other sources for the same occupation in which he had theretofore been engaged, the same salary that he had received prior to his appointment as said game warden. It is also in evidence that during a great part of the summer of 1910, such game warden was absent from the state of North Dakota, but it is also apparent that during such absence, his bills for salary and expenses were allowed and paid with the same regularity that they would have been had he been in the state doing the business for which he was being paid.

Fifth. It is the opinion of your committee that sufficient supervision was not exercised by the Board of Control over the accounts for expenses of the various wardens; it appearing that the Game Warden for the southern part of the state was allowed office rent in the sum of twenty dollars per month for desk room in an office of another person, and that the Game Warden for the northern half of the state was allowed fifteen dollars for desk room and twenty-five dollars per month for the use of a stenographer while the evidence of two of the witnesses above mentioned as having been examined on collateral matters, discloses the fact to be that for the entire office rent the person from whom the state game warden rented office-room paid ten dollars per month, and paid for stenographer, when part of her time was employed by the game warden, twenty-five dollars per month. In other words, this fund paid forty dollars a month for part of an office and partial use of a stenographer where the rent of the entire office and services of the stenographer cost only thirty-five dollars per month.

The Game and Fish Board of Control in the opinion of your committee, were lax in not prescribing rules and regulations whereby the state was districted so that the services could be economically performed. As an instance we cite you to the testimony showing that district wardens from one part of the state were continually travelling in other parts of the state where district wardens were supposed to be operating, there seeming to be no limit as to territory and very little direction to the efforts of any of these wardens.

Sixth. Your committee is also of the opinion that some improper persons were appointed as district wardens, and especial attention is called to the fact that one Deichert was appointed district warden by the Board of Control at its first meeting, when the board and the members thereof knew that the said Deichert's regular occupation at that time was that of travelling salesman for a wholesale liquor house, and that such occupation continued to be his occupation at all times during his employment, and so far as your committee has been able to ascertain is now his employment. Mr. Deichert was notified to appear before the board and testify, but failed to respond, sending in lieu of coming a telegram from his home that he was sick and unable to come.

Seventh. The expense accounts of some of the district wardens appear to your committee to be larger than necessary, reference being made particularly to the livery hire of one Fitzmorris, which in some cases was twelve dollars per day, and for the eleven days of his activities as shown by his report, in one month amounted to one hundred and nine dollars. Some of the district wardens appear to have traveled exclusively by train from one corner of the state to the other; generally no railroad fare was charged by these wardens for the reason, as explained by the witnesses, that mileage was furnished free in return for certain non-resident permits issued without fee. In the opinion of your committee, while

the receipts from these non-resident permits if paid for would not have equalled the cost of the mileage used by the wardens, we recommend that in future the practice be not continued.

In so far as your committee is able to ascertain, every state, district and special warden or deputy had other and additional occupation than that of protecting the game and fish of this state. A great discrepancy is observed in the two districts of the state, between the number of paid employes during the year 1910, although there is no evidence brought to the attention of your committee which would indicate a more thorough enforcement of the law in one district than in the other. In the southern half of the state during the year 1910, there were seventeen paid deputies, while in the northern half of the state there were forty-two paid deputies. In view of the fact that rumors were afloat before and at the time of the appointment of your committee and during all the time of its sitting, that the funds of this Game and Fish Board of Control had been used during 1910 for political purposes, some inquiry was made by your committee to ascertain if possible the truth of the rumors. All of the members of the Board of Control who testified, denied that they know of the use of any money for political purposes, nearly all of the witnesses denied that any use had been made of any of the funds of the Game and Fish Board of Control or time of deputies or wardens for political purposes, and it is the opinion of your committee that no funds were directly used for political purposes, and it is also the opinion of your committee, based upon the evidence of some of the witnesses who either had clearer knowledge thereof or were more frank than the others, that the time of some of the paid employes or agents of the Game and Fish Board of Control, together with such influence as they might have, was directed along political lines, and it is the opinion of your committee that the political bias of certain persons who were appointed in the fall of 1910 was at least a material and weighty argument and cause for their appointment. While very little direct evidence could be obtained on this point, the attention of the assembly is called to the testimony of Mr. Stenwick, a district warden, and to the testimony and vouchers of Mr. Hendrickson, and to the fact that Mr. Hendrickson's vouchers and testimony disclose the fact to be that he was extremely active every day from the time of his appointment up to and including November 8th, 1910, the day of election, and that after that date there is no evidence of any activity whatever on his part.

Your committee is moved to make this report with the above definiteness for the reason that it believes it to be the sense of the people of this state that the funds contributed by sportsmen throughout the state for the preservation, conservation and propagation of the game and fish of this state, should not now or at any future time be used for any political purposes, or to further the political ends or aims of any person or party at any time. It is evidence that about 5 per cent of the population of this state contributes the sum of one dollar per capita per annum towards this sum, and in the natural order of things, the fund will be larger year by year. It is easily to be seen, in view of this fact, that in the future this fund will achieve very considerable proportions, and in the hands of unscrupulous men could be used in a manner that would tend at times to thwart the will of the people in their political preferences.

We recommend that appropriate legislation prescribing stringent rules for the handling of this money and providing proper safeguards against its improper use and prescribing suitable penalties for the violation of such rules and regulations be enacted.

It is proper to say that during the first months of the operation of the board there was a misconception on the part of the board of its authority over these funds, and because of this the board paid out considerable money and allowed sums in the way of claims without the vouchers having been properly authenticated. It is the practice now, how-

ever, for the Board of Control to approve by its president and secretary, claims against this fund, which then go to the state auditing board for approval. It has not been, however, the practice of the Board of Control when passing on these bills to require, so far as we can see by an examination of the vouchers, sub-vouchers for expenses. We regret that the lack of time prevents the making of a more satisfactory and definite report and submit this report as our report and ask to be discharged.

Very respectfully,

J. H. FRAINE,
E. C. OLSGARD,
MARTIN BENSON,
L. L. BRUSLETTEN,
WESLEY E. McDOWELL,
CHARLES McDONALD,
E. L. GARDEN.

Mr. Garden moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Mr. McDowell moved

That the testimony taken by the committee to examine into the state game and fish board be printed in the Journal.

Which motion prevailed.

TESTIMONY.

Mr. Armstrong:

You are at present secretary of the Board?

Yes sir.

As such secretary, have you kept record books?

Yes sir.

You have books containing the records of the meetings of the Board?

Yes sir.

Have you them with you?

Yes sir.

What do these books show?

They tell briefly of the operations of the Board.

You have read section 5, which provides as follows?

Yes sir.

Did you make such a report to the governor?

Yes sir.

Have you a record of the various movements of the various game wardens?

I have the record of the district wardens.

Can you tell me what game warden appointed Mr. Wilkinson?

The Board appointed him.

Mr. Finley?

The Board appointed him.

Adam Holler?

I do not recollect that.

Do you know him?

He was a special acting over across the river. He acted in 1909 and had some misfortune in getting shot.

Fitzmaurice?

Board of Control.

Bohn?

Board of Control.
Harris?
Board of Control.
McCaman?
By Mr. Smith.
Gunn?
By Mr. Smith.
Mr. Scharf?
By Mr. BJORKE.
Mr. Sutton?
By Mr. Smith.
Mr. Eastgate?
Mr. Smith.
Mr. Stenvick?
Board of Control.
Mr. Burt?
Board of Control.
Staale Hendrickson?
Board of Control.
Goarman?
Mr. Smith.
These special wardens in 1910, who appointed them?
The chief game wardens, Mr. BJORKE and Mr. Smith.
Mr. Smith?
Mr. Smith appointed him.
Is he any relation to Mr. Smith?
He is Mr. Smith's father.
Mr. Lee?
By Mr. BJORKE.
Mr. Meeker?
BJORKE.
Winterer?
BJORKE.
McGee?
BJORKE.
Mr. Schoff?
BJORKE.
Handtman?
BJORKE.
Burkus?
BJORKE.
Day?
BJORKE.
Mr. Long?
BJORKE.
Stone?
BJORKE.
Hegge?
BJORKE.
Brant?
Smith.
Gill?
Smith.
Connor?
Smith.
Lackaduck?
Smith.
Rufand?
Smith.
Mastad?

Smith.

Gillespie?

Smith.

Turner?

Smith.

Robinson?

Smith.

Jackson?

Smith.

George?

Smith.

Saltwold?

Smith.

Crites?

Smith.

Schman?

I do not know.

Dettleson?

Smith.

What if any records was kept of the movements of these men while they drew salary?

I do not think there is any record except those of the district warden.

No expense was allowed to any special warden?

No, just to the chief wardens.

Are their expense bills itemized?

Yes sir.

Does the board pay any attention to what the game wardens have been doing?

Certainly, through the district wardens' report, when the board meets.

Have you these reports with you?

No sir.

Has there ever been any talk as to the number of wardens employed at different times of the year?

Yes. The board brought it up and told them to appoint such men as they needed to enforce the game laws.

Is the salary fixed by the chief wardens?

Yes sir, it is determined by the length of service and the efficiency of their work.

Do these men with salaries of \$25, \$50 and \$75 have any expense bills?

No.

Do they make a report to the district warden?

Yes.

Are those reports filed with you?

No.

The number of these specials was not limited?

No.

How many men that drew salaries of \$25, \$50 and \$75 were there?

Bjorke had seven in July, 1910, fourteen in August, thirteen in September and 18 in October. Smith had five in July, fourteen in August, twenty-seven in September and forty-one in October.

Did you know anything about what these men were doing during those months?

Only by the reports of the district wardens. They merely gave the conditions of the game protector during these months.

Do you think there was any necessity for Smith having 41 men in October and Bjorke only 18?

In some sections of the state there are more places to hunt than in others, that is there are more lakes for ducks and geese and more timber for deer. I do.

Do you think there are more hunters out in October than there is in September?

I do.

What records do the district wardens have of salaries?

I do not know.

Do you know what Stenvick and Hendrickson were doing?

Not any more than from the reports of the district warden.

Do you know anything about the truth of these reports?

No, my office had no check of them.

Do you know of any others that had?

No sir.

You did not see them during that time?

I met them quite often.

Where did you meet them?

Occasionally at Minot.

Do you know what they were doing?

No sir.

Do you know what they were doing in Minot?

Not at the present time.

I notice, Mr. Armstrong, that voucher No. 85265 is one belonging to you, it runs various amounts, as expense of secretary: July, \$8.00; office rent, \$12.50; stenographer, \$37.50. How many months' expenses were contained in this voucher?

Five months and a half.

Is it true, Mr. Armstrong, that you had neither a stenographer nor an office? What have you to say about that?

At the organization of the board they had no office. But later they passed a resolution creating the secretary's office, as the office of the Board of Control, and set the maintenance of this office at \$100. And I was told that I could hire some one or do the work myself, so I did my own stenographer work and had my own office, and only at such times that I could not do the work myself that I hired a stenographer and paid for it myself. The members of the board knew that I was doing my own work.

Were these items of rent and stenographer to make it appear that you were not getting a salary?

No.

What part of your house was your office in?

The front part, down stairs.

Do you know Mr. Deichert?

Yes sir.

Did you know that he was traveling for a wholesale liquor house?

I understood that he was selling drugs.

Do you know whether on any of these trips he was engaged in the sale of liquor?

No sir.

Do you remember of him having been at Leeds?

I have heard of him being there.

But you have no knowledge of him being there?

No sir.

Do you know how much time in every month Mr. Deichert put in?

Was he getting \$100 per month whether he worked or not?

I do not know.

Do you know how much time every month that Mr. Fitzmaurice put in?

I think he put in all of his time.

Do you remember of any month in which he set out the number of days?

No.

He had a large livery bill?

Yes.

What did he charge?

I do not recollect that.

Do you remember whether or not he charged \$12 a day for livery?

No.

Do you recollect a month in which Mr. Fitzmaurice showed by this list, 11 days, and that in those 11 days he had an expense account of \$109?

No.

Do you remember of the board having a discussion on one of his bills?

Yes. It was in connection to him using an automobile. He covered half a dozen counties posting and distributing notices. He had a driver with him.

It was in 1909 that this occurred, and he was out just eleven days. Do you remember anything more about it?

I do not, without looking up the record.

Do you think that would be an unreasonable expense for livery?

I do not think that is an unreasonable expense for an automobile.

What do you think about a man that gets a month's pay for eleven days?

I do not think you will find it so.

Do you know how much time he was supposed to put in?

His entire time. I do not think that he was not working, merely because he did not have any expense in for more than eleven days.

Did the wardens make a practice of charging railroad fare?

Mileage was furnished them by the railroad, but occasionally they were out of mileage and charged it. The mileage was furnished without expense to the board.

What is your average expense?

I do not know.

Does this law provide for the election of a secretary?

Yes sir.

Do you get any other salary except for stenographer and rent?

No sir.

Have you any knowledge of how the game laws of North Dakota are considered by other states?

One of the best states for game protection.

From what source do your funds, that is the fish and game fund, come from?

It comes from resident and non-resident licenses.

How does the fund of North Dakota compare with that of other states?

It is much smaller.

What did the fund amount to in 1909? 1910?

About \$26,000 in 1909 and about \$28,000 in 1910.

Do you know what the revenue was before 1909?

I know it was about \$20,000 for the last two years.

Do you know what was done with it?

The chief game wardens got 30 per cent, the deputies and specials got 40 per cent, the state got 20 per cent and the county auditors got 10 per cent.

Did the chief game wardens show any charge for railroad fare?

No sir.

Did the board get their mileage free?

The mileage was gotten through the chief wardens in appreciation of resident and non-resident licenses given to the presidents of railroads.

I have heard it said that you made a trip to New Orleans?

We have a National Association of Game Commissioners which held a convention at New Orleans last year. The North Dakota board received an invitation, one member was elected as a delegate. He was unable to go so I attended the convention.

In that convention the talk was in regard to game protection?

The object was to get information and ascertain the condition of the game protection in the different states.

In talking it over down there, did you ascertain how our game laws compare with others?

It is practically the same as Minnesota.

Do all of the state receive their funds from licenses?

There are only nine states that do not get appropriations besides the revenue from licenses.

How do the expenditures of the adjoining states compare with those of North Dakota?

Those of North Dakota are very small in comparison to those of other states.

What are the expenditures of other states?

Illinois, \$150,000; Wisconsin, \$200,000, and Iowa, \$131,000.

How does South Dakota operate? Through chief game wardens?

No, they have county organization of some kind.

The money spent by you while acting as secretary of the board, was spent for the protection and propagation of the game and fish?

It was expended for that purpose.

Do you know how many are furnished with free transportation?

I am not prepared to answer that.

Do you know whether that mileage was in the form of annual passes or mileage books?

1,000 mile books.

\$1,950, is that the entire expense of your office?

That is just the maintenance allowed, \$100 per month since the organization of the board, 19½ months.

You had charge of the printing or did the board have charge of it?

I had charge of it.

Was most of the printing done in the state or out?

Mostly in the state.

Do you recollect what the bill of McGill, Warner & Co. was for?

Non-resident licenses.

Where was most of the printing done in the state?

In different parts of the state, at Towner, in the office of the News and Stockman, by Mr. Wright, Fargo, Grafton, Willow City and Fargo.

Were all of these bills approved by the board?

They were all approved by the board?

You say there are nine states without appropriations for the fish and game fund?

Yes sir.

Those states, of which North Dakota is one, have no appropriation besides the revenue from licenses?

No sir.

What states do you know of that have a revenue that have an appropriation?

Minnesota.

What is the gun license in Minnesota?

I do not know.

What kind of propagation do they carry on?

I do not know.

Do you know how much they spend?

I do not.

What other state gets a gun license that gets an appropriation?

Louisiana.

Do you know what appropriation they get?

I do not.

If this money was expended for the protection of game, and you said it was, do you desire to go on record as saying that it is true that it was intended to be spent for the protection of game?

It was intended to be spent for the protection of game.

If any was expended for other purposes you do not know of it?

No sir.

If a witness were to testify that he knew of Mr. Stenvick's whereabouts or practices during the months in which he drew his salary, and those whereabouts were in a town in Montana, and the voucher showed that he had been in various places, what would you know about it?

No more than the report of the chief warden. He went to Montana but he claimed that he hired a man in his place.

It has been construed by the board themselves that they receive the sum of \$3 for each day that they are in attendance at a meeting of the board, and in addition to this their railroad fare and hotel expenses. Is that your construction of that law?

Yes sir.

Do you see anywhere in this law anything that authorizes the payment of the secretary?

Yes sir.

Where is it?

The latter part of section 3.

Any other?

No sir.

Do you consider that this \$100 a month was really a salary to you?

No sir.

The items for stenographer and rent was really intended to compensate you for acting as secretary?

It is for keeping and maintaining the secretary's office.

Who gets the money?

I do.

You had no other business during this time?

I do a little farming.

Did the board ever discuss the necessity of the office of the secretary?

Yes sir, they established the office of secretary and set the maintenance at \$100 per month.

You bought a little office furniture?

No sir, I had all of my office furnishings.

How big is your building or the building that your office is in?

About 20 by 24.

How much is occupied by your office?

About 12 by 20.

TESTIMONY.

Mr. Armstrong:

This would leave a balance of \$4,589.92. Is that about it?

It cannot be right, because we have not paid any bills since December 1. The county auditors have not all remitted to the state auditor, that is, they had not at the time when his report of this was made.

This statement shows a credit of \$47,230 and a debit of \$42,630.18, and unpaid bills listed separately, amounting to \$5,391.48, which if paid would leave a balance of \$4,599.82. In addition to that the report has not been paid for. How much did it cost?

\$500.00. Those bills listed as unpaid are paid.

If this statement is correct and the bills that have been approved since December 28 will be paid, there would not be much of a balance for next year?

No sir.

How many district wardens are there in the state?

Six.

Who are they?

Wilkinson, Burt, Deichert, Finley, Stenvick and Hendrickson.

TESTIMONY.

Mr. Armstrong:

Does Mr. Wilkinson draw a salary of \$100 a month?

Yes sir.

Had you or had the board any knowledge of what he was doing other than what is shown on his voucher for March, 1910?

No sir; none except the report of Mr. Bjorke.

What was the report, written or verbal?

They made written reports at such times as the board was not in session, and verbal reports when the board was in session, but I do not remember whether the report was written or verbal.

You cannot say anything now, as to what he was doing?

No sir.

Have you any evidence, or can you give any evidence concerning his whereabouts other than that given in the voucher?

No sir.

Is that not true of many of those vouchers?

Yes sir.

That is the entire knowledge of the board?

Yes, sir, except the written or verbal reports of the wardens.

Those reports are in your office?

Yes sir, if they were written.

When the board passed on these vouchers did they pay any real attention to them?

Yes sir, each voucher was taken up separately and discussed and if satisfactory it was passed.

Did the board stand the responsibility of those bills?

Yes, the chief warden knew whether the expense were actual or not. And each bill was sworn to.

TESTIMONY.

Mr. Griffiths:

You're a member of the board?

Yes sir.

Since its organization?

Yes sir.

You have attended all of its meetings?

All but one.

Which meeting was that?

A meeting at Dickinson.

Now at these board meetings you have noticed the number of deputies and special wardens that were appointed?

We did not always know until they were paid, or when the district warden made his report.

Was there any limit placed upon the number?

Not in the last year.

Did you know how many there were appointed?

Not between meetings.

At what meeting was it that you found how many were appointed?

I cannot remember what meeting it was.

Do you remember of any discussion about the number of specials?

I think there was some discussion about sending some out to look for non-residents.

Do you know whether they were watching the non-residents or not?

No sir.

As a matter of fact you were not very familiar with the operations of those deputies?

No sir.

You knew some of the wardens?

Yes sir.

Deichert?

Yes sir. I have known him for fifteen years.

Where does he live?

Grand Forks.

What has he done during that fifteen years?

He worked for N. C. Olson, wholesale liquor dealer.

How many months has he put in as a game warden?

I think he worked four and a half months in 1909 and eight months in 1910.

Your impression is that he has drawn fourteen and a half months' salary since April 15, 1909, to December, 1910, and was working for N. C. Olson?

Yes sir.

What is your understanding as to the compensation of the secretary?

At the beginning I did not pay any attention to it, but the longer I was in if the more I was convinced that it was too much for no compensation.

Your understanding was that this money was for stenographer and rent and not for compensation?

I understood it was.

Do you know Mr. Wilkinson?

I do.

You do not know what his business is?

No sir.

Do you know how many months he worked?

My understanding was that the board appointed him for the year.

But you do not know whether they did or not?

I do not know.

Do you remember of him being in Mott?

I do not.

Do you know what he was doing?

I do not.

Do you know Mr. Hendrickson?

No sir.

Mr. Stenvick?

Yes.

Mr. Hecker?

No.

Do you know what he was doing?

No.

Was it your habit when you got these reports, to look them over, or did you trust to the district game wardens?

It was the habit of the board to look them over.

That was the only evidence you had as to the whereabouts and activities of these men?

That was the only evidence.

You did not know what they did in these places?

No sir.

Did you ever discuss the necessity of having 59 special game wardens in October, 1910?

I did. But it was the advice of the board that the game wardens should hire such men as were necessary in the protection of game.

Do you know how many bills there are that are not paid?

No sir.

Your report shows up to the first of December?

Yes sir.

What did this report cost?

I do not know.

Do you know the condition of the funds, after everything is paid?

I do not.

What is your business?

I run a tailor shop.
 You were appointed as a member of the board by the governor?
 Yes sir.
 You are familiar with Mr. Deichert?
 Yes sir.
 Do you consider or have you knowledge, that Mr. Deichert rendered sufficient work?
 I think he is one of the best wardens we have.
 Did you ever hear anything about a case he had in Leeds, with a butcher whom he had arrested, and who threatened to have him arrested for violation of the prohibition law, if he did not lay down?
 No sir.
 Did you ever, at any of your board meetings, talk of creating a sentiment throughout the state, through the newspapers?
 Yes.
 Did you do it?
 Yes, but it was without cost. I remember that we at one of the meetings voted thanks to the newspapers for doing this.
 The game wardens were the board when the board was not in session?
 Yes.
 You knew that Deichert was selling liquor?
 Yes.
 You knew that he was violating the law?
 I did not.
 He only sold to drug stores?
 I think so.
 You spoke about him having 27 arrests?
 Yes sir.
 Was it not through the evidence of specials in some cases?
 It might have been.
 The record of convictions does not show the activities of this man?
 Yes sir.
 At any of the board meetings did the board bring up the question of him being a violator of the law?
 No sir. Not until after we had adjourned.
 Then there were some members who felt that it was wrong?
 Yes.
 You did not care what he was if he delivered the goods?
 Yes sir.
 Do you think it fair to assume that he ought to be at least free from the stigma of being a law violator?
 I think it would appear better.
 Is it true that he is interested in a line of slot machines?
 I have been told so, but it was before this board was formed.

TESTIMONY.

Mr. Killion:
 You are member of the board?
 Yes sir.
 How long?
 Since its organization.
 You have heard the testimony of Mr. Armstrong and Mr. Griffiths?
 I have.
 Referring to the item of 59 deputies and specials being engaged, what was your position, when they were authorized?
 The first information that we had in regard to them was when the bills were presented.
 When was that?
 At the last meeting.
 When was that?

I do not remember.
Was it discussed at the meeting.
Yes sir.
Did it meet with the approval of the board?
Yes, but personally I objected to it, but the chief warden stated that he needed them in the protection of the game.
Was there any other reason?
No sir.
I did not, not until the bills came in.
Do you know Mr. Wilkinson?
Yes sir.
Where does he live?
Fargo.
Is he still a game warden?
No, he was until the first of January.
What is his business?
As far as I know he has no other business or occupation than that of game warden.
Do you know Mr. Hendrickson?
Yes.
Do you know what he does?
No.
Do you know when he was appointed?
Yes.
When?
About the first of last year.
Do you know what he has been doing since?
No.
Have you ever seen him anywhere?
I think I have seen him in Minot?
How many times?
Possibly once.
Do you know what he was doing in Minot?
No.
Have you ever seen him in Fargo?
I believe I saw him there during the state fair.
Do you know of his being there at any other time?
I do not recollect that he was.
You know Mr. Deichert?
Yes.
How long have you known him?
Not very long.
You did not know what his business was when he was appointed?
Not until afterward.
Do you know the state of the accounts of this commission?
Only in a general way.
In relation to this salary paid to the secretary, what was your understanding in regard to it?
I was one of the first ones to try to get it for him. I suggested that he keep some kind of a general office, and I made the motion that the office be maintained by the secretary at an expense not to exceed \$100.00 a month.
It was your understanding that he should do the work?
It was my understanding that he could suit himself about it.
He was to be allowed \$100 for the maintenance of the office, regardless of the expense?
Yes.
It was the supposition that this was a salary for the secretary?
It was not.
What was it?

It was to maintain the office; he could either hire it done and pay for it or do it himself.

It was expressed that he could either hire this done and pay for it or do it himself?

That was the understanding.

Did the board have any record of the activities of the various game wardens?

They got the written or verbal reports of the chief wardens as to what the wardens were doing.

Do you remember a deputy by the name of Fitzmaurice?

Yes sir.

Do you remember of his putting in an excessive livery bill in October?

Yes sir.

Do you remember what the bill amounted to?

Somewhere around \$100.00.

Do you remember how many days it was for?

Ten or twelve days.

Do you remember how many days he drove the auto?

Ten or twelve days.

It would not indicate that he was not working if he had no expense bill in?

No. It was the understanding that when a man made a business trip and at the same time be looking after the game, he should not charge any expense to the state.

Where did Fitzmaurice live?

I think he lived at Mohall.

I have heard at times past that some men were appointed for political purposes?

I do not recollect anything of that kind.

Have you heard the statements made?

Yes sir.

You understand the passage in the game law to provide, that when the board is not in session, the chief wardens act as the board?

Yes sir.

Do you think that provision in the law is a wise one?

I do not.

These 59 game wardens in October, did they charge any expense?

No sir.

Do you think that the money that was paid for these game wardens was spent in the protection of game?

I have no reason to dispute it. I had the word of the chief wardens.

The work of the game wardens as a whole is to protect geese, ducks and chickens.

And fur bearing animals. The beaver are well protected, in fact they are becoming so numerous that we have had several letters protesting against the damage that the beaver have done on their land.

There is no effort being made now to protect the game?

Yes sir. We have two chief wardens, and they have several men who are working for rewards.

Do you know any of these men?

Yes.

Which one?

Eastgate.

You do not know what these men are doing?

No.

Are you on a salary?

No.

What was Mr. Bjorke's business?

He had no business that I know of.

What has he done since?

Nothing.
 Do you know that?
 Just by his statement.
 Did the board ever take any steps to find out?
 I do not recollect anything of that kind.
 Did the board ever make any investigations?
 No.
 It might be possible that Smith and Bjarke were devoting their time to other things?
 Yes.

TESTIMONY.

Mr. Bjarke:
 You are one of the chief wardens?
 Yes sir.
 And have been since April, 1909?
 Yes sir.
 Up to April, 1909, what was your business?
 I was district game warden for two years previous.
 Up to that time, had you any other business?
 Yes sir. I had an interest in machinery and I run a lumber yard.
 Who for?
 Hennepin Lumber Co.
 Was it a salaried business?
 Yes sir.
 What business have you been engaged in since?
 I have had no active business.
 Have you had any other occupation that has taken up your time?
 I have other interests.
 How much of your time does it take up?
 My partner tends to them, but he asks me for advice occasionally.
 How much time do you take up giving advice to your partner?
 I do not know; very little.
 You ran for an office last fall?
 Yes sir.
 It took up some of your time?
 Yes sir.
 Before the primaries?
 No sir.
 How much of your time did it take up in October?
 About ten or twelve days.
 How much time did you spend in your campaign?
 I do not believe it was more than twelve days.
 Did you have any other work during any of the time that you have been a game warden?
 No sir.
 Is the lumber business paying you for your time?
 Yes sir.
 Do they know that you are interested in the machinery business?
 Yes sir.
 And they allowed you to devote your time to it?
 Yes sir.
 How much time did it take up then?
 Not much time.
 How many deputies did you have in October, 1910?
 Two district men.
 How many specials?
 Seventeen.
 They were all engaged before October?

Most of them were engaged early in the season, some of them in April, but they were not to go to work until July. There were three of them that were paid in October, but it was for the entire season.

Who were your district wardens?

Wilkinson and Burt.

Do you know where Mr. Wilkinson was working in March, 1910?

Yes sir.

Where?

He was in Bismarck during the flood, looking after the game that was driven off of the bottoms.

What about the rest of the month?

He drove around to see that there was no spring shooting.

Do you know of any other place he was at?

Gardner and Harmon.

Do you know how many days it took him to visit these places?

I could not say, possibly fifteen days.

Did he charge his expenses while he was away from home?

Yes.

I find in this voucher that he charges .75 hotel bill in Argusville, .75 hotel bill in Hawood, \$1.50 in Grand Forks and \$9.75 in Bismarck. In the light of these expenses, how many days would you judge that he was away from home during that month?

I don't believe he was away from home more than ten days.

Have you any other knowledge except that which you get from the voucher, as to his whereabouts?

Yes sir.

He writes to me quite often.

Did you get any letters from him during the month of March?

Yes.

How many?

I do not remember.

As far as you know, he did not go to any other places?

No.

Outside of Bismarck the number of days are not to exceed four?

No.

At Bismarck, how many days was he here?

I was here a week and I think he was here as long as I was.

That would make him eleven days in the month of March, 1910, for a salary of \$100.

Yes sir.

The board was not in session at this time?

It met in Grand Forks on March 29.

March 12, is the date on which he charges for being in Grand Forks; what do you think he was doing there?

I do not know.

Did you get any reports from this man?

When he was out he reported.

Do his reports state as to his whereabouts?

It explains what is on the voucher.

I suppose the same state of affairs is true about your other district man?

The president of the board sends him out once in a while, but he always reports it to me.

Where have you been during the year and a half, on the road or at home?

I have been on the road part of the time and at home part of the time.

How much time did you spend on the road?

I don't know.

Was you on the road half of the time?

No.

Was it a quarter of your time?
 About that much.
 That was the time you spent in conducting your fish and game business?
 No, sir. I have a good deal of other work to do, answering letters and issuing licenses.
 How much correspondence do you get?
 From two to twenty letter during the busy season.
 How many licenses to you issue?
 To 25 counties.
 How much do you have to do in regard to the licenses?
 I have to keep a record of how many I send out and who they are sent to.
 Did you have any charge for assistance?
 Sometimes I got legal advice from an attorney.
 You paid an attorney for legal advice?
 Yes sir.
 Did you in your bill show that you paid for legal advice?
 No sir.
 Did you charge for any clerical help.
 No sir.
 Did you have an office?
 Yes, with the attorney.
 How much rent did you pay for it?
 I paid him \$10 at first and \$20 the last months.
 Did you take the matter up with the board?
 Yes.
 Who was the attorney?
 Mr. Korsvick.
 How much room did you have in his office?
 I had a nice room, about 10x15.
 That was all to yourself?
 Yes sir.
 Where was that, up stairs?
 Yes sir.
 How much room did he have?
 He had two large rooms adjoining mine.
 He rented three rooms altogether?
 Yes sir.
 Do you know how much rent he paid for them?
 No.
 How did that compare with rent paid for similar offices in Abercrombie?
 About the same.
 Was rent pretty high?
 No.
 Is one room worth \$20?
 I think it is fair.
 You started with two district men?
 I started with three district men.
 Who were they?
 Wilkinson, Burt and Strehlow, but Strehlow only worked one and a half months.
 What months were those?
 April and May I think.
 And they drew \$100 a month during this time?
 There were two months that they only got \$50.
 What months were those?
 June and July.
 What was the reason for cutting the salaries? There was just as much danger of spring shooting as there was this year?
 Yes, but the board insisted on the expenses being held down.

But in June, 1910, you knew there would be money?

Yes sir.

In October, 1909, there was fewer than there was in 1910, for the same reason?

Yes sir.

You mean to say that the principal reason for appointing these specials was to spend money?

No sir. There was more demand than there was in 1909.

The appointment of these specials was left to you?

Yes sir.

Why was the howl stronger in 1910 than it was in 1909?

Because the interest had grown.

Had this interest been manufactured?

Yes sir.

Who did it?

The game wardens and men who are interested in the protection and propagation of game.

It had increased so much that by August, September and October that you had to double your force?

Yes. Most of these men had been appointed during the summer, they were mostly men who had been fighting for the protection of game for the last two or three years, and had not been paid anything before.

You did not have any more wardens than you did before, but you just paid more?

No sir.

The difference was that you paid out more money?

Yes, but it was all paid out for services during the year.

About how much of that \$20 that you paid the lawyer for his office rent, would you consider would be for legal advice?

Not exceeding \$10 a month. I think it was about \$50 for the season.

You paid a bill for legal advice?

Yes.

The law does not provide for it?

It provides for the expense of the work.

You have read the game laws?

Yes sir.

You know that the attorney general is the advisor of the board?

Yes sir.

How many deputies did you have in July?

The same number. But some of them were paid by the month and some were paid by the season. I had about 300 men altogether but most of them only received rewards.

Were they appointed in April?

Most of them were appointed previous to that time, but they were not paid in May, June or July.

Is it not a fact that the game need a good deal of protection when they are nesting?

They need more protection when they get large enough to fly a little.

The shooting season is September and October?

September 7 to November 1.

You said that some of these men were engaged early in the year, but they did not do anything until September?

Oh, yes.

You had more game wardens in 1910 than you did in 1909, why?

At first I appointed only men who I knew had done good work under the old law, but as I became acquainted with men who took an interest in the protection of game, I appointed more. At first we had to work on promises, there was no money in the fund, and it was hard to get men without paying them. The fund established in 1909.

How was this fund collected?

By the sale of permits through the county auditors.

Did the district and deputy wardens sell any licenses?

Yes, I sold non-resident licenses, and issued books of them to other wardens. But no warden sold resident licenses.

How much do you suggest that the fund of the state game and fish board was increased by the soliciting or work of the wardens?

At least one-third.

How much was collected during the last two years?

About \$50,000.

How much more money came into the treasury by reason of the activities of the wardens than would have come in, in your judgment, had there not been as many wardens as there were?

I could not give anything but guesswork on that, but in my judgment we made money by appointing more deputies.

Was there enough increase to pay the cost?

In my district the increase was about \$2,000.

Do you appoint any game wardens for political purposes?

No sir.

How much did you collect in your district in the two years previous?

About \$14,000.

And how much during these two years?

In the neighborhood of \$22,000 or \$23,000.

During the period previous to the organization of the board the money was divided?

Yes sir.

Do you know how much was paid out for deputies in your district?

Under the old law the deputies received 40 per cent, the district wardens 30 per cent, the state 20 per cent and the county auditors 10 per cent.

Do you know what the amount was?

I can get the record in the office here.

Do you know how the amount paid to deputies in '07 and '08 compares with that paid to deputies in '09 and '10?

It was more than it was under the new law.

These deputy game wardens that you have now, do they have any special district?

They are sent by me to where they are needed.

How many counties are there in your district?

Twenty-five.

You had seventeen deputies in October?

Yes sir.

Did you make any reports during the two years previous to the organization of the board?

None except to the state for collections.

Could you say now how much the state got of that?

About \$2,800.

Was it not more than that? It was at least \$3,000 in the other district?

I could not say.

In addition to that there was half that amount went to the county auditors? There was paid to that office practically 30 per cent of what was taken in?

Yes.

How much have you spent outside of your salary, in traveling around?

It has been less than \$60 a month.

How long has there been game warden enforcement?

Since 1903, I think.

Who was district warden before you?

McCain.

You started out in 1909 without any fund at all?

Yes.

In what condition is that fund now?

I do not know.

All that have been sent in since the last meeting.

Are there any bills that are not paid, that had been contracted at that
Not in my district.

It should be in September, but there are several licenses sold after that
time?

The life of this fund depends on the sale of licenses?

And the receipts from the sale of confiscated goods.

The fact is that the commission has had the receipts for two years?
this?

Yes sir.

Payments have been made from April 15 to December 1, 1910, out of

Yes sir.

TESTIMONY.

Mr. Thorleson:

You know Mr. Casey?

Yes.

Was your office in the same building as his?

It was the front office in the same building.

The same one that he has now?

Yes.

During the past two years have you been intimately acquainted with
Mr. Casey?

I have been intimately acquainted with him for fourteen years.

Do you know his stenographer?

Yes.

How many did he have during the past two years?

He had Miss Childs and Miss Hughes.

He did not have two at one time?

No.

Do you know what salary they got?

One of them told me she was getting \$25 a month.

Did the other one tell you what she was getting?

No. She did not happen to say what she was getting.

You do not know from him what they were getting?

No.

TESTIMONY.

Mr. Eastgate:

You live near Stump Lake?

Yes, sir.

You are a deputy warden?

Yes, sir.

Since the organization of the board?

Yes, sir, and for six years previous.

As such game warden will you state during the last two years or from
April 15, 1909, what has been your particular line of work?

I have been in charge of the national bird reserve there and also
during the last year I have been at the head of various works of the
biological survey.

You are an officer of the Audobon society?

I am a warden.

So that your life work, for some years, has been the care and pro-
tection of birds?

For twenty-three years.

Do you get a salary?

I got \$25 a month since July, 1909, but before that I got \$1 a month.

How much time do you devote to that work?

I devote, without any exaggeration, ten days a month. During the summer months I have to make trips through the reserve and report the conditions of the birds.

And you have also been a deputy game warden?

Yes, sir.

For how many months?

Eight months last year and eight months this year, that is in 1909 and 1910.

At what salary?

\$25 and \$50 a month.

As deputy game warden for the commission, you have been active in the enforcement of the law?

Yes, sir.

To what extent?

During the opening season—that is, September and October—I was in the field all the time although I was with hunters part of the time. I was where I could observe things. I used my own team during the season.

Did you make any charge for the team?

No, sir, I never charged a cent for it.

In August did you spend any time?

I was out almost all of the time.

During the last few months have you devoted any time to the enforcement of the law?

Yes, sir, during the last forty days I have been out on snowshoes trying to get two men who I suspected of breaking the law. They had been shooting chickens that come in on the lake in the winter time.

You were appointed by Mr. Smith?

Yes, sir.

Are there any other game wardens in your neighborhood?

Not now; there was one.

Who was he?

His name was Chilson.

How much money have you received from the board for services rendered as deputy warden?

\$25 a month last year and \$50 a month this year.

Was you appointed for political purposes?

I don't think so, because Mr. Smith never mentioned politics to me. It is understood that our political views differ in some things.

You have lived in this state for considerable length of time?

For thirty years.

What is the standing of the fish and game protection at this time as compared with previous years?

Do you want my opinion or that of higher authority?

Your own first.

I have held the office of deputy game warden ever since Mr. Hale was chief warden, and from that time to this. I can say that the conditions in our country have been bettered five hundred per cent.

What do you think of the benefit of the present law?

I don't think that there is anyone that will not say that it is a vast improvement over anything that we have had.

That has always been your opinion of it?

Yes, sir.

What do you think about spring shooting?

I do not approve of it. I do not think that ducks or geese are fit to eat when they come here in the spring; they are poor and tired. And I don't see what anybody wants to shoot them for when they are not fit to eat. Here is a letter in regard to spring shooting:

United States Department of Agriculture.—Bureau of Biological Survey.

Washington, D. C., February 4, 1911.

Hon. J. E. Stevens, Senate Chamber, Bismarck, N. D.

My Dear Sir: I beg to acknowledge receipt of your letter of February 1, and in reply hasten to say that I have been trying to arrange for Mr. Eastgate to go up to Bismarck, and have just written him to communicate with you and arrange to be present at such time as you may indicate.

Permit me to say, that in my opinion, the effort to allow shooting of wild fowl in the spring in North Dakota is most shortsighted and extremely detrimental to the best interests of the state. The wild fowl form an important asset of the state and may be developed into a resource which will bring in a considerable revenue. No provisions could be devised which would more certainly or more quickly drive out the ducks and geese or prevent their increase than the proposal to allow shooting in the spring when the birds are mating and preparing to nest.

The returns from last year show that resident hunting licenses were issued to 26,542 persons, or nearly five per cent of the entire population of the state. These figures show the large number of people interested in game protection, and the importance of conserving the maximum number of birds. The act of 1909 was one of the best game laws ever placed on the statute books of North Dakota, and the beneficial results attending were immediately shown in the number of waterfowl which remained to breed. Precisely the same conditions prevailed in Montana a few years ago upon the passage of a statute protecting the birds in the spring. The federal government has established two national bird reserves in North Dakota—one at Stump lake and one at Chase lake—to aid in the increase of waterfowl. The removal of protection from birds in the spring will seriously interfere with the success of these reservations.

I hope that under no circumstances will the proposed amendment to the existing law be adopted.

Respectfully,

T. S. PALMER,
Assistant Chief, Biological Survey.

Is it not true that geese destroy large fields in the spring?

Yes, and I think that the farmer should be protected. He could go out and shoot at them. He won't kill very many; they won't stand for it long; they will move.

Have you any knowledge of the beaver institution, west of the river?

Yes. Some people have told me to fight any bill that would protect the beaver, because they do great damage to their timber; but I do not think it is any hardship to have the beaver on their land. An old ranchman told me that beaver were a source of great good to the stockmen. He said they go up all of these little creeks and construct dams, and thereby provide water for the stock, where otherwise they would have to go elsewhere for water, because these creeks would be too low to get any water out of if the dams were not there. He says: for God's sake, man, if you can, protect the beaver longer for that reason.

Are you familiar with any other territory in the state, other than your own?

I am familiar with the entire northwestern part of the state.

What do you know about the protection of game in that section?

As far as I can find out from good sportsmen, it is more than one hundred per cent better than it has ever been before. The majority

of the people respect the law, and know that it was formed for the benefit of the state.

If you were going to send out game wardens, would you put uniforms and badges on them?

No, sir.

Would you send them out without any other occupation?

No, sir. Some would carry a grip, and live as a traveling man; and some would wear a pair of overalls and work in the fields or on a threshing machine or anywhere else; who could look after cases and not have it known to everybody. I think that there should be men stationed at Wahpeton, Grand Forks, Fargo and other places along the border to watch that no game is shipped out of the state.

You were interested in the game protection before April, 1909?

Yes. Always.

What was the license before 1909?

Seventy-five cents.

It is now \$1.

Yes.

Do you think that was a good move?

I certainly do. There is another thing that I would like to see done. That is to license hunting dogs. That will do away with a good many of these curs that are of no use. I think that if a man has a good dog he will be willing to get a picture of it and have the photo attached to the license; then a man cannot use a license for half a dozen dogs.

You are familiar with the game laws of some other states?

I am.

In what way?

I know that the laws regarding game in Minnesota and Maine are considered the best in the Union, but North Dakota is considered equal in the enforcement of the law. Our laws are considered as third best.

There is a bill in the Senate providing that the north tier of townships in every country be set aside for game reserves. What do you think of it?

I think it would be a bad move. In a few years it would take more than the state could afford to keep them going. But I believe that if a man wanted to make a game reserve, a man that did not care to hunt, but just like to have the game around him, one who would feed them in bad weather. I believe that the state should help maintain one of these reserves.

Is there any law that would prevent that now?

No.

How many counties do you have to cover?

Benson, Ramsey, Eddy, Griggs and Nelson. And I have been cussed for getting \$50 a month for looking after that territory. There should be a warden for every five miles of lake front. One Sunday I counted twenty-seven guns on one mile of lake front, and they were all from the city of Fargo.

You spoke of creating a sentiment. How would you create this sentiment?

My first object would be to get men that would use common judgment.

Active men?

Yes. Men who would talk to a man and tell him where he is wrong, and show him why he is working against the best interest of the state. And if that will not create respect in them, arrest them and let them suffer the consequences. You know that there is a certain class of people that the only way you can create sensation in them, is with a club.

In your district, which takes in these counties, did you ever see any other deputy at work?

I met one.

Who was he?

Mr. Deichert.

Where did you meet him?

At Devils Lake.

It was in September?

About the middle of September.

What was he doing?

He was going somewhere in an automobile.

Was he alone?

He had a driver and another man with him.

Was he hunting?

I do not know.

Do you know where he was going; what direction?

I do not remember.

You spoke about dog license. Isn't there a license in most of the towns in the state?

Yes. But the people send their dogs out in the country until the license scare is over, so it doesn't decrease the number of curs very much.

What license would you suggest?

Three dollars for a dog and five dollars for a bitch.

Would it decrease the number of dogs?

Fifty per cent.

How would you enforce that license?

Through the game wardens.

You said Minnesota spends three times as much as North Dakota for game protection?

That is what I understand.

Is that for protection and propagation?

Both.

A very large part for propagation?

I do not know. I know they pay some big salaries to wardens.

Very largely to protect the deer in the woods, is it not?

Their open season is very short, but they keep their men active all the year around.

Do you know what the population of Minnesota is?

I do not.

Something over two million, isn't it?

I should judge it is that much.

Four times greater than the population of North Dakota?

Yes, sir.

Wouldn't that necessitate the spending of more money?

It would not require as much protection as a thinly populated state, because the farm houses are much closer together and you could not do much shooting without being seen.

But the northern part of the state—that is, the timber country—is very hard to protect?

We have some along the Missouri that is just as hard to protect.

You are not very well acquainted with Maine?

Merely from hearsay.

You have spoken of farm reserves. Wouldn't it be necessary for a man to hire men to protect it?

My idea is that the state would stand part of the expense. It would be to the interest of the state, because it is only a matter of a few years until the food on that reserve will be exhausted, and the birds will go elsewhere.

You spoke of the number of guns on Stump lake. That is pretty close to where you live?

Yes.

You would not know if there were any other deputies there?

There might be a dozen there and I would not know it. The lake is very irregular and it is very hard to go from one side to the other.

TESTIMONY.

Mr. Finley:

Are you game warden?

I am.

What part of the state?

My territory is Walsh, McHenry, Eddy, Benson and Pierce counties.

Where do you live?

Harvey.

What is your compensation?

During June and July of the first year I received \$50 a month and the rest of the time I received \$100 a month.

Do you devote any of your time to any other business?

I have no other business. I travel under the guise of a schoolbook agent when it is necessary. Before I was appointed I was the state representative for the Rand, McNally school books, so I always carry some school books and inquire if any school books are needed. I take an order occasionally.

Are you out on the road most of the time?

All of the time that there is any business for me.

In the winter months do you do anything?

During the past month I have made three arrests, and I have made several trips to Williston, digging up evidence for the conviction of three parties that have been violating the law.

Do you travel on free transportation?

Yes.

Do you charge any of it to the state?

Not a cent of it. There would be times when my transportation had expired and I paid it myself; then I charged it to the state.

How long have you lived in Harvey?

For several years.

Have you ever taken any interest in the protection of game prior to your appointment?

I have always been an enthusiastic sportsman.

What, in your opinion, is the standing of the enforcement of the game laws in comparison with previous years, say two years previous to your appointment?

It would be hard to draw a percentage of the difference, as the attention paid to game enforcement at that time was very slight. The enforcement of the law since the new law has been in effect has been most excellent in my estimation.

Did you appoint any deputies who reported to you?

Yes, sir.

What purpose did you appoint them for?

I appointed them under the direction of the board. It was the plan of the board to have several specials, and that the district wardens were to make a list of the most active ones and they would be rewarded with a small salary. I made such a list of seven men, three of them were appointed.

Who were these three men?

Frankhauser of Anamoose, Ainsworth, Axle Johnson of Washburn.

Did they perform the duties that they were appointed for?

Yes. They earned a great deal more than they were paid.

What is the effect of convictions?

I think that the convictions in my country have been very beneficial. They create a respect for the law in other people. It has always been my principle not to arrest a man until I have sufficient evidence to convict him.

Did you ever run across any other wardens in your district?

I met Mr. Wilkinson.

Are these wardens confined to any particular district?

They are except in cases where the local man is too well known; then a man from another district is sent in. I was sent to Lake Metagotia, because Mr. Deichert was too well known there.

You spoke of being up at Metagotia?

Yes, sir.

And was sent there for a purpose?

Yes, sir.

What was that purpose?

To locate some parties who were fishing with nets.

Did you find them?

No. I think they had taken their nets out because there was so many people there. I rowed around the entire twenty-two miles of shore but did not find any nets. I found places where nets had been set.

Is it not more than that?

Yes. I have it confused with another lake.

Did you stop at the hotel there?

Yes.

Which one?

The one the ladies run.

Did you eat fish for dinner?

No, sir.

Was there fish on the bill of fare?

I do not remember.

Did you go to the other hotels; the one just across the lake?

Yes.

Did you see any fish around there?

Only a few that the people caught.

How many pickerel did you see?

Not more than a dozen.

In appointing deputies did you have any talk with them about their political activities?

No, sir.

Did you have any political activities?

Somewhat.

To what extent?

To the extent that I was instrumental in calling some political meetings. I spent some money in the way of automobile hire.

Did you charge any of that to the state?

No, sir.

Did any of your deputies get their appointment by reason of political activities.

No, sir.

Do you know whether or not any of them were politically active?

One of them was.

Who was that?

Frankhauser.

Did you meet Mr. Stenvick or Mr. Hendrickson in your district last fall?

I did not. But he was in Harvey—Stenvick.

What was he doing?

He was on this way through.

You know something about this beaver situation?

Yes. Possibly more than any other man.

What do you think of it?

I must say that they have become so numerous in some localities that they are a nuisance. A farmer living across the river spoke to me about the damage the beaver had done on his place. They had cut down sixty or seventy large cottonwood trees. He said that if they were standing he could dispose of them to his neighbors for at least \$125.

Do the beaver use the trunk of the tree?

No. They take off the branches and eat the bark off.

Is there any reason why these trees should not be worth as much as when they were standing?

A cottonwood tree that is cut down at that time of the year is of no earthly good. They are full of sap and will not make firewood; they will rot readily if they are put into a building. My idea is to have a short season in which beaver can be trapped, and to issue licenses. When a man puts in an application for a license have him state in what locality he wishes to trap, and it can be ascertained through the different wardens if there are a sufficient number of beaver there to do damage; if not, the license can be denied.

What is the value of a beaver pelt?

Six or seven dollars.

TESTIMONY.

Mr. Wilkinson:

You are a district warden?

Yes, sir.

And have been since April, 1909?

Yes, sir.

At \$100 a month?

Part of the time. Some of those months I drew only \$50.

What months were they?

April and May or May and June of the first year.

The rest of the time you got \$100 a month?

Yes, sir.

What was your other business?

Nothing in particular. I traveled under the guise of a machine man.

Was you really engaged in the machine business?

Nothing to speak of.

We don't know anything about that; answer yes or no.

I will say that I was not.

You say that in May and June you only received \$50 a month? April was only half a month.

It must have been May and June then.

I find in voucher 85174, salary for May, 1909, \$100. Would that refresh your memory?

There were two months that I know.

I find in voucher 85175, salary, June, 1909, \$100.

That must be a mistake.

I find in voucher 85176, salary ½ July, \$50. Was it April and July?

There were two months beside those.

The rest of the months you got \$100 a month; and for that \$100 how much have you done in game protection and enforcement?

I have put in most of my time.

You say, most of the time. How much of the time have you worked for the game commission, and what have you done?

I have made several arrests and several appointments. I have worked Sundays and practically all of the time; some days I put in eighteen or twenty hours.

How many days a month.

From thirty to thirty-one.

We had up for discussion one of your bills. I think it was for March, 1910. It showed hotel bill at Bismarck of \$9.75; Argusville, .75; Harwood, .75; and Grand Forks, \$1.50. Were those the only expense items you had that month?

Yes, sir.

Where were you the rest of the month?

I was in Fargo.

You was in Fargo all the rest of that month; now what did you do in Fargo in the matter of game protection?

I distributed game laws, visited the different gun shops and gun clubs, talked to different sportsmen, and answered question in regard to the game laws for different parties.

How many gun shops are there in Fargo?

Five or six.

How many gun clubs?

One.

Those traveling men that you have got, do they report to you?

Every time they go in and out; possibly every day.

In writing or verbal?

Verbal.

In March, 1910, you had twenty of these men?

Possibly more than that.

They were traveling men and worked for someone else?

Yes.

They would hunt you up and report?

I met them on the street usually.

Mr. Wilkinson, a report comes to me that you was working down in Mott for a machine company. Is that true?

No, sir.

Was you working anywhere for a machine company last fall?

No, sir.

How about the fall before?

I was out at Mott in February.

Working?

No, sir. I had a beaver lawsuit at Mott.

Then any report that has been made to this committee or to any other person that you was working for a machine company is not true?

That is right.

The question was asked Mr. Eastgate about his political activities.

Was you politically active?

Not any more than any citizen.

Will you state what you did or what you did not do; did you drive around the country and make speeches?

No, sir.

Did you post lithographs?

Yes.

How many?

I should judge about fifty.

Where did you post them?

In the city of Fargo.

Did you attend any political meetings?

Yes. I was a member of the county committee.

Did you appoint any deputies?

I appointed some republicans.

Who were they?

Arnold was one.

Any others?

Chesnut.
Any others?
I do not recollect just now.
Do you know whether they were politically active or not?
No.
Was there any arrangements made with them as to whether they should be politically active?
No.
I understand your testimony to be that, so far as you know, you game wardens were not politically active.
That is it.
Who were you appointed by?
By the board.

TESTIMONY.

Mr. Hendrickson:
You have been a game warden since August 1, 1910?
Yes.
On salary?
Yes, sir, until January 1.
What was your salary?
\$100 a month.
Who appointed you?
The game board of control.
How did you come to get it?
I was asked if I wanted it and I said I would take it.
Who spoke to you about it?
Stenvick.
In July?
Yes.
Have any talk about politics?
No.
You did not have any understanding with him in regard to politics?
No, sir.
Did you get any instructions as to where your territory would be?
No, sir.
What was the nature of your instructions?
When I was appointed I was given to understand that I was to work under the direction of the board.
How was you given to understand?
The only instructions I had was that I was to work under the direction of the board.
Not under any other game warden?
No.
Your chief game warden would be Mr. Smith?
Yes.
Where was your district?
I did not have any particular district.
What did you do first?
I qualified.
I am talking about the enforcement of the game law.
The first instructions that I got was to go to Williston.
Who gave them to you?
Mr. Smith wrote me about it.
From there where did you go?
I could not say for sure; there were different places; but I know that I visited a number of places during the first two weeks.
Under the direction of Mr. Smith?
Some of them.

Have you the letters that you received from Mr. Smith?
I think I have part of them at home.
Do you know who signed them?
Mr. Smith, I expect.
Do you know his signature?
No sir, not to swear to.
Did you see Mr. Smith?
Yes.
When?
A month or six weeks after I was appointed.
After the season opened?
I think so; I might have seen him in August.
Where?
At Grand Forks.
That is your first recollection of seeing him?
Yes.
Was that when he was on his way back from Montana?
I did not know that he had been in Montana.
I notice in your September bill you started from Bowbells. That is where you live, is it?
I live at Coteau.
And went to Minot from there?
Yes.
And then to Fargo?
I don't remember.
First part of September?
Yes.
Fifth at Fargo; sixth at Minot. Did you see Mr. Smith down there?
No.
Who sent you there?
I might have gone on my own initiative.
Why?
I did not think it made any difference as long as it did not cost the state or anybody else anything for transportation.
Was it in the interest of game?
Yes. I was in Fargo several times during the term but it is pretty safe to say that it was in the interest of game.
In October you was in Bismarck, was you?
I think I was.
Was that in the interest of game?
It may not have been. I might have gone in there to sleep.
Do you remember what you went to these places for: October 10 and 11, Bismarck; 12, Fargo; 13 and 14, Grand Forks; 15, Grafton; 16, Grand Forks?
I don't remember. I might have gone in to sleep. When I was close to Fargo I went in, because I roomed there, and when I was close to Grand Forks I went in; my work was done fifty miles or so from those places.
Is the Aneta line in your district?
Yes.
Here I find 27th, 28th, and 29th, hotel at Fargo. That was the time you was on the Aneta line?
Yes.
Could you tell us what you did in Fargo, Bismarck and Grand Forks on the 11, 12 and 13?
If I was close to Fargo or any of those places, on branch lines, I always went in because I knew I could not get a good bed in any of those small towns.
Do you know of any reason that took you to Bismarck in August?

I do not remember.
Was you sent there?
No.
Was you sent to Fargo?
No.
You had no regular district?
It was not outlined to me.
You never had any instructions as to your district?
No.
How many times did you hear from Mr. Smith?
I got a number of letters from Mr. Smith.
Was it twenty-five?
I must have got that many.
Mr. Hendrickson, were any of these trips prompted by political activities?
Not any more than any other activity that you would think of on a trip like that.
Did you work in any politics.
I always do that.
Did you do anything else besides talking?
No.
You did considerable talking?
Yes.
In every one of these trips politics was of as much interest as game?
No.
There has been some comment on the size of your bills.
Yes.
On November 1, hotel, \$4.40; November 2, hotel, \$5.10; on the 4th, \$3.00; and on the 5th, \$4.00. Do you think these amounts are reasonable?
I think they are very reasonable; too reasonable.
In October your hotel bill run up to \$102.65.
Yes.
Run from \$4.90 to \$2.50 a day?
Yes.
Do you think those are reasonable?
Yes.
In September your hotel bill was \$85.40; \$1.25 a day to \$6 a day?
Yes.
Those are reasonable?
Yes.
On the 5th, \$5 for room and \$4 for lunches?
Yes.
What do you say to that?
There might have been more than one day included in that.
What about lunches?
Look at the signed vouchers and you can find how many days that was for. I wish to say to this committee that there is not one dollar in that, that was not spent for the purpose of game protection.
Are those expenses such as a man would incur in his own business?
I will say that my expenses before I went out as a game warden were fully as much if not more than when I was a game warden.
You were in Fargo on Roosevelt Labor day?
Yes.
That is probably what brought you there?
I was down to that.
That was the reason you went down there?
Probably it was.
There was a question asked Mr. Stenvick in regard to this: That you were in Fargo seeking employment with the republican central com-

mittee, and failed; and he met you there and got you this position. Is there any truth in that?

It is about the opposite. The committee offered me \$175 and expenses to go out on the road and boost for the straight ticket, but I did not want it.

Would you mind stating to this committee why you took this position in preference to a better paying position?

Well, to begin with, I was always a lover of sport, and I was looking for just such a job as I got. I thought I could be quite independent with it; and then I would not be hampered all of the time.

Hampered in what way?

I was offered a position with the Equitable Life Insurance Co. but I would have to stay in an office if I took that and the other position had a string on it.

So that was the real reason—because you liked the work?

Yes.

That was the only reason?

I don't know of any other reason.

To whom did you make your report?

To the chief warden.

How often?

Once a week. I did not make any when I was not out.

What did those reports consist of?

They show my weekly expense and where I had been.

Did you appoint any other game wardens or deputies?

No.

No others?

No.

How many did you recommend?

I do not know.

Who were they?

I recommended one from Burlington.

Who was that?

I don't remember the name. I recommended one from Ambrose, one from Macs and one from Williston, I think.

How many were appointed?

Two.

Do you remember the appointment of any that drew salary?

One.

Who was that?

Garfield Crites.

Where does he live?

Grand Forks.

Did you have anything to do with the appointment of Mr. Reed of Bismarck?

I don't think so.

You said you had an offer from certain political parties at a large salary?

Yes. A party came to me in Minot and said: Why don't you resign that democratic appointment of yours? We will give you \$175 a month and you can do some business on the road, while you are boosting for the straight ticket. I said you can take it and go jump in the lake with it; I don't want any job with a string on it.

That was after you were appointed game warden?

Yes.

You would be paid \$175 a month to do what you are doing for the state?

No.

If I were to say I was talking to him and he told me that he never did anything, what would you say?

I would say that he was a liar.

I find in September salary \$125 and \$156.40 expense?—

That includes Mr. Casey's expense?

Yes.

During your absence did you appoint Mr. Casey game warden?

He did not draw any salary.

I find in July your salary \$125 and expense \$113.50. What were those expenses?

I can not recall them.

It took a great deal for postage in my office.

What was your postage a month?

Probably \$30.

In July, 1910, about what did your postage amount to?

Sometimes I run a bill and sometimes I paid cash. I remember of paying \$65 and \$25 another time, but I do not remember that was in July or not.

Have you kept any books or accounts?

Only an expense account.

You was in Montana in July, 1910?

I don't think I was.

You could tell where this \$113 came from?

I do not think that every little thing should be itemized, as long as it shows the amounts. The postage used in my office was used for my work. Mr. Casey used a stamped envelope with his name on it. Every time I wrote to any of these men I enclosed a stamp, because I did not expect those men who did not get any expenses to answer unless I enclosed a stamp.

At the time that you were appointed game warden were there any other applications for the position?

Yes.

In your district?

I do not know.

What purpose was you appointed for?

I was appointed to enforce the game law in the north half of the state, to maintain an office and to carry on such work as in my judgment would be for the best interests of the state.

Was there any suggestion made that you should sell out and devote your time exclusively to the game warden position?

None whatever.

It is not the regular custom for a man to hold a position in the state, to dispose of his other interests?

I do not think it is.

The state does not advocate any such action?

No sir.

Do you charge any R. R. fare?

Not when I had mileage.

Did you charge any expense when you were in Montana?

None except that which occurred in my office during my absence.

What compensation did you receive under the old law compared with that which you receive now?

It was something over \$3,000 a year.

What has been your compensation during the time the new law has been enforced.

\$125 a month and expenses.

Did you get as much as you get now?

I got more than I get now.

As game warden for the past 19 months, I want to ask you, do you think that the state has received value received for their money?

I think that it is the only time the state has received for their money. I think that they received more for the money than they have in all the 18 years that we have had a game law put together.

How long have you lived in N. D.?

I have lived here 21 years.

Do you think the game wardens take politics into consideration in appointing deputies any more than the county or state officials?

No sir. I do not.

What has been your observation as to county officials seeking re-election, as to campaign work?

I notice that they are busy in trying to get themselves re-elected to their offices.

You have not heard of any of those district fellows refusing to draw a salary?

No sir.

These letters, they are not by any means the impressions of all the letters that you have written?

No.

I notice that there is a difference in the salaries of these men. Mr. Turner was to get \$60 a month, Mr. McCan was to get \$75 a month, Mr. Thompson \$50 a month.

That was left entirely with me.

What was Stenvick's business?

I do not know what business he had outside of game warden. I heard that he was studying law, although I do not know whether he was or not.

He was the man that recommended a great many of these appointees?

Yes.

Did you appoint Mr. Hendrickson?

No. The board appointed him.

They appointed him on the recommendation of Mr. Stenvick?

I do not know.

What is Mr. Hendrickson's business?

I do not know whether he has any business or not, but I think he writes a little insurance.

His business is largely politics, is it not?

I don't know how he can make a living out of that. I never could.

What salary did Mr. McCan get?

\$75 a month I think.

You do not know anything about the activities of Mr. McCan?

I know that Mr. McCan has been a very valuable man to us in a newspaper way. You know that the game law is harder to enforce than any other law, you take any other law and there is usually more than one in the case, but you take the game law when a man violates it, he gets as far away from anybody and everybody as he can. I think that if the commission did not spend any money, only on newspapers, that they would be doing a great deal of good. You take some of these people that are living away out in the country, they think that they have got a right to shoot to eat, and you take a man that violates the game law and does not get caught, he does not think that he has committed a crime. Sentiment is the best possible way to enforce the game law.

Talking about this matter of sentiment, what kind of newspaper did Mr. McCan run?

I think it was a republican newspaper.

And what other newspaper men did you appoint as specials or deputies?

I do not recollect any others.

I will ask you a question concerning the statement that was made that you said you would turn your game wardens loose and that there

would be something doing at election. And you said there was nothing to that?

Yes.

You did not talk of the fall elections with Mr. Christe?

I do not recollect of talking of that at all.

Do you mean to say that you did not?

I do not recollect of it.

Mr. Christe is a democrat?

I think he is. If I had said that I certainly would have had the game wardens in the field, because I had no idea at that time that the county would go the way it did.

When you talk politics you get excited?

Somewhat.

If you did not say to some men in my office, that you was going to turn these game wardens loose and that there would be something doing at the election this fall. Then I will testify to this:

Mr. Fraine testified the following:

That I heard Mr. Smith make the statement in my office the time when I could not see him, to other persons whom I did not know, that now that he was back he would turn the game wardens loose and there would be something doing at the election this fall.

I will say that I never made that statement in that office nor in any other office.

Do you think that the present law is much better than the old law?

It is much better. Under the old law, there were three paid men required in every county.

Is there that many now?

No.

Was there as many gun licenses sold during the two years previous to the enforcement of the new law as there were since the new law has been enforced?

I do not think so?

When you got \$3,000 a year you had to cover the same territory that you do now?

Yes.

During the two years previous the gun license was \$.75 and when the new law went into effect it was raised to one dollar. do you think that the receipts of the licenses sold during the two years previous would be much less than the receipts under the new law if the license was \$1?

Yes.

What was the relative number of licenses sold during the previous two years?

I could not tell you off hand, I know they increased considerable.

How does the amount of money that you have received under the new law compare with the amount you received under the old law?

It is less.

Valley City, N. D., February 26, 1911.

Before me, O'Rourke, secretary of the special joint committee, to investigate the transactions pertaining to the Game and Fish Board of Control, which took effect March 5, 1909, appeared before me at Valley City, N. D., Herman Winterer, a member of the said board of control, appearing before me at Valley City, by the request of said special committee, for the reason that said Winterer has been physically unable to appear before said committee personally, on account of a broken knee, which has confined him to his room for more than twelve weeks last past.

My name is Herman Winterer. I am past 54 years of age. I reside at Valley City, N. D., and have resided there for about 23 years last past.

My business is an attorney at law, engaged in actual practice ever since my residence in Valley City. I am the head of a family.

Sometime during March, 1909, I received an appointment from the governor of the state of North Dakota, as a member of the said Game and Fish Board of Control, qualified by furnishing the proper oath and a \$5,000.00 bond to the state. I am still a member of said board.

At the time the board organized I was elected, by the board, as its president, and hold such office at this time. I have attended all meetings of the board, and acted as presiding officer, am familiar with the acts of the board since its organization.

I, as a member of the board, at its organization, and ever since, have maintained that the true construction of the act necessitated that the board maintain headquarters so that a complete record could be kept of its doings and source be had whereby all citizens of this state or from outside of this state, could receive proper information pertaining to the game laws of the state, and at the same time carry out the requirements of the act. A state institution, now in its undertakings, and to be established to the end that the act of protecting and propagating game and fish in or belonging to the state, one of the greatest assets of the state, would receive the attention that the act demanded.

It was the time of the organization, and ever since has been my contenton, that when the legislature of 1909 enacted the act in question, it was enacted for a purpose and not an idle dream. This purpose was and is for the purpose of protection and propagation of all game animals, bird life and fish life, so that the state of North Dakota would rank first if possible, in this great natural asset of the human race, which asset without the protection of law and faithful servants, under the law, will pass away from the human race, and become extinct as many species already have if not taken in hand and properly cared for, while there yet remains certain of such life with us to be protected both to this and future generations. And in this I know that I speak the true sentiment of all members of the board, and of the chief, district and special wardens, that have been interested in the fulfillment of the various duties with which each has been respectively charged under the act, which act I believe as a whole has been and is a very efficient act, so that the great problem of game has received an attention that it did not receive during the territorial or state days preceding the present law, and I further believe that the law should continue with perhaps a few minor amendments, which will always be found in the betterment of an act when it is first presented to the public. The board has had these amendments under consideration and they will be found in their first bi-ennial report made to the governor.

We all know that it becomes necessary to enlighten the people of a given state of the requirements and duties under a new law, so far reaching and enjoined with so many duties that it at once demands very much attention from those charged with its fulfillment. Now it must be remembered that one feature of this law, and a very important one, prohibited spring shooting, and the law took effect just about the time when spring shooting was theretofore permissible. The board was therefore charged with the fulfillment of an act not generally known or within the knowledge of the violators, and therefore upon full and due consideration, sought to select the most competent men to fill the stations and offices required, to wit: chief and district wardens, and believe that they did so, at least certain of its employees have been retained and others excused on account of their qualifications in carrying out the spirit of their duties.

You will further remember that while the board were required and desired to make good, they were launched upon the fulfillment above referred to, without a cent of direct appropriation, nor did they know

whether they would be able to realize any money of a sufficient sum, to permit them to incur very great liabilities, and this, because it was difficult to tell whether sportsmen and others interested would take out resident or non-resident licenses since the spring shooting was cut out, and those that purchased would have bought a short season in the fall, within which to hunt for their license money.

The fact required the board to procure very efficient chief and district and special wardens whose duties were first to enlighten the people of the present law, to convince sufficient of the sportsmen and others to purchase licenses, so that the necessary obligations pertaining to salaries, printing and other expenses, would be met. The board being obliged to incur expenses in this regard in order to accomplish any results with which they were charged, the state in the inception, and ever since have refused to pay for printing or any other expense connected with the boards charged duties, except a direct appropriation of \$5,000 for the construction of a fish hatchery, yet the salary and expense of maintenance of the fish hatchery has been borne and paid by the board, from its receipts.

The board could not well say whether it would receive enough income during the year 1909 to meet its obligations, but owing to it and its warden's efforts, they made good, sufficiently so to meet its obligations and to convince them that during the year 1910 they would be able to earn more, and this very much for the reason that all true sportsmen and lovers of protection and propagation of all game birds and fish, and including fu bearing animals, became more interested and the funds slightly increased, and would have increased more were it not for the fact that crop conditions in this agricultural state had not proven nearly a total failure, at least in certain portions of the state.

The board, knowing of the good, sufficient and faithful interest performed of its past servants, and men who labored without pay and others upon a promise only, felt it but just that reasonable compensation should be given to the faithful laborer, and did so during the year 1910, when they were satisfied that they would have at their command, sufficient means to do so. The board always believing, and I believe it is the true intention of the law that the money realized from the sale of resident and non-resident licenses, should be used in the protection and propagation of game, and not to be collected and hoarded in the state treasury, left there or by some act transferred to some other account, which has direct bearing upon the accomplishment for which the act was really enacted.

From my knowledge and investigation since a member of the board, I am satisfied that progress has been made very materially, in all of the duties required under the act and much more can be accomplished with the same in the future, than we have been able to accomplish in the past, for the reason that the people are becoming more interested in this subject matter, and the officers have now a foundation from which they can calculate their financial undertakings. Referring to the fault found by some that the machinery or rather the different branches emanating from the board, that the chief wardens and the district wardens have entailed too many special wardens. I beg to say in addition to what I have said above, that this is a large state, geographically, there are many counties and localities that have from time to time made demands upon the board for the wardens, chief and district, for special wardens, which always led us, and through our paid wardens to investigate as to who would be a proper person to be entrusted with such a duty, such investigation brought us the names of many competent persons, but they would not work without pay, yet we induced some to do so, promising that the future would put us into shape whereby we could compensate them for services rendered, as we were very desirous to accomplish the true ends

of the act, therefore many rendered faithful services without pay during 1909, and when our chief wardens in 1910 called our attention to our prior promise we ask them to select their best men that had been efficient in their work of protecting the game, and allow them a small compensation, not to exceed \$75.00 a month without expenses for a month or two, as a reward and compensation for their present services, but to try and get them, if they could for \$25 a month without expenses. The chief wardens with this leader and as a matter of law as it then stood, being privileged to act in the place of the board, when the board was not in session, availed themselves of paying their faithful servants in the work they were charged with during the past two years and afterwards under the conditions named, audited the accounts, and they were audited by our board, and thereupon audited by the state board. Now this was all in the interest of the purposes of the act, and as far as I know, no politics or party politics was ever discussed or thought of, nor was there anything said as to whether these servants in the employ, either direct or indirect, whether to be of one or another political faith, neither were they charged not to talk politics either republican, democratic or any other political creed, politics was never considered, but simply the efficiency and the capability of persons to fulfill their respective duties.

I would like to say, that many if not all of these members of the board have devoted their time from their personal business in good faith to the fulfillment of the duties of which they were charged, and doubtless selected by the governor, for the reason that he believed that they would take an interest in the act. I know personally that I am out a great many hundred dollars beyond what my vouchers have been presented for, and do not regret it, and I believe that this applies to the other members of the board.

Speaking further and calling your attention not only to this new act that was to be launched and was launched without funds, much was required to make it a success, and the board acting in good faith did such advertising as they were able to command, and in this regard I wish to express myself indebted to the newspaper fraternity of the state, that have so much aided us in all our efforts. I wish further to state that we believed that we could accomplish much and now believe that we did, in using certain of our funds in having a state exhibit of our great game resources at the state fair held in Fargo in 1910, and believe that the money there expended was for the best interest of the state, yet further I believe that small amount of expense money expended in having a representative at the national meeting in 1910 from our state was well expended, and gave us a standing such as we never had before, and accomplished very much for the state, among them might be mentioned that now we have a representative as vice president of the national board, and also is he chairman of naming the time and place of the meeting of the next national. I refer to Mr. Armstrong who went as our representative in place of Mr. Eaton, who was selected and could not go on account of ill health. I wish further to say that our representative at the national meeting has brought us into closer and a very much interested position in the matter of the protection, preservation and propagation of our game birds, animals and fishes, both locally and nationally, to the end that the issues may as they should become not only a state but an interstate, and also an international subject with uniform laws.

I wish further to state that while under the game laws existing prior to the act in question, resident licenses were seventy-five cents and under the present act they are one dollar. You will remember that many people will prefer to pay seventy-five cents for spring and fall shooting, as against \$1 for fall shooting only, and then have the season and the bag limit set down at that. This and other reasons could be stated why there has not been a great increase in the receipts—al-

though to my best knowledge tells me that the increase has been nearly 40 per cent and the money has been used for that purpose for which it was collected and to-day, there are more prairie chickens, grouse, beaver, muskrat deer and there were in season more ducks, geese, brandts, eac., in this state than there has been for many years last past. All due in my judgment to the present game law I have personal knowledge, in this vicinity and other parts of the state of much increase existence of fur-bearing animals, a great financial asset of our commonwealth owing to the protection they have received under the present law, prohibiting them to be killed out of season. Considerable of our 1910 expenses paid out to deputies, has been caused in protecting and propagating fur-bearing animals, this may particularly explain the extended period of service in the fall of 1909. And we believe much more than their salaries has resulted to the good of the state.

And it is my opinion that the present law should be permitted to stand, except that the chief wardens should not be authorized to hire any district or special wardens without any authority from the board which they —under the present law, may do without such authority.

See original signature of

HERMAN WINTERER.

Mr. Garden introduced the following joint resolution:

JOINT RESOLUTION.

Introduced by the committee to investigate the report of the North Dakota Game and Fish Board of Control.

Whereas, the Twelfth legislative assembly did appoint a joint committee to provide for a committee to examine the report of the North Dakota Game and Fish Board of Control; and

Whereas, said committee found it necessary under the direction of the said concurrent resolution, to send for certain witnesses who appeared and testified before the said committee; and

Whereas, under the direction of said concurrent resolution the committee was authorized to appoint a stenographer from either branch of the assembly to act as secretary of said committee; and

Whereas, the committee did select John O'Rourke, a bill clerk, to act as such secretary, and he has performed the duties of secretary and has taken and transcribed the testimony of the various witnesses, and has in the exercise of his duties as secretary incurred certain expenses for telegrams and railroad fare and hotel bill on a trip to Valley City, to take the testimony of one of the members of the said board of control who was unable to be present and testify before the said committee; and

Whereas, it is desired that provision be made for the payment of the various witnesses and the secretary hereinbefore mentioned; now, therefore, be it

Resolved by the Twelfth legislative assembly of the state of North Dakota, the House and Senate concurring, that there be paid to the said John O'Rourke the sum of \$45.21; to D. I. Armstrong the sum of \$89.35; Thomas Griffiths the sum of \$25.60; J. L. Killion the sum of \$21.70; W. N. Smith the sum of \$15.00; Olaf BJORKE the sum of \$12.00; R. W. Main the sum of \$29.70; Geo. W. Wilkinson the sum of \$19.70; S. R. Finley the sum of \$16.40; Stalle Hendrickson the sum of \$29.60; E. H. Stenvick the sum of \$3.10; Alf. Eastgate the sum of \$34.60; and be it further

Resolved, that there is hereby appropriated out of the general fund of the state of North Dakota the sum of \$341.96, or so much thereof as is necessary to pay the same, and that the proper officers of the state of North Dakota be authorized and directed to pay to the above named

persons from such appropriation the amounts set opposite their names on the receipt and filing of proper vouchers.

Mr. Garden moved
That the resolution be adopted.
Which motion prevailed, and
The resolution was adopted.

Mr. Price moved
That the Senate do now go into executive session.
Which motion prevailed.

In open session announcement was made of confirmation of the following appointments:

As members of the board of trustees of the soldiers' home, Myron T. Davis, Lisbon; D. F. Siegfried, Flargo.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,

March 3, 1911.

To the Senate:

I have the honor to inform you that I have this day approved and filed with the Secretary of State:

Senate Bill No. 17.

A bill for an act to amend and re-enact Section 468 of the Revised Codes of North Dakota for the year, A. D., 1905, as amended by Chapter 159 of the Laws of 1907, relating to judicial districts within the state.

Also,

Senate Bill No. 48.

A bill for an act regulating the speed of locomotives and trains while passing through cities, towns and villages in North Dakota.

Also,

Senate Bill No. 59.

A bill for an act prohibiting ball games and other sports until 3 o'clock p. m.

Also,

Senate Bill No. 65.

A bill for an act to authorize cities to levy and collect a tax to pay judgments obtained against such cities.

Also,

Senate Bill No. 74.

A bill for an act to amend Section 1608 of the Revised Codes of 1905, relating to revenue and taxation.

Also,

Senate Bill No. 80.

A bill for an act to amend Section 2869 of the Revised Codes of 1905, as amended by Chapter 265 of the Session Laws of 1907, relating to the contracting of loans for the payment of corporate indebtedness and providing for the levy of taxes to pay final judgments rendered against villages and providing for the manner of collecting the same.

Also,

Senate Bill No. 92.

A bill for an act relating to children who are now or may hereafter become dependent, neglected or delinquent; to define these terms, and to provide for the treatment, control, maintenance, protection, adoption and guardianship of the persons of such children.

Also,

Senate Bill No. 98.

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.

Also,

Senate Bill No. 114.

A bill for an act to enlarge the powers and duties of the board of railroad commissioners, creating a public warehouse fund and making an appropriation.

Also,

Senate Bill No. 131.

A bill for an act amending Sections 167, 169, 170, 171, 189 and 191 of the Revised Codes of North Dakota for 1905, relating to the appraisement and sale of school lands.

Also,

Senate Bill No. 148.

A bill for an act to amend Section 12 of Chapter 182, the same being Senate Bill No. 128 of the Session Laws for 1907, relating to the qualifications for registration of pharmacists.

Also,

Senate Bill No. 151.

A bill for an act to require county commissioners in all counties in the State of North Dakota, elected or appointed to the office of county commissioner, to furnish an official bond for the faithful performance of their duties, and providing for the approval of the bond.

Also,

Senate Bill No. 174.

A bill for an act relating to desertion and non-support of wife by husband, or of children by either father or mother, and providing punishment therefor; and providing for manner of procedure and evidence required in such cases; and to promote uniformity between the states in reference thereto.

Also,

Senate Bill No. 175.

A bill for an act to amend Section 417 of the Revised Codes of North Dakota for the year 1905, relating to officers and offices, and the qualifications of officers.

Also,

Senate Bill No. 178.

A bill for an act prohibiting county superintendents of schools, deputies, school officers, school official, principals

and teachers from receiving commission or fees or reward for or on account of any school books, furniture or other supplies purchased during the incumbency of such office, and providing for a penalty therefor.

Also,

Senate Bill No. 185.

A bill for an act providing for the establishing of savings banks and defining the powers and restrictions of the same.

Also,

Senate Bill No. 194.

A bill for an act defining the Tenth judicial district and providing for holding terms of court therein.

Also,

Senate Bill No. 195.

A bill for an act regulating the discharge of liens, not dependent upon possession, and to provide for the release of liens, filed of record against real property and personal property, and the giving of an undertaking for the payment thereof.

Also,

Senate Bill No. 197.

A bill for an act to amend Article 2, Chapter 10 of the Session Laws of 1909, relating to normal schools.

Also,

Senate Bill No. 198.

A bill for an act to amend and re-enact Section 7387 of Article 4 of Chapter 27 of the Revised Codes of North Dakota for the year 1905.

Also,

Senate Bill No. 205.

A bill for an act to amend Section 10381 of the Revised Codes of 1905, as amended by Section 1, of Chapter 40, of the Session Laws of 1907, relating to the manner of disposing of the product of the state binder plant.

Also,

Senate Bill No. 212.

A bill for an act to provide for the refund of any tax upon land which shall have been paid through the error of a county official, or by mistake of the party so paying.

Also,

Senate Bill No. 225.

A bill for an act to amend and re-enact Sections 4071, 4073 and 4074 of the Revised Codes of the State of North Dakota for the year 1905, relating to alimony, support and maintenance of the children of a marriage or of either party thereto in divorce actions.

Also,

Senate Bill No. 226.

A bill for an act giving the court authority to require the defendant to provide for the temporary support and maintenance of the plaintiff in divorce actions.

Also,

Senate Bill No. 253.

A bill for an act transferring funds from the state wolf bounty fund of this state to the general fund of the state.

Also,

Senate Bill No. 228.

A bill for an act to amend and re-enact Section 1599 of the Revised Codes of 1905, relating to the platting of irregular tracts of land.

Also,

Senate Bill No. 236.

A bill for an act to amend and re-enact Section 2240, Article 45, Chapter 24, of the Revised Codes of North Dakota for the year 1905, relating to the duties of county auditors and prescribing how records of fees shall be kept.

Also,

Senate Bill No. 246.

A bill for an act to prohibit the carrying and use of firearms by children and minors.

Also,

Senate Bill No. 248.

A bill for an act to provide for the better preservation of section corner, quarter section corner and meander corner monuments on any government line of survey, and to provide a penalty for their destruction or defacement.

Also,

Senate Bill No. 252.

A bill for an act to amend Section 1541 of the Revised Codes of 1905, relating to the tax lists made out by county auditors.

Also,

Senate Bill No. 256.

A bill for an act to amend Section 1833 of the Revised Codes of North Dakota for the year 1905, relating to additional assessments for drains.

Also,

Senate Bill No. 257.

A bill for an act entitled, an act regulating the erection of telegraph, telephone, electric light, power and other poles carrying wires conveying electricity in incorporated cities.

Also,

Senate Bill No. 267.

A bill for an act to amend Sections 2, 3, 4, 10, 14 and 28, of Chapter 92 of the Session Laws of the state of North Dakota of 1909, relating to the creation of 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 assistant dairy commissioners, fixing their compensation, defining their powers and duties,

prescribing rules and regulations for the manufacture and sale of dairy products, prescribing penalties for violations, providing for a license for creameries, cream stations, cheese factories and renovating or process butter factories, throughout the state.

Also,

Senate Bill No. 269.

A bill for an act creating a reserve at Devils Lake, North Dakota, and providing for the protection of birds and their nests within such reserve.

Also,

Senate Bill No. 275.

A bill for an act authorizing the county commissioners to condemn and purchase right of way for highways whenever the cost of constructing such highway or any part thereof is to be borne by the county.

Also,

Senate Bill No. 282.

A bill for an act to amend and re-enact Section 2563 of the Revised Codes of the state of North Dakota for the year 1905, relating to the power of counties to issue bonds for the purpose of purchasing sites and constructing county buildings.

Also,

Senate Bill No. 309.

A bill for an act to provide for the purchase of the paintings of "Mink Woman," "Bear's Necklace" and "Bad Brave."

Also,

Senate Bill No. 310.

A bill for an act to amend and re-enact Section 733 of the Revised Codes of 1905 relating to the registration of voters.

Also,

Senate Bill No. 326.

A bill for an act to amend Section 1350, Revised Codes of 1905, relating to the laying out, altering or discontinuing roads.

Also,

Senate Bill No. 339.

A bill for an act to prescribe legal rates for the publication of political announcements.

Very respectfully,

JOHN BURKE,
Governor

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

March 3, 1911.

Mr. President:

I have the honor to return herewith:

Senate Bill No. 358.

A bill for an act to amend Section 6188 of the Revised Codes of North Dakota, for the year 1905, relating to duties of registers of deeds.

Which the House has amended as follows:

On line 7 of the second paragraph of the engrossed bill, after the word "of" and before the word "office" strike out the word "this" and insert in lieu thereof the word "his;" and in next to the last line of the bill before the word "money" strike out the word "same" and insert in lieu thereof the word "sum;" and insert a comma after the word "property" and before the word "secured."

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith:

Senate Bill No. 318.

A bill for an act to amend and re-enact Section 738 of

the Revised Codes of 1905, relating to votes cast by persons not registered.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith:

Senate Bill No. 364.

A bill for an act to prohibit lobbying and to regulate the employment of legislative counsel and legislative agents by persons or corporations.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith:

Senate Bill No. 298.

A bill for an act prescribing the amount of bonds which shall be furnished by the deputy state treasurer and the deputy state auditor for the faithful performance of their duties; appropriating funds with which to pay the premium of such bonds, and limiting the salary of the deputy state treasurer and deputy state auditor.

Which the House has amended as follows:

By striking out in the title the following: "amend section 390 of the Revised Codes of North Dakota for 1905 and;" and insert a new section as follows: "Section 2. Repeal.) All acts and parts of acts in conflict with this act are hereby repealed."

And strike out section 2 and insert in lieu thereof: "Section 3. Emergency.) An emergency exists in that at this time there is no provision for the adequate payment for the performance of the duties of the deputy

You could boost for the state ticket? It was to be a political appointment?

Sure.

You was expected to do political work?

Yes.

Was you selling life insurance while you was on the road?

If anybody wanted any, you bet you.

What was your business?

Selling life insurance.

That continued to be your business in addition to the game warden business?

I did not work at it but it was my business. For the benefit of the committee I will say that I sold thirteen policies in thirteen months.

What did they amount to?

I could not say. There was none less than \$1,000. The premium would amount to about \$40 for each application that I wrote.

So that the aggregate premium would be something like \$500?

It might have been that much; maybe less.

You have opened a little interesting proposition. You say that you was offered \$175 to do political work for the republican central committee and in making the statement you said it was to do the same work that you were doing then. Who was it that made this proposition to you?

I did not think I would be required to answer that. There were two of them, one was Billy Donnelly. They came to see me on that proposition. One had state hotel inspector to give away, and the other had the salary.

They came to see you on that proposition?

Yes.

You had quite a long talk?

Yes.

Was there any talk about what you was going to do under this appointment—this game wardenship?

No.

You were a democrat?

As far as the head of the ticket was concerned.

Did you spend any part of your time during the campaign going around calling political meetings?

I went up from Casselton on the train one day and dropped a few bills off at every station, but I did not get off the train.

Did you carry any lithographs?

No. These was all that I had.

Is that the only time?

Yes, that is the only time.

You have told all that you think would be of value to this committee? I don't know.

Do you think that the fact that a game warden is prodding around considerable means that he is working in the interest of game?

Providing that he nabs those that are violating the law.

Had you any idea that your appointment was dictated by law?

No.

Did you have any told with Mr. Stenvick?

Absolutely none.

Then if he had any politics in mind when he recommended you he kept them to himself?

Yes.

You was not in accordance with his political views?

As far as the head of the ticket was concerned. I mean that I was for Burke for governor.

And he was, too?

Yes.

That might have had something to do with your appointment?

Not with me. I took it just because it just suited me.

How long have you lived in North Dakota?

Eighteen years.

You lived in that section of the state?

Yes.

What political belief?

Republican.

You take an interest in the game laws as a citizen?

Yes.

Do you hunt?

Yes.

Have you always hunted since you have been in the state?

Yes.

Were you in any way familiar with the game laws during those eighteen years?

I am familiar with it for the past twelve years.

Comparing the period just closed, since the new law has been in effect, how does the enforcement of the game law appeal to you as compared with previous years?

There is absolutely no comparison. It is so far advanced that there is no comparison.

What has been your policy in regard to the enforcement of the law since you have been a game warden?

It has been to have it strictly enforced.

How does the part that you have played in politics since you have been a warden compare with the part played by various state and county officials?

I could not say to that; but I don't think there are any public officers that have done less in politics than I have.

You wish to state to this committee that you was appointed for the purpose of protecting the game?

I certainly do.

Where are you stopping now?

I am stopping at the Grand Pacific.

What are you paying down there?

I think the rate is \$2.50 and \$3 a day.

You have some bills for \$3.45 a day. Did that include your room and board?

I don't know. You know a man can't live very well on \$3.45 a day. Take for instance in Fargo, you pay \$1.50 for a room, and you buy what you want to eat. A steak is sixty cents or seventy cents, and it does not take very much more to make it a dollar. I, being a Norwegian, I have to have a cup of coffee between meals. I generally stop at the best places.

Do you stop at the Gardner when you are on your own business?

Yes. You look over the register and you will find that I have been quite a regular visitor during the past two years.

You were on the road five months?

Yes.

Did you charge any transportation?

No, sir.

I find that your expenses for four months to be \$406. Do you consider those reasonable?

I consider that very low.

You took office the first of August?

Yes.

I find that you have expenses charged for practically every day in August?

Yes.

Was that in the interest of game protection?

Yes.

The same in September and up to the eighth of November?

Yes.

That was election day, and there are no items charged after that?

No, sir.

Was there any special reason for you not going out on the road after that?

The bird season was closed and everybody had about all the hunting that they wanted. The deer seasons open at that time and the men along the river look after the deer violations. So there was no particular necessity for me to go out.

You say that the deer season opens on the eighth?

It opens on the tenth of November.

You were not on the road after the eighth of November?

Not very much. I had heard that the board was going to lay all of the wardens off but two district wardens, so I did not think there was any particular necessity for me to go out.

You drew a salary for that time?

Yes, sir. Which was right and proper.

You would not say that you were on the road until election day and after that there was nothing for you to do?

No. It all depends on how you look at it. If you want to be fair and honest you would not look at it in that way.

Did the board lay you off on the fifteenth of November?

No. They decided to let us continue for a while longer. I was on until the first of January.

TESTIMONY.

Mr. Stenvick:

You are a game warden?

Not now.

Was you a game warden in 1910?

Yes, sir.

From when to when, approximately?

From April 1 to December 1.

On salary?

Yes, sir.

District men?

Yes, sir.

What was your district?

I always figured that my district was the northwestern part of the state.

Did you receive any instructions as to your duties?

Yes, sir.

Were they in writing or verbal?

I think I got letters and had several visits with Mr. Smith.

Your instructions came from Mr. Smith?

Yes, sir.

All of them?

I think they did.

As such game warden you appointed other game wardens?

I recommended several.

It has been said here that you recommended Mr. McCann?

I did.

Mr. Hendrickson?

Yes.
McGill?
No, sir.
Harvey?
Yes, sir.
What others?
I do not remember.
How many did you recommend all together?
Five or six.
Where does Mr. McCann live?
Minot.
What did he do?
I do not know what he did. I think he run a newspaper.
Did he report to you?
No. To the chief game warden.
Do you know whether or not he was active in the enforcement of the law?
No, sir.
Do you know whether or not he ever went out in the field?
I know he said he was going. That is all I know about it.
What about Mr. Hendrickson?
He was a pretty good man. He was going all of the time.
Do you know where he got his instructions?
No.
Did he make report to you?
No, sir.
Can you say how McCann got his appointment?
I met him one day when he was going down to the hills to hunt, and I talked it over with him, and told him I would recommend him for warden.
Are you prepared to say just what the conversation was?
No. He said he was going south to hunt and I thought he would be a good man so I told him that I would recommend him.
Did you make any particular statement to him in regard to why he was appointed?
No.
Did you make any such statement to any one else as to how he got his appointment?
I might have.
Did Mr. McCann try to get an appointment before you appointed him or recommended him?
I do not know.
Did Mr. Hendrickson talk about his appointment with you?
No.
How did you come to recommend him?
He was running all over the state, and I thought he would make a good warden.
Did you know whether these two men were politically active or not?
They were both politically active.
Do you know anything about their activity in game enforcement?
I know of reports from Staale Hendrickson.
In May the voucher shows that you were in Williston, Sheeley, Rice Lake, Valley City, Bismarck, Minot, Fargo and again in Minot. Are you prepared to say, Mr. Stenvick, that all of these trips were made in the interest of game enforcement?
Yes, sir. When I went to Fargo or Valley City it was either Mr. Smith or Herman Winterer.
Did you see Smith in Fargo?
I do not recollect.

Did you see Winterer in Fargo?

I do not remember that either.

Did you see either of them in Bismarck in July?

I do not know.

Were these trips or had these trips anything to do with political activities?

I never forget politics, although that was not what I went for. I might have talked considerable of politics.

But you do not remember what you did go for?

No.

Bismarck was not in your district?

No.

What were you doing there?

Bjorke wanted me to be in the southern part of the state sometimes.

What did you do in the matter of game enforcement in Bismarck?

Well, just before the season opened up there was a lot of fellows out with dogs, training them, and the man in that section was not on salary, so I did the work.

Mr. Wilkinson was in this district?

Yes.

In May, do you recollect where you were?

No.

In August, do you remember where you was?

I think that was about the time I went into the southern part of the state.

What were you doing at Valley City? Was that in the interest of game enforcement?

Yes, sir.

Did you see Mr. Winterer?

Yes.

At Casselton?

No.

At Bismarck in August, what were you doing?

There was quite a few going out to train dogs.

Who sent you down here?

Bjorke.

At Grand Forks, do you remember of being there?

No. It must have been to see Smith.

Do you remember of seeing Smith in Grand Forks?

Yes, I saw him there and at Grafton.

On the 23d and 24th of August you were in Grand Forks. Do you remember what you was doing there?

No.

At Fargo, Bismarck, Mandan and Valley City—that was in the interest of game enforcement?

Yes, sir.

Had nothing to do with politics?

I talked politics.

In September you was in Minot, Bismarck, Mandan, Jamestown, Valley City, Bismarck, Mandan and Fargo. Was this in the interest of game enforcement?

Yes. I came down in the southern district for Bjorke.

Was you in Bismarck with him in September?

I was in Bismarck with him a couple of times, but I do not recollect just when it was.

Was you ever in Mandan with him?

No.

In October you was again at Bismarck, Mandan, Valley City, McKenzie. They were prompted solely for game enforcement?

Yes, sir.
You mean to say that all of these trips were necessarily made in the interest of game enforcement?
Yes.
They were rompted solely for game enforcement?
Yes, sir.
Had nothing to do with politics?
No, sir.
You know Mr. Dwyer of Minot?
Yes, sir.
Did you make all of these trips?
Yes, sir.
Did you have any mileage?
Sometimes and sometimes not.
What times didn't you have any?
I do not remember.
In several trips you had charged up railroad fare in October?
Not on the Great Northern.
Where is Rogers?
On the Soo, between Minot and Valley City.
Did you travel any on the Great Northern?
I do not know.
Did any of these wardens report to you?
No.
Did you direct them where to go, and what to do?
I think I did a couple of them.
Who were they? Tofteur and Staale Hendrickson?
I sent Staale north of Williston and to Stanley and I think I sent him to Towner.
Didn't you know in every one of these cases that you recommended for appointment, that these men were going to be politically active?
I think in most cases.
And you knew in which direction?
Sure.
And that had something to do with their appointment?
I think it did.
Now getting back to McCann. Did you know that he had been an applicant for appointment as game warden?
I do not recollect.
Did you have any distinct understanding with him?
No.
Did you have any understanding with him as to whether or not he was to be politically active in his paper or personally?
No.
As a matter of fact did he ever go out in the interest of game enforcement?
I do not know. Only that he was going to Rice lake.
How long did he stay?
I have no idea.
How long did you work?
Five or six months.
How much money did you draw?
I do not know.
Have you any idea?
\$100 a month and expenses.
This year was the first year?
Yes.
How long have you been in North Dakota?
Nine years.

You live in Minot?

Yes.

What business?

Land business.

And you still are in that business?

Yes.

Is the law pretty well enforced in your district?

Yes.

The following has been reported in connection with the appointment of Staale Hendrickson. I would like to know whether it is true or not: The report is that Hendrickson, last summer, went to Fargo trying to get employment with the republican central committee and failed to make connections, and that you met him and there made arrangements to get his appointment and in return he was to support Governor Burke for governor, and that you spoke of this as putting one over the republican committee.

I do not know anything about that.

Did you make the arrangement in Fargo?

No.

Where did you make the arrangement?

I think it was in Minot.

What time was that?

I cannot tell what time that was without looking it up.

Just before Staale was appointed?

Yes. It was some time last summer.

It was about the first of July?

I cannot say as to that.

Staale was a candidate for nomination for the legislature?

Yes.

He was defeated?

Yes, sir.

Do you or did you devote your time to the enforcement of the game laws?

Yes, sir.

Have any other business of your own?

Real estate business; but I did not pay much attention to it.

Do you know what your average expense was for a month?

No.

Have you any idea?

\$50, \$60 and \$75 a month.

The money spent by you as warden, do you believe it was spent for the enforcement of the game laws?

Yes.

TESTIMONY.

Mr. Cashel:

Senator, you are now president of the First National Bank of Grafton?

Yes sir.

Have been connected with that bank for several years?

Yes sir.

For the last quarter of a century?

Yes.

You know Mr. T. D. Casey?

Yes.

You know that he has office rooms in your building?

Yes.

Do you know what rent he paid?

He paid for his office I think \$10 a month. But now he has moved to the front of the building, and there has been a heating plant put in, and it is my impression that he is now paying \$15.

He moved in November.

Yes. I am not sure about the rent, the cashier tends to that now.

You know about it up to November?

Yes.

\$10 a month?

Yes.

TESTIMONY.

Mr. Benson:

You made a trip to Willow City in January?

I did.

What did you go up there for?

I went up on the invitation of Mr. Armstrong to look over the records.

Will you tell the committee what you found Mr. Armstrong's office to consist of?

His office is located in the same building that he lives in and has the front part of the building, the front part of the building is divided into two parts, and one of these parts is his office. I found his office furniture such as desks and so on.

Will you tell the committee what you found his books to be?

I found, what I consider, everything in good shape. He had an account of the expenditures in items, he had the totals on his ledger. He had an account showing how much every warden had been paid, he had files of the reports of the county auditors and of the chief and district wardens. He had a big stack. I did not go through all of them. The stack was about two feet high and six feet long. He had files of bills and one thing and another pertaining to the office of secretary.

You are acquainted with his bills from month to month, \$100 for office maintenance?

Yes.

In your opinion do you consider that the work, such as you saw it there, was worth that amount of money?

I do not see how it could be done for less, saying nothing about rent.

You had some experience in book keeping or record keeping?

Yes sir. I kept books but not records.

TESTIMONY.

Mr. Rockney:

What is your first name?

R. N.

You are employed in the Senate?

Yes.

What is your position?

First assistant secretary.

Were you at any time during the past two years a game warden?

No sir.

Is it true that you were offered a gamewardenship?

It was suggested to me.

Who was it suggested by?

I cannot remember just who it was, there were a number of them at the time but there was no official offer.

Did you have any definite talk with any other person?

No sir.

Was there any talk had with you in which an appointment was offered to you; were there any definite understanding or terms?

Nothing definite.

To bring the matter to a point I will say that it was reported that you were offered a gamewardenship if you would uphold certain parties for office?

I took it that such an appointment would be made if I turned democratic with my paper. But there was nothing out and out.

You run a newspaper?

Yes.

What paper is it?

The Mohall News.

That was the extent of the conversation?

That was about all there was to it.

Did you run any news items or editorials in regard to game enforcement?

No, I never have.

Ever make any comment as to the enforcement of the law?

No.

Did you support Burke for governor?

I supported Johnson for governor.

Will you state who it was that made this proposition to you?

There were a number of persons present. I think Mr. Stenvick was there.

Mr. Stenvick was at that time a game warden?

I do not know, but I understood that he was one.

You were not a game warden?

No.

You never got a cent from the game commission?

No sir.

At the time that this conversation took place did you understand that you would get the gamewardenship in return?

I did.

Did you suppose that the offer came from Mr. Stenvick?

I don't know.

He was the only man in the company that was from Mohall?

He was the only one.

Did you understand, or is it your impression that such an offer came from Mr. Stenvick?

I took the whole matter as hot air. They wanted me to run on the democratic ticket for superintendent of schools.

There was some conversation regarding the matter of your making a canvass of the county, supporting the democratic ticket?

I would not run for county superintendent.

You have testified concerning a general understanding, that your paper should advocate certain parties for office in return for which you would get a game wardenship. Have you any recollection of what was said there?

No.

Who said it?

There were a number of democrats there but there was nothing definite said that I can remember.

Did they come to see you on this proposition?

I think their intention was to get me to run for county superintendent.

There was nothing at that time said about this proposition?

It was hinted, that was all.

You are not prepared to say who it was?

I cannot say for sure, there were three or four in the party, but I cannot remember who made the statement or suggestion.

You cannot put definitely into words just what was said?

No sir.

It was some suggestion, I suppose, that would induce you to turn democratic with your paper, and your compensation was to be a game wardenship?

That is the way I understood it at the time.

Was there anything said about the remuneration there was in the office of game warden?

No, but I understood it was \$50.00 a month.

Your idea was that you were to run for county superintendent and support Burke for governor?

Yes.

You were to render no services to the game commission?

That was just hinted.

The division of the county was an all important item there at that time?

Yes.

There was nothing said to you last fall in regard to that?

Only from friends.

TESTIMONY.

Mr. Smith:

You are one of the state game wardens?

Yes.

For the northern part of the state?

Yes sir.

And have been since the new law went into effect?

Yes sir. And for two years previous.

That was under the old law?

Yes sir.

You live at Grafton?

Yes sir.

And have lived there for a number of years?

Yes sir.

As such game warden you have appointed other deputies?

Yes sir.

Did you appoint Mr. Stenvick?

No sir.

Do you know who did?

I think the board appointed him.

Do you know when he was appointed?

I do not remember. I will look it up.

Approximately?

March 29, 1910.

What rule or requirement did you prescribe so that you might know just what these deputies were doing?

The deputies had blanks on which they made weekly reports as to their whereabouts, and their expense items. Whenever there was a report coming in of violations of the law in certain sections, I would let them know either by phone or wire, and send them where the violations were occurring.

How close a tab did you have of where these men were?

They use a great deal of their own judgment. They were better informed than I was; they knew what was going on in their territory.

You were appointed chief warden, under the present law, a year ago last April?

Yes.

What was your business at that time?

I own stock in the Grafton Roller Mill Co. I am treasurer of the company. I acted as head miller under Mr. Testico.

At the time of your appointment you acted as treasurer?

Yes.

As treasurer you were on a salary?

I received some compensation.

Did your duties as such treasurer require all of your time?

It required very little of it. I was only called upon at such times as they wanted me to talk over some proposition.

About how much time was that?

I could not say just how much time.

Half of your time?

No.

One-fourth of your time?

No sir.

You, as chief warden appointed various special wardens in your district?

Yes.

How many did you appoint last fall?

How many on salary?

There were forty-two salaried men in district No. 1 during the year of 1910.

These special wardens on salary, how did you keep track of their whereabouts?

At a meeting of the board, I do not remember the date, the chief wardens were requested to choose and appoint some special men, and it was my opinion that it be done through the district wardens, as they were better informed as to who would make good men. They were to recommend them to me. These men were recommended to me at different times. There were four in July, twelve in August, fifteen in September, and eleven in October.

During the time that you have been chief game warden, how much time did you devote to the protection of game?

I consider that I devoted all the time that is required to be a proficient officer. When I was not out working I was around my office. I went to Montana last summer but I left a man in my place. I went out there to adjust a little trouble they were having with the mill.

You stated that at the time you were appointed you were treasurer of the milling company?

Yes.

You hold that position now?

Yes. I own stock in the company.

You said that you were absent from the state some time last summer. How much of the time were you absent?

I do not remember.

Two months?

No I was back and forth.

I have heard the statement made, and I want to ask you of the truth of it, that about a month or so before the campaign you returned to the state, and that you reported that you would have 100 game wardens in the field and there would be something doing in the campaign.

That is absolutely false. Some one that did not know me made that report.

These deputies or specials that have been appointed by you, have you at any time suggested or directed any political activity?

I did not, my letters will show that. In looking over my letters I was surprised that I did not get more politics into them than I did.

Did you take an active part in the campaign?

Not exactly.

Do you maintain an office in Grafton?

Yes.

How much does that cost?

That I had previous to my appointment to this position, and I made the same arrangements that I had for the two years previous.

That was in Mr. Casey's office.

Yes.

I arranged to pay him \$40 a month for his office and for the use of his stenographer. It was much cheaper than I could have got an office for myself and kept a stenographer. I did not have to pay for fuel or light. I considered that I made a good deal by it.

Mr. Smith, did I understand you to say to this committee that your duties are that of treasurer and not head miller?

I am not head miller.

Who is head miller at the Grafton mill?

Jos. Bernard. All of those head millers are under me to a certain extent. I do not wish to convey the idea that I have nothing to do with the mill, for I know more about milling than I do of anything else. At the time that I hired out to this board I made arrangements that the mill work would not interfere in any way with my duties as game warden.

What salary did you get before you was appointed by the board?

Is it necessary for me to state that? I received more salary since I have become interested in the company.

How long since you have been interested?

Since it became the Grafton Roller Mill.

What I am asking is did you receive the same salary now as you did before you were appointed?

I do not see why I should have to state that.

You do not have to answer any of these questions if you do not want to.

It is the same.

You say you had an office and that it was in Casey's office?

Yes sir.

Did you have a sign up?

I had it on my stationery.

Did you have a sign up?

I did not have a sign up.

You are not in that office very often?

When I am in town I am there every day.

Regular office hours?

No.

I think that you testified about going to Montana, have you any recollection of when you went to Montana?

It was in May, I cannot remember the day or date.

How many days did you stay?

I could not tell you that.

Do you want to testify now that you was back two times?

I could not tell you off hand.

How long did you stay every time you came back?

I do not remember.

They were short stays?

Yes.

When you was in Montana was it in the interest of the mill?

Yes.

I am now asking you as to a statement I have heard, that you was out there setting up machinery?

I was not setting up machinery.

There was \$7.50 paid for that and it was not being done, so the president wanted me to go out and adjust matters.

Who did you hire to do your work in your absence?

Mr. Casey.

Is this the gentleman in whose office you had your desk room?

Yes.

Pretty busy man, isn't he?

Not as busy as all attorneys would like to be.

He is a man in active practice?

Yes.

During the past summer and fall he was in various parts of the state speaking?

Yes.

He was a candidate for congress on the democratic ticket?

Yes. I think he did not go out until I returned to the state.

Do you know what his total office expense is?

I do not know.

Do you know whether his office rent is over \$10 a month?

No sir. But I think it is.

He rents an office in the First National Bank, of which Mr. Cashel is an officer?

Yes sir.

So that Mr. Cashel could tell us what was paid for the office?

Yes.

You have been in my office, what would you say about the rental value of the two offices? I have four rooms.

I never was in any more than two.

What would you say as to the rental value?

I would consider that Mr. Casey paid a little more than you do.

Do you know what he paid his stenographer?

No.

So that you really did not know how much of his expenses you were paying?

No sir.

You did not appoint Mr. Stenvick?

No sir.

Do you know what he did in the way of appointing others?

Well, I told the district wardens to recommend such men as they thought would make good wardens.

Did he recommend Mr. Hendrickson to you?

No sir.

Did he recommend Mr. McCann?

Yes sir.

Do you know what Mr. McCann did?

He runs a newspaper.

Do you know what he did as game warden?

He did a great deal of newspaper work in the interest of game protection.

Is that what he was appointed for?

I expect so. I left those appointments largely to the district wardens.

Mr. Smith offers the attached letters for evidence.

That was in September or October?

September first, I believe.

I think I stated the date there when his appointment would take effect.

Yes. August 27, 1910.

Where was that letter from?

Grafton.

Did you write it?

I think I did.

You did not get back here before the first of September?

I was back and forth.

You did not know anything of his activities except from the district man's report?

No.

So that so far as you know you know nothing about Mr. McCann's activities?

I know that he has always been a very enthusiastic supporter of game enforcement.

Mr. Smith, I am asking you about his field activity?

I do not know how active he was.
Who did he report to?
Hendrickson.
How often did he report?
He reported weekly.
Do you know what his activities were in the field?
He was always going.
Do you know where he went?
His report will show that.
Do you know where his district was?
In Ward county and wherever there was work for him to do.
None of these wardens are confined to any one district?
There is no check on a district man, he goes where he likes; where
it is most important for him to go.
He knows more about where he is needed than anybody else does.
Does he get this out of the air?
He is directed by me.
You did not appoint Mr. Hendrickson?
No sir.
You did not appoint Mr. Deichert?
No sir.
Do you know Mr. Deichert?
Yes.
Did you ever hear of his starting a prosecution against one Lou Christian-
son?
For what?
Violation of the game law.
I don't remember of anything like that.
So that you do not know whether he started a prosecution and then
dropped it?
No sir. I do not recollect anything of that kind.
What was his business?
I understood that he traveled for N. C. Olson.
And that was in the wholesale liquor business?
Yes.
Did you ever have any talk with him?
Very little. He came to me after he was appointed by the board and
wanted to know if his position was permanent. I told him I did not
know. He said that he was going to quit the other job if this one was
permanent.
Would you say that his business of selling liquor did not interfere with
his work as game warden?
It did not seem to interfere with his duties.
If you knew that he dropped the prosecution against Lou Christian-
son because some of Christianson's friends threatened to arrest him for
violating the prohibition law, would you say that his selling liquor on
the road did not interfere with his duties as game warden?
By knowing him as I have known him I would say that that was a
bluff, as he dropped several cases on lack of evidence. He is a very
fearless fellow and that is very unlike him.
If you had been informed that such a condition existed and had inves-
tigated it and found it to be true, would you say that his business inter-
fered with his duties?
If I found it to be true I would say so, yes.
Did you ever get any complaints concerning Mr. Deichert?
I got some complaints and I have several persons speak well of him.
Have you heard any complaints concerning any other game warden?
Yes.
Did you ever investigate any of these complaints?

If I had investigated all of these complaints* I would not have had anything else to do.

You did not appoint Mr. Gill?

Yes sir.

Where does he live?

Penn.

On whose recommendation?

I appointed him on the recommendation of Mr. Kelly and Mr. Bloom of Devils Lake.

Who is Mr. Kelly?

He lives in Devils Lake.

Which Kelly is it?

Joseph Kelly.

Mr. Bloom and Mr. Kelly are both interested in the same paper?

I do not know anything about that.

Did you appoint Mr. Harvey?

Yes sir.

Where does he live?

Williston.

On whose recommendation?

I do not recollect that, he was a special before his appointment.

C. W. Smith?

I appointed him.

On whose recommendation?

My own recommendation. That is my father, he has been a special deputy for a great many years.

Dell Caman?

I appointed him.

On whose recommendation?

My own recommendation.

Did you appoint Lee or Mr. Scharf or* Mr. Meeker or Schoop, Mr. Handtman or Mr. Burkus?

No.

You appointed Mr. Hegge?

Yes.

Where does he live?

Stanley. He has been a special before without salary.

On whose recommendation?

Stenvick's recommendation.

That was true of Mr. Gill?

Yes.

Dan Connors, did you appoint him?

Yes.

On whose recommendation?

Mr. Deichert's.

Jack Lackaduck?

Whose recommendation secured his appointment?

My own.

Lowland?

He has been a special deputy before.

On whose recommendation?

My own.

Frankhauser?

My own recommendation. He was very active.

Axle Johnson?

He lives at Washburn. Mr. Finley recommended him.

Casavan?

I appointed him.

On whose recommendation?

My own.

Where does he live?

At Shafer.

Mr. McKibbon?

I appointed him.

Where does he live?

Grand Forks.

Who recommended him?

I think Mr. Griffiths recommended him.

How many of these men have you seen personally?

I have seen all of them.

Where?

At different places. I have not visited all of them at their own homes.

Have you had any talk with them?

Some of them.

Have you had any talk or correspondence with them concerning any political activities?

I would say that I haven't.

There has been something said in your presence concerning political activities, I will ask you this question: That in all of these appointments that you made, you had a pretty general understanding that they were going to do something in politics.

I had no understanding at all.

You knew both Mr. Kelly and Mr. Bloon to be interested in politics?

I know that they have taken an interest in politics.

You knew they were of the same political belief?

I expect so.

That is also true of Mr. Stenvick?

Yes.

You knew what he was doing?

I heard at that time that he was talking politics.

You knew as a matter of fact you know Mr. Stenvick was talking politics?

I knew it.

You knew that his appointees had a political view?

I wouldn't say that.

You had a mighty strong suspicion that these men were to be politically active?

I would not be guilty of trying to change a man's mind, after he had made up his mind which way to vote.

Mr. Ed. Johnson drew a salary?

Yes, for two months.

How much?

Twenty-five dollars a month.

You know and I know that Eddie Johnson never done anything in the matter of game protection.

I don't know whether he did or not.

You know how Eddie felt about politics?

I never ask him.

You know how people are without asking them?

I did not know how Eddie was in regard to politics. I never saw him during the campaign.

Did Mr. Deichert say he would make a good man to appoint?

Yes.

Is it on just such statements as that that you make appointments?

No, sir. I know he is a good clean fellow and in my judgment he made a good warden.

Are you prepared to say he did?

I think I am.

state treasurer and the deputy state auditor, therefore this act shall take effect and be in force from and after its passage and approval."

Very respectfully,

E. H. GRIFFIN,
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. 60.

A bill for an act to provide a system of free public schools for the state of North Dakota and to repeal Sections 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, and section 1038 of the Revised Codes of 1905, with any and all amendments thereto, and also Chapters 49, 98, 100, 103, 124, 153, and 201 of the Session Laws of 1909.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The secretary announced that the President was about to sign:

Senate Bill No. 60.

A bill for an act to provide a system of free public schools for the state of North Dakota and to repeal Sections 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, and section 1038 of the Revised Codes of 1905, with any and all amendments thereto, and also Chapters 49, 98, 100, 103, 124, 153, and 201 of the Session Laws of 1909.

And the President signed the same in the presence of the Senate.

Mr. Stevens introduced the following resolution:

Whereas, John O. Quamme of Northwood, North Dakota, and Finley McDonald of Milton, North Dakota, have been employed by the Twelfth legislative assembly, respectively as postmaster and messenger at a per diem of four (4) dollars; and

Whereas, the said John O. Quamme as postmaster and the said Finley McDonald as messenger, have rendered the same service that has formerly been done by four men at previous sessions of the legislature; therefore, be it

Resolved by the Senate of North Dakota, that the said John O. Quamme and the said Finley McDonald be and the same are hereby

allowed the sum of one (1) dollar each per day additional for their respective services during the Twelfth legislative session.

Mr. Stevens moved
That the resolution be adopted.

Mr. Gilbert moved
That the resolution be laid on the table.
Which motion prevailed.

The President inquired whether any senator knew of any Senate Bill that had not been acted upon.

Mr. Carter moved
That the Senate do now concur in the House amendments to Senate Bill No. 358.

The question being upon the concurrence in the House amendments,

The roll was called and there were 41 ayes, no nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Kennedy	Stevens
Carter	Kretschmar	Syvertson
Cashel	LaMoure	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Trimble
Ellingson	McDonald	Turner
Garden	McDowell	Wallin
Gibbens	McLean	Walton
Gilbert	Overson	Welo
Gronvold	Plain	Welch
Gunderson	Putnam	Whitcher
Hookway	Ruzicka	Williams
Jacobsen	Steel of Stutsman	Young
Johnson	Steele of Renville	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Elken	Lerche
Baker	Ganssle	Simpson
Davis	Movius	

So the House amendments were concurred in.

REPORT OF CONFERENCE COMMITTEE.

Mr. President:

Your conference committee appointed to act with conference committee from the Senate on Senate Bill No. 235

recommend that the House recede from such amendments to said bill as are herein set forth and that said bill then be amended as follows :

In line 16, section 1 of the printed bill, after the word "secretary," insert the following: "who shall receive as compensation for his services not to exceed the sum of one hundred dollars per month for keeping and maintaining the secretary's office."

In line 25, section 2 of the printed bill, strike out after the word "for," the balance of section and insert in lieu thereof the following: "carrying out the provisions of this section as said board may deem most expedient."

In line 3, section 5 of the printed bill, after the word "commissioner" insert the following: "How appointed. Powers and Duties of.)"

Also in line 3, same page and section, strike out after the word "the" the word "board," and insert in lieu thereof the word "governor."

In line 3, section 5 of the printed bill, after the word "shall," insert the following: "on or before the first day of April, 1911."

In line 4, section 5 of the printed bill, after the word "commissioner" insert the following: "who shall serve for a term of two years or until his successor has been appointed."

In line 5, section 5 of the printed bill, strike out after the word "therefore" the word "to" ad all of line 6, and insert in lieu thereof the following: "the sum of."

Line 10, section 4 of the printed bill, after the word "direction" insert the following: "He shall not be engaged in or have any other business that will in any way interfere with his duties as such chief game warden. It shall be his duty to devote all of his time to the practical and actual work of enforcing the provisions of this act in seasons requiring the actual work of deputy wardens in the field."

In line 14, section 4 of the printed bill, after the word "faithful," insert the following: "performance of his duties and the."

Line 3, section 6 of the printed bill, strike out the word "three" and insert in lieu thereof the word "four."

In line 4, section 6 of the printed bill, strike out the period after the word "district," the word "In" following to be written "in," and after the word "warden," on the same line, strike out the comma and insert in lieu thereof a period.

Line 6, section 6 of the printed bill, strike out the word "four" and insert in lieu thereof the word "five."

Strike out in section 6 all of line 7 and the words in line 8 preceding the word "such" and insert in lieu thereof the following: "which months shall be designated by the Game and Fish Board of Control. Provided, however, the Board of Control may, and they are hereby authorized to appoint one of the above mentioned regular deputy game wardens in each district to serve for a period of one year, if in their judgment such action is necessary and for the better protection of the game of the state. Provided, further, the chief game warden in each district may appoint one or more resident county game wardens in each county in their respective districts, who shall serve for such a time and in such a manner as the chief game warden may direct. They shall serve as such resident county game wardens without compensation, except as provided in section 24, Chapter 123, Session Laws of 1909."

In line 14, section 6 of the printed bill, strike out the word "month" and insert in lieu thereof the word "week." Also on the same line, strike out after the word "the" the following words: "secretary of the board of control," and insert in lieu thereof the following: "chief game warden."

In line 17, same section, strike out the word "month," and insert in lieu thereof the word week."

In line 10 of section 7 of the printed bill, strike out after the word "state" the following words: "district game and fish wardens" and insert in lieu thereof the following: "chief game wardens and fish commissioner."

In line 13, section 10 of the printed bill, strike out the word "turtle-dove." Also on line 13, same section, strike out the words "ruffed grouse."

Line 22 of section 10 of the printed bill, strike out the words "and swan."

In line 26 of section 14 of the printed bill, strike out the word "or" after the words "red horse" and insert after the word "carp" the words "or pickerel."

In line 32 of section 14 of the printed bill, strike out the period and insert in lieu a comma and the following words: "and for the distribution of the products of such fish hatchery."

Section 14. Claims Against the Game and Fish Fund Verified How.) No bill, claim, account or demand against the game and fish fund shall be audited, allowed or paid until a full itemized statement in writing shall be filed with the secretary of the board. And where charges are made for money expended in attending meetings of the board or for money expended in the performance of official duties, all items of one dollar or more shall be covered by a sub-voucher signed by the party to whom the money was paid. The sub-voucher shall show the date, at what price, and for what the money was paid. The sub-voucher shall be forwarded with the statement, and said statement shall be verified by the oath of the party making it. All statements, bills or claims filed with the secretary, when duly certified to by the president of said board, shall be mailed to the state auditor. The state auditing board shall audit such claims and draw warrants upon the state treasurer for the amount so allowed, to be paid out of the game and fish fund.

And renumber sections consecutively.

And when so amended recommend the same do pass.

W. B. DENAULT,
JOHN G. JOHNS,
MARTIN HERSRUD,
Conferees for House.

F. S. TALCOTT,
W. B. OVERSON,
J. E. STEVENS,
Conferees for Senate.

Mr. Talcott moved

That the Senate do now concur in the amendments to Senate Bill No. 235 as recommended by the conference committee.

Which motion prevailed, and

The amendments were concurred in.

Senate Bill No. 235.

A bill for an act to amend Sections 3, 4, 5, 6, 7, 8, 12, 15, 28, 35, 42, 43, 44 and 45 of Chapter 128 of the Session Laws of 1909, being 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, 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.

The question being on the final passage of the bill as amended by the conference committee,

The roll was called and there were 28 ayes, 15 nays, 6 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Hookway	Overson
Carter	Jacobsen	Plain
Duis	Johnson	Talcott
Duncan	Kretschmar	Thoresen
Ellingson	LaMoure	Trimble
Ganssle	Linde	Wallin
Gibbens	Martin	Walton
Gilbert	McDonald	Welch
Gronvold	McLean	Young
Gunderson	Movius	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Ruzicka	Turner
Cashel	Steel of Stutsman	Welo
Garden	Steele of Renville	Whitcher
McDowell	Stevens	Williams
Putnam	Syverson	

Absent and not voting:

Messrs.—
Baker
Davis

Messrs.—
Elken
Kennedy

Messrs.—
Pierce
Simpson

So the bill passed as amended by the conference committee.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

March 3, 1911.

Mr. President:

I have the honor to return herewith:

Senate Bill No. 287.

A bill for an act prescribing the duties of the county auditor upon receipt of tax levies certified to him.

Which the House has passed unchanged.

Very Respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to transmit herewith

Senate Bill No. 244.

A bill for an act prohibiting public administrators from acting as attorneys in the estates of decedents.

Which the House has amended as follows:

Line 1, strike out the word "act" and insert in lieu thereof "charge for."

By striking out the period after the word "decedents" in the second line of the engrossed bill and inserting therein after said word "decedents" the words "of which he shall be the administrator."

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also

Mr. President:

I have the honor to return herewith
Senate Bill No. 128.

A bill for an act regulating marriages and the issuance of marriage licenses, prohibiting marriages in certain cases, providing penalties for the violation of the provisions of this act and repealing all acts or parts of acts in conflict herewith.

Which the House has failed to pass.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Hookway moved

That Senate Bill No. 370 be indefinitely postponed.

Which motion prevailed, and

The report was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 189.

A bill for an act amending and re-enacting Section 2597 of the Revised Codes of 1905, relating to the fees of the office of the register of deeds.

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 report was adopted.

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. 41.

A bill for an act appropriating money for the purpose of building and equipping a chemistry building and laboratories for the North Dakota Agricultural college at Fargo, North Dakota.

Also

Senate Bill No. 82.

A bill for an act to provide an appropriation for the erection of new buildings and other necessary improvements at the state hospital for the insane of North Dakota, at Jamestown.

Also,

Senate Bill No. 113.

A bill for an act defining and taxing the occupation of transient merchants, regulating the licensing of persons engaged in such occupation, increasing the state revenue by such taxation, and prescribing penalties for violation of its provisions.

Also,

Senate Bill No. 158.

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

Senate Bill No. 285.

A bill for an act establishing a temporary educational commission and appropriating one thousand dollars for the expenses thereof.

Also.

Senate Bill No. 134.

A bill for an act making an appropriation for the Williston Experimental station, located at the city of Williston, Williams county.

Also

Senate Bill No. 331.

A bill for an act to amend section 6796, Revised Codes of 1905, relating to limitations of actions or proceedings to foreclose real estate mortgages.

Also

Senate Bill No. 362.

A bill for an act to amend Section 231 of the Revised Codes of 1905.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The secretary announced that the President was about to sign:

Senate Bill No. 41.

A bill for an act appropriating money for the purpose of building and equipping a chemistry building and laboratories for the North Dakota Agricultural college at Fargo, North Dakota.

Also,

Senate Bill No. 82.

A bill for an act to provide an appropriation for the erection of new buildings and other necessary improvements at the state hospital for the insane of North Dakota, at Jamestown.

Also

Senate Bill No. 113.

A bill for an act defining and taxing the occupation of transient merchants, regulating the licensing of persons

engaged in such occupation, increasing the state revenue by such taxation, and prescribing penalties for violation of its provisions.

Also

Senate Bill No. 158.

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

Senate Bill No. 285.

A bill for an act establishing a temporary educational commission and appropriating one thousand dollars for the expenses thereof.

Also

Senate Bill No. 134.

A bill for an act making an appropriation for the Williston Experimental station, located at the city of Williston, Williams county.

Also

Senate Bill No. 331.

A bill for an act to amend section 6796, Revised Codes of 1905, relating to limitations of actions or proceedings to foreclose real estate mortgages.

Also,

Senate Bill No. 262.

A bill for an act to establish a revolving fund out of the net profits derived from the operation of the twine plant at the state penitentiary, and to provide for the disposal thereof.

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. 223.

A bill for an act to amend Section 2613 of the Revised Codes of 1905, relating to the compensation and office hours of county commissioners.

Also

House Bill No. 414.

A bill for an act entitled, an act to prevent infant blindness caused by the preventable disease known as ophthalmia neonatorum.

Also,

House Bill No. 421.

A bill for an act entitled, an act to prevent the placing of dependent children in family homes, for pay, by midwives, maternity hospitals and others.

Also

House Bill No. 278.

A bill for an act to provide for the payment of the expenses of district judges when acting outside of their judicial districts.

Also

House Bill No. 442.

For an act to amend section 3198 of the Revised Codes of 1905, as amended by chapter 224, Laws of 1909, relating to the issue of bonds by civil townships.

Also,

House Bill No. 193.

A bill for an act to amend and re-enact Section 2401, Article 10, Chapter 28 of the Revised Codes of 1905, relating to the duties of boards of county commissioners, superintend county fiscal affairs and providing for auditing and checking of officers.

Also,

House Bill No. 155.

A bill for an act to provide for the establishment and government of a State Tuberculosis sanitarium.

Also,

House Bill No. 380.

A bill for an act to amend Section 1213 of the Revised Codes of 1905, of the state of North Dakota, relating to the board of trustees of the soldiers' home.

And the President signed the same in the presence of the Senate.

Mr. Linde moved

That the Senate do now resolve itself into a committee of the whole for the consideration of the concurrent resolution regarding the re-codification of the Codes.

Which motion prevailed.

The President called Mr. McLean to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose it made the following report:

Mr. President:

Your committee of the whole to which was referred the concurrent resolution regarding re-codification has had the same under consideration and recommend that the same be amended as follows:

Before the last paragraph insert the following: "And the secretary of state by and with the consent of the governor, is hereby authorized if he deems it advisable and for the best interest of the state, to contract for the revision, compilation and annotation of said Codes and Session Laws with publishers within or without this state. The secretary of state is further authorized, by and with the consent of the governor, to have said Codes of 1911 printed on India tint paper at a cost not to exceed \$1.50 per volume additional to the amount herein specified as the maximum cost to the state for each volume."

And do pass, as amended.

H. W. McLEAN,
Chairman

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

The question being on the adoption of the resolution,

The roll was called and there were 8 ayes, 33 nays, 8 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Hookway	Pierce
Duis	Linde	Williams
Garden	Overson	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Steel of Stutsman
Carter	Kennedy	Stevens
Cashel	Kretschmar	Syvertson
Davis	LaMoure	Talcott
Duncan	Martin	Thoreson
Ellingson	McDonald	Turner
Ganssle	McDowell	Wallin
Gibbens	McLean	Walton
Gilbert	Movius	Welch
Gronvold	Plain	Whitcher
Gunderson	Ruzicka	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baker	Putnam	Trimble
Elken	Simpson	Welo
Jacobsen	Steele of Renville	

So the resolution was lost.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,

March 3, 1911.

Mr. President:

I have the honor to inform you that the House has adopted the report of the conference committee on Senate Bill No. 76 and Senate Bill No. 77 and passed the bills as amended.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

March 3, 1911.

Mr. President:

I have the honor to transmit herewith the following concurrent resolution:

Mr. Boyd offered the following concurrent resolution:

Whereas, Eggert Erlendson was originally employed by the House as assistant clerk and later consented to a transfer to the proof-reading force; and

Whereas, notwithstanding the fact that the proofreaders of the Senate receive five dollars per day, he has been receiving only four dollars per day for the same services, which, however, he has performed with ability and efficiency; therefore, be it

Resolved by the House of Representatives, the Senate concurring herein, that he be paid one dollar a day additional compensation for such services as proofreader.

Which the House has adopted and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Stern moved

That the resolution 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 3, 1911.

Mr. President:

I have the honor to transmit herewith the following concurrent resolution:

Whereas, the State Historical Society of North Dakota has discovered the site of an Hidatsa village where one of the sons of Verendrye, the

French explorer, first saw the Missouri river, on the occasion of the first recorded visit of a white man to what is now North Dakota, in 1738; and

Whereas, President Taft has by executive order set aside the above-mentioned tract of land as a national reserve, it being on the unallotted lands of the Fort Berthold reservation; be it

Resolved by the House of Representatives of the state of North Dakota, the Senate concurring herein, that our senators and representatives in congress be instructed to secure as a permanent reserve, by purchase or otherwise, the above-described tract of land on the Fort Berthold reservation.

Which the House has adopted and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Talcott moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Linde moved

That the Senate do now concur in the House amendments to Senate Bill No. 244.

The question being upon the concurrence in the House amendments,

The roll was called and there were 39 ayes, no nays, 10 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gunderson	Ruzicka
Bessesen	Hookway	Steel of Stutsman
Carter	Johnson	Stevens
Cashel	Kennedy	Syverson
Davis	LaMoure	Talcott
Duis	Linde	Thoreson
Duncan	Martin	Trimble
Elken	McDonald	Wallin
Ellingson	McDowell	Walton
Ganssle	McLean	Welch
Garden	Movius	Whitcher
Gilbert	Overson	Williams
Gronvold	Putnam	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baker	Pierce	Steele of Renville
Gibbens	Plain	Turner
Jacobsen	Simpson	Welo
Kretschmar		

So the House amendments were concurred in.

The Lieutenant Governor: "Does any senator know of any Senate Bill or House Bill that has come before the Senate that has not been disposed of in open Senate?"

There was no response to this question.

Mr. Stevens moved

That the Senate do now concur in the House amendments to Senate Bill No. 298.

The question being upon the concurrence in the House amendments,

The roll was called and there were 39 ayes, no nays, 10 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Kennedy	Steele of Renville
Bessesen	Kretschmar	Stevens
Carter	LaMoure	Syverson
Cashel	Linde	Talcott
Davis	Martin	Thoreson
Duncan	McDonald	Trimble
Ellingson	McLean	Turner
Ganssle	Movius	Wallin
Garden	Overson	Walton
Gronvold	Plain	Welch
Gunderson	Putnam	Whitcher
Hookway	Ruzicka	Williams
Johnson	Steel of Stutsman	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baker	Gilbert	Pierce
Duis	Jacobsen	Simpson
Elken	McDowell	Welo
Gibbens		

So the House amendments were concurred in.

Mr. Carter moved

That the vote by which House Bill No. 364 was indefinitely postponed be reconsidered and the bill recalled from the House.

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. 328.

A bill for an act to create a commission to investigate and report to the legislature of this state, on the first day of the legislative session of 1913, a bill to fairly compensate employes for injuries received in the course of employment and defining the duties of said commission, and making appropriation therefor.

Also,

Senate Bill No. 348.

A bill for an act providing for the payment of fees collected by the North Dakota government agricultural experiment station into the state treasury.

Also,

Senate Bill No. 366.

A bill for an act to amend and re-enact Section six (6) of Chapter 210 of the Laws of North Dakota for the year of 1909.

Also,

Senate bill No. 355.

A bill for an act to amend Chapter 214 of the Session Laws of 1907, relative to assessment of coal mines.

Also,

Senate Bill No. 5.

A concurrent resolution for the amendment of the Constitution of the state of North Dakota, providing for the initiative and referendum.

Also,

Senate Bill No. 208.

A bill for an act to provide for and the making of improvements at the North Dakota School of Forestry to as-

sist in the maintenance thereof, and making appropriation therefor.

Also,

Senate Bill No. 303.

A bill for an act to amend Sections 4695 and 4698 of the Revised Codes of North Dakota for 1905, relating to foreign corporations.

Also,

Senate Bill No. 142.

A bill for an act to amend Sections 1821 and 1828 of the Revised Codes of 1905, as amended in Chapter 93 of the Session Laws of 1907, and also to amend Section 1825 of the Revised Codes of 1905, relating to drainage.

Also,

Senate Bill No. 46.

A bill for an act establishing a hail insurance department and making the commissioner of agriculture and labor also the commissioner of hail insurance; prescribing rules, regulations and duties of all officers and persons connected therewith; prescribing how premiums, expenses and indemnity for losses by hail shall be paid.

Also,

Senate Bill No. 371.

A bill for an act making disposition of certain moneys now in the hands of the treasurer of the state of North Dakota, or that may hereafter come into his hands by reason of the act of congress approved May 23, 1908, making an appropriation for the national forest reserve, located in the county of Billings, state of North Dakota.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The Secretary announced that the President was about to sign

Senate Bill No. 328.

A bill for an act to create a commission to investigate and report to the legislature of this state, on the first day of the legislative session of 1913, a bill to fairly compensate employes for injuries received in the course of employment and defining the duties of said commission, and making appropriation therefor.

Also,

Senate Bill No. 348.

A bill for an act providing for the payment of fees collected by the North Dakota government agricultural experiment station into the state treasury.

Also,

Senate Bill No. 366.

A bill for an act to amend and re-enact Section six (6) of Chapter 210 of the Laws of North Dakota for the year of 1909.

Also,

Senate Bill No. 355.

A bill for an act to amend Chapter 214 of the Session Laws of 1907, relative to assessment of coal mines.

Also,

Senate Bill No. 5.

A concurrent resolution for the amendment of the Constitution of the state of North Dakota, providing for the initiative and referendum.

Also,

Senate Bill No. 208.

A bill for an act to provide for and the making of improvements at the North Dakota School of Forestry to assist in the maintenance thereof, and making appropriation therefor.

Also,

Senate Bill No. 303.

A bill for an act to amend Sections 4695 and 4698 of the Revised Codes of North Dakota for 1905, relating to foreign corporations.

Also,

Senate Bill No. 142.

A bill for an act to amend Sections 1821 and 1828 of the Revised Codes of 1905, as amended in Chapter 93 of the Session Laws of 1907, and also to amend Section 1825 of the Revised Codes of 1905, relating to drainage.

Also,

Senate Bill No. 46.

A bill for an act establishing a hail insurance department and making the commissioner of agriculture and labor also the commissioner of hail insurance; prescribing rules, regulations and duties of all officers and persons connected therewith; prescribing how premiums, expenses and indemnity for losses by hail shall be paid.

Also,

Senate Bill No. 371.

A bill for an act making disposition of certain moneys now in the hands of the treasurer of the state of North Dakota, or that may hereafter come into his hands by reason of the act of congress approved May 23, 1908, making an appropriation for the national forest reserve, located in the county of Billings, state of North Dakota.

And the President signed the same in the presence of the Senate.

REPORT OF CONFERENCE COMMITTEE.

To the Senate and House:

Your conference committee upon Senate Bill No. 220 beg leave to report that it has had the same under consideration and by a vote of 6 ayes and 4 nays recommend that the House recede from its amendments.

Your committee beg leave to advise also that it was unable to agree upon any other proposed plan of congressional division.

L. A. SIMPSON,
Chairman Senate Committee.
J. H. FRAINE,
Chairman House Committee.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 3, 1911.

Mr. President:

I have the honor to inform you that the House does not concur in the report of the conference committee on Senate Bill No. 220.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to inform you that the House asks for a further conference on Senate Bill No. 220 and asks that another conference committee be appointed.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith,
Senate Bill No. 224.

A bill for an act to amend Section 98 of the Revised Codes of North Dakota of 1905.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

The President appointed as a second conference committee on Senate Bill No. 220, as requested by the House, Messrs. Welch, Elken, Bessesen, Putnam and Carter.

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. 141.

A bill for an act appropriating money for the erection of a seed house and soil testing room, hog and chicken house and the purchase of brood mares, gasoline engine and other needed repairs at the Langdon sub-experiment station.

Also

Senate Bill No. 12.

A bill for an act making appropriation to pay balance due on girls' dormitory and domestic science laboratory and for the equipment and furnishing of same; for the installation of a boiler and smokestack for the heating plant and for the purchase of additional land for the use of the government experiment station at Fargo.

Also,

Senate Bill No. 32.

A bill for an act to provide for the completion of a school building and making necessary improvements at the school for the deaf and dumb, at Devils Lake, North Dakota, and making an appropriation therefor.

Also,

Senate Bill No. 274.

A bill for an act making an appropriation for the Dickinson experiment station located in the city of Dickinson.

Also

Senate Bill No. 280.

A bill for an act to amend and re-enact Section 9 of the Session Laws for the year 1907, of the state of North Dakota, relating to primary election.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The Secretary announced that the President was about to sign

Senate Bill No. 280.

A bill for an act to amend and re-enact Section 9 of the Session Laws for the year 1907, of the state of North Dakota, relating to primary election.

Also,

Senate Bill No. 274.

A bill for an act making an appropriation for the Dickinson experiment station located in the city of Dickinson.

Also.

Senate Bill No. 32.

A bill for an act to provide for the completion of a school building and making necessary improvements at the school for the deaf and dumb, at Devils Lake, North Dakota, and making an appropriation therefor.

Also

Senate Bill No. 12.

A bill for an act making appropriation to pay balance due on girls' dormitory and domestic science laboratory and for the equipment and furnishing of same; for the installation of a boiler and smokestack for the heating plant and for the purchase of additional land for the use of the government experiment station at Fargo.

Also

Senate Bill No. 141.

A bill for an act appropriating money for the erection of a seed house and soil testing room, hog and chicken house and the purchase of brood mares, gasoline engine and other needed repairs at the Langdon sub-experiment station.

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 3, 1911.

Mr. President:

I have the honor to inform you herewith that the Speaker has appointed as conferees on the part of the House on Senate Bill No. 220, Messrs. Norheim, Anderson of Ramsey, DeNault, Price and Reeve.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Bessesen moved a call of the Senate.

Mr. LaMoure moved

That further proceedings under the call be dispensed with.

Which motion prevailed.

The secretary announced that the President was about to sign:

House Bill No. 418.

A bill for an act to aid assessors in valuing coal deposits reserved to grantors by providing that all deeds and transfers of real property which reserves the coal deposits to the grantor shall contain a full description of the coal deposits, so reserved, its length, width and thickness, and prohibiting the recording by register of deeds of any deed or transfer

of real property that reserves to the grantor the coal deposits, unless such description is contained therein, and providing a penalty therefor.

Also,

House Bill No. 293.

A bill for an act providing for the extension of the state street car line from the capitol down 9th street to a point at or near Broadway in the city of Bismarck—thence to the state penitentiary; and providing for its equipment and making an appropriation therefor.

Also

House Bill No. 183.

A bill for an act to amend Section 5187 of the Revised Codes of 1905, relating to order of succession.

Also,

House Bill No. 237.

A concurrent resolution for amendment of the Constitution, providing for the initiative and referendum, recall of public officers and future amendments to the constitution.

Also,

House Bill No. 29.

A bill for an act to provide for the establishment and maintenance of department of agriculture, manual training and domestic economy in state, high, graded and consolidated schools.

Also

House Bill No. 419.

A bill for an act to amend Section 10430 of the Revised Codes of North Dakota of 1905, relating to the appointment and obligations of jailers, and the manner of fixing compensations to be allowed for jailer's services.

Also,

House Bill No. 355.

A bill for an act to provide for the reimbursement of owners of cattle destroyed by order of the state live stock

sanitary board on account of the disease known as tuberculosis, and providing for the levy of a tax to create a fund therefor.

Also

House Bill No. 433.

A bill for an act to amend Section 6237 of the Revised Codes of 1905, and Chapter 158 of the Session Laws of 1909, relating to the filing of mechanic's liens, the giving of notice of furnishing materials to contractors and sub-contractors.

Also

House Bill No. 201.

A bill for an act providing that railroad and telephone companies file with county auditors, maps showing exact location of their lines in each assessment district and school district and the mileage of said lines and description of any other property owned in said district, and make reports to state auditor and state board of equalization, and providing penalties for violations of this act.

.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 3, 1911.

Mr. President:

I have the honor to transmit herewith the following concurrent resolution:

Whereas, there has been appointed by the House of Representatives managers to conduct and prosecute the impeachment before the Senate of John F. Cowan as judge of the district court of the Second judicial district of the state of North Dakota; and

Whereas, in such prosecution and the preparation thereof it will be necessary to incur expenses; now, therefore, be it

Resolved by the House of Representatives and the Senate concurring, that the said managers be, and they are hereby authorized to incur

such expenses and obligations in the preparation for the trial and prosecution of the said impeachment as may be, by said managers, deemed appropriate and necessary, including clerical help, stenographic assistance, hotel and traveling expenses and all other necessary expenses in the investigation of said charges and the preparation thereof for trial.

Which the House has adopted and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to transmit herewith the following concurrent resolution:

A joint resolution to provide for the payment of witness fees and mileage of witnesses called to testify before the special committee of the House of Representatives appointed to investigate the impeachment charges against Hon. John F. Cowan, judge of the district court of the Second judicial district.

Be It Resolved by the House of Representatives, the Senate Concurring:

Whereas, a large number of witnesses were subpoenaed by the special committee appointed by the House of Representatives to investigate the impeachment charges against Hon. John F. Cowan, judge of the district court of the Second judicial district of the state of North Dakota, and in response to such subpoenas appeared and testified; and

Whereas, the fees and expenses of such witnesses may be properly charged to the legislative expenses; be it

Resolved, that sufficient money is hereby set aside out of the general funds of the state of North Dakota to pay the expenses of such witnesses at the rate of \$2.00 per day for the time spent in travel and attendance before such committee, and two and one-half cents per mile for each mile necessarily traveled by such witnesses in attending at the hearing before such committee and returning. Be it further

Resolved, that such witness fees and mileage shall be audited and ordered paid by the state auditing board upon the certificate of the chairman of the board of managers of the impeachment fund against Hon. John F. Cowan, as to the attendance and mileage of such witnesses, and when so audited the state treasurer shall issue his warrants upon the state treasurer for the payment thereof.

Provided, that no witness shall receive witness fees unless subpoenaed by the investigating committee.

Which the House has adopted and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to transmit herewith the following concurrent resolution:

Be It Resolved by the House of Representatives, the Senate Concurring:

That when the said legislative assembly adjourn on this the 3rd day of March, 1911, it adjourn until the 28th day of March, A. D. 1911, at the hour of 2:00 p. m., and that from and after the said 28th day of March, 1911, the House of Representatives, with the consent of the Senate, shall stand adjourned from day to day subject to the call of the Speaker upon the request of the managers of the prosecution of the impeachment trial of the said John F. Cowan; and be it further

Resolved, that the members of the said House of Representatives, with the exception of the managers aforesaid, shall receive mileage and per diem only in the event that they are so requested by the Speaker of the House of Representatives to return to the state capitol, and shall then receive per diem only for such time as they may be in attendance upon the call of the Speaker as herein provided, and the time necessarily used in traveling to the city of Bismarck from their respective homes.

Which the House has adopted and your favorable consideration is respectfully requested.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Davis moved

That a committee of three be appointed to consider and revise the concurrent resolutions emanating in the House respecting the Cowan impeachment proceedings.

The President announced the appointment of Messrs. Simpson, Pierce and Davis as such committee.

Mr. Movius moved

That the secretary cause to be mailed to each member a copy of the Senate and House Journals of the sixtieth day as soon as the same can be printed.

Which motion prevailed.

The secretary announced that the President was about to sign:

House Bill No. 145.

A bill for an act to provide for making permanent improvements at the State Normal school at Valley City, to assist in the maintenance thereof, and for other purposes, and making appropriations therefor.

Also

House Bill No. 259.

A bill for an act providing for the nomination of candidates for office by popular vote at a primary election, and the registration and enrollment of party affiliation.

Also

House Bill No. 400.

A bill for an act to amend and re-enact Section 1310 and adding new sections, relating to county and state aid of county fairs, and making appropriation therefor.

Also,

House Bill No. 434.

A bill for an act entitled, an act for the purpose of governing the construction of public school buildings and providing for the inspection, ventilation and sanitation thereof.

Also

House Bill No. 444.

A bill for an act to require the shipper of emigrant movables and live stock to deposit with the agent of the transportation company, paid tax receipts for the fiscal year in which such shipment is offered for transportation.

Also,

House Bill No. 445.

A bill for an act to amend and re-enact Section 1189 of the Revised Codes of North Dakota for 1905.

Also

House Bill No. 232.

A bill for an act providing for salary for sheriffs and providing for fees collected by sheriffs to be turned into the county treasurer of their respective counties, and prescribing for a penalty for failure to do so.

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. 31.

A bill for an act defining and limiting the legal expenses of candidates for nomination and for election to any elective office in the state, and making the violation thereof unlawful, and prescribing penalties therefor.

Also

Senate Bill No. 29.

A bill for an act to amend sections 240 and 241 of the Revised Codes of 1905, and section 242 of the same code as amended by Chapter 132, laws of 1907, relating to the State Historical society of North Dakota, and making it an appropriation.

Also

Senate Bill No. 261.

A bill for an act regulating the practice in county court having increased jurisdiction.

Also

Senate Bill No. 358.

A bill for an act to amend Section 6188 of the Revised Codes of North Dakota, for the year 1905, relating to duties of registers of deeds.

Also

Senate Bill No. 308.

A bill for an act to amend Section 474 of the Revised Codes of North Dakota of 1905, relating to the boundaries and terms of court in the Sixth judicial district.

Also

Senate Bill No. 287.

A bill for an act prescribing the duties of the county auditor upon receipt of tax levies certified to him.

And find the same correctly enrolled.

C. W. PLAIN.
Chairman.

The secretary announced that the President was about to sign:

Senate Bill No. 308.

A bill for an act to amend Section 474 of the Revised Codes of North Dakota of 1905, relating to the boundaries and terms of court in the Sixth judicial district.

Also

Senate Bill No. 287.

A bill for an act prescribing the duties of the county auditor upon receipt of tax levies certified to him.

Also

Senate Bill No. 261.

A bill for an act regulating the practice in county court having increased jurisdiction.

Also,

Senate Bill No. 29.

A bill for an act to amend sections 240 and 241 of the Revised Codes of 1905, and section 242 of the same code as amended by Chapter 132, laws of 1907, relating to the State Historical society of North Dakota, and making it an

Also

Senate Bill No. 31.

A bill for an act defining and limiting the legal expenses of candidates for nomination and for election to any elective office in the state, and making the violation thereof unlawful, and prescribing penalties therefor.

Also

Senate Bill No. 358.

A bill for an act to amend Section 6188 of the Revised Codes of North Dakota for the year 1905, relating to duties of registers of deeds.

And the President signed the same in the presence of the Senate.

Mr. Elken moved a call of the Senate.

Mr. Bessesen moved

That further proceedings under the call be dispensed with.

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. 364.

A bill for an act to prohibit lobbying and to regulate the employment of legislative counsel and legislative agents by persons or corporations.

Also,

Senate Bill No. 188.

A bill for an act to license motor and other vehicles, and chauffeurs, defining the road regulations of such vehicles, providing that the funds received from such licenses shall be expended on the maintenance of public highways and making it a misdemeanor to take and remove motor and other vehicles from any warehouse, garage or building without the knowledge and consent of the owner, and repealing Sections 2169, 2170, 2171 and 2172 of the Revised Codes of 1905, and repealing Sections 2173 and 2174 of the Revised Codes of 1905, as amended in Chapter 42 of the Session Laws of 1909.

Also

Senate Bill No. 295.

A bill for an act providing for the establishment of county agricultural and training schools and 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.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The Secretary announced that the President was about to sign

Senate Bill No. 364.

A bill for an act to prohibit lobbying and to regulate the employment of legislative counsel and legislative agents by persons or corporations.

Also,

Senate Bill No. 188.

A bill for an act to license motor and other vehicles, and chauffeurs, defining the road regulations of such vehicles, providing that the funds received from such licenses shall be expended on the maintenance of public highways and making it a misdemeanor to take and remove motor and other vehicles from any warehouse, garage or building without the knowledge and consent of the owner, and repealing Sections 2169, 2170, 2171 and 2172 of the Revised Codes of 1905, and repealing Sections 2173 and 2174 of the Revised Codes of 1905, as amended in Chapter 42 of the Session Laws of 1909.

Also

Senate Bill No. 295.

A bill for an act providing for the establishment of county agricultural and training schools and 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.

And the President signed the same in the presence of the Senate.

Mr. Talcott introduced the following resolution:

Whereas, the Twelfth legislative assembly of North Dakota is now on the eve of final adjournment and the Senate has completed its labors and duties; therefore be it

Resolved by the Senate, that we tender a vote of thanks to Lieutenant Governor Usher L. Burdick for the able and impartial manner in which

he presided over the Senate; and as a slight token of esteem, be it further

Resolved, that we present our President the gavel with which he so gracefully preserved the dignity and decorum of the Senate.

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 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 the pleasant memory and in their hearts a cheerful regard for James W. Foley.

Resolved, further, that we hereby express our appreciation of the efficient and cheerful manner in which the desk force has performed its work in the session just closed. 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.

Resolved, further, that we tender the stenographers and employes of the Senate a vote of thanks for the conscientious and efficient services rendered.

Resolved, further, that we appreciate the fact that Daniel M. Slattery, superintendent of the capitol building, has tendered to the members of the Senate 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; and be it further

Resolved, that we forget whatever differences may have arisen in the past and remember only the kindly associations that cluster around the session of 1911; and that we each wish the others long life, contentment and prosperity.

Mr. Talcott moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

REPORT OF CONFERENCE COMMITTEE.

Mr. President:

Your conference committee make report on Senate Bill No. 13 and House amendments thereto.

The minority recommend 25,000 instead of 40,000.

(Signed)

J. LAMOURE,
S. N. PUTNAM.

Also

Mr. President:

Your conference committee make report on Senate Bill No. 13 and House amendments thereto.

A majority recommend 35,000 instead of 40,000.

(Signed)

JAMES KENNEDY,
W. J. PRICE,
N. T. HEDALEN,
T. N. PUTNAM.

Mr. Kennedy moved
That the majority report be adopted.
Which motion was lost.

Mr. LaMoure moved
That the Senate do not concur in the House amendments to Senate Bill No. 13.
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. 318.

A bill for an act to amend and re-enact Section 738 of the Revised Codes of 1905, relating to votes cast by persons not registered.

Also,

Senate Bill No. 244.

A bill for an act prohibiting public administrators from acting as attorneys in the estates of decedents.

Also,

Senate Bill No. 298.

A bill for an act prescribing the amount of bonds which shall be furnished by the deputy state treasurer and the deputy state auditor for the faithful performance of their duties; appropriating funds with which to pay the perm-

ium of such bonds, and limiting the salary of the deputy state treasurer and deputy state auditor.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The secretary announced that the President was about to sign:

Senate Bill No. 318.

A bill for an act to amend and re-enact Section 738 of the Revised Codes of 1905, relating to votes cast by persons not registered.

Also,

Senate Bill No. 244.

A bill for an act prohibiting public administrators from acting as attorneys in the estates of decedents.

Also,

Senate Bill No. 298.

A bill for an act prescribing the amount of bonds which shall be furnished by the deputy state treasurer and the deputy state auditor for the faithful performance of their duties; appropriating funds with which to pay the premium of such bonds, and limiting the salary of the deputy state treasurer and deputy state auditor.

And the President signed the same in the presence of the Senate.

Mr. Steele moved

That House Bill No. 252 be placed on its third reading and final passage.

Which motion prevailed.

Mr. Talcott moved

That the vote by which House Bill No. 252 passed be reconsidered.

Which motion was lost.

House Bill No. 252.

A bill for an act to divide the State of North Dakota into

three (3) congressional districts, and defining the boundaries of each of said congressional districts 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 28 ayes, 20 nays, 1 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Bessesen
Carter
Cashel
Davis
Duis
Elken
Ellingson
Hookway
Kretschma.
Linde

Messrs.—

Martin
McDonald
McDowell
Overson
Pierce
Plain
Putnam
Ruzicka
Simpson

Messrs.—

Steel of Stutsman
Steele of Renville
Trimble
Turner
Wallin
Walton
Welo
Welch
Young

Those who voted in the negative were:

Messrs.—

Allen
Baker
Duncan
Ganssle
Garden
Gibbens
Gilbert

Messrs.—

Gronvold
Gunderson
Johnson
Kennedy
LaMoure
McLean
Movius

Messrs.—

Stevens
Syvertson
Talcott
Thoreson
Whitcher
Williams

Mr. Jacobsen being absent and not voting.

So the bill passed and the title was agreed to.

Mr. Hookway moved

That the vote by which House Bill No. 252 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion was lost.

Roll call demanded.

House Bill No. 252.

A bill for an act to divide the State of North Dakota into three (3) congressional districts, and defining the boundaries of each of said congressional districts 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 26 ayes, 20 nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Gunderson	Stevens
Carter	Kennedy	Syvertson
Duncan	LaMoure	Talcott
Ellingson	Linde	Thoreson
Ganssle	McDonald	Wallin
Garden	McLean	Welch
Gibbens	Movius	Whitcher
Gilbert	Overson	Williams
Gronvoid	Steele of Renville	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson	Simpson
Bessesen	Kretschmar	Steel of Stutsman
Cashel	Martin	Trimble
Davis	McDowell	Turner
Duis	Pierce	Welo
Elken	Plat.	Young
Jacobsen	Ruzicka	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hookway	Putnam	Walton

So the motion to reconsider prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

March 3, 1911.

Mr. President:

I have the honor to inform you that the House requests the return of Senate Bill No. 13.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Gilbert moved
That House Bill No. 13 be returned to the House as requested.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

March 3, 1911.

Mr. President:

I have the honor to inform you that the Speaker has named as House members to further investigate the state treasurer's office, Messrs. Ployhar and Robinson.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Also,

Mr. President:

I have the honor to return herewith
Senate Bill No. 13.

A bill for an act to provide additional maintenance for the government experiment station and North Dakota agricultural college at Fargo.

Which the House has passed unchanged.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

REPORT OF SPECIAL COMMITTEE.

Your special committee on House Bill No. 11 recommend that it do pass as recommended by the committee on appropriation.

J. E. DAVIS,
H. H. STEELE,

The special committee on House Bill No. 11 made the following report:

Mr. President:

Your special committee to whom was referred
House Bill No. 11.

A bill for an act to create a permanent non-partizan tax commission, defining its power and duties and making an appropriation for the maintenance thereof.

Have had the same under consideration and recommend that the same be amended as follows:

Strike out everything after the words "a bill" on page 1 of the printed bill, and insert in lieu thereof the following:

"For an act to create a commission for the purpose of inquiring into the present system of assessing and collecting taxes; and to make a report thereof; and to make recommendations according to its findings and conclusions to the thirteenth legislative assembly.

"Be It Enacted by the Legislative Assembly of the State of North Dakota:

"Section 1. The governor, lieutenant governor, the professor of economics at the State University of North Dakota, state treasurer and state auditor are hereby created a commission for the purpose of inquiring into our present system of raising and collecting revenue for the state, county and municipal expenses; and to make a report of its findings, conclusions and recommendations to the next general assembly of the state legislature, and to draft or formulate a bill or bills for an act or acts, as it may deem advisable, to carry into effect its recommendations.

"Section 2. Organization and Place of Meeting.) The commission shall organize as it deems best and hold its meetings at such place or places as it may determine.

"Section 3. Compensation.) The members of the commission shall receive no compensation, excepting their actual and necessary expenses in carrying out the intent of this act, to be paid out of the general fund as all other expenses of the state.

And when so amended recommend the same do pass.

F. S. TALCOTT,
Chairman.

J. G. GUNDERSON,
C. W. PLAIN.

The secretary announced that the President was about to sign:

House Bill No. 177.

A bill for an act amending Section 2, Chapter 135, Session Laws of 1909, authorizing the board of railway com-

missioners to appoint agents at terminal points of Duluth and Minneapolis, for the benefit of shippers of grain of this state, and providing for the compensation and appropriating funds for the purpose of carrying out the provisions of this act.

Also,

House Bill No. 337.

A bill for an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

And the President signed the same in the presence of the Senate.

Mr. Steele moved

That the minority report be adopted.

Which motion prevailed, and

The report was adopted.

House Bill No. 11.

A bill for an act to create a permanent non-partizan tax commission, defining its power and duties and making an appropriation for the maintenance thereof.

Was read the third time.

Mr. Simpson moved, as an amendment,

That where \$4,000 appears in the bill it be changed to \$3,000.

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill,

The roll was called and there were 29 ayes, 17 nays, 3 absent and not voting.

Those who voted in the affirmative were:

Messrs.—

Becsesen
Carter
Cashel
Davis
Duls
Duncan
Elken

Messrs.—

Jacobsen
Johnson
Linde
McDowell
Overson
Putnam
Ruzicka

Messrs.—

Stevens
Syvertson
Thoreson
Turner
Wallin
Welo
Welch

Messrs.—
Ellingson
Garden
Gronvold

Messrs.—
Simpson
Steel of Statsman
Steele of Renville

Messrs.—
Whitcher
Williams

Those who voted in the negative were:

Messrs.—
Allen
Ganssle
Gibbens
Gilbert
Gunderson
Kennedy

Messrs.—
LaMoure
Martin
McDonald
McLean
Movius
Pierce

Messrs.—
Plain
Talcott
Trimble
Walton
Young

Absent and not voting:

Messrs.—
Baker

Messrs.—
Hookway

Messrs.—
Kretschmar

So the bill passed and the title was agreed to.

Mr. Talcott moved

That the vote by which House Bill No. 11 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

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. 76.

A bill for an act to amend and re-enact Sections 6 and 9 of Chapter 174 of the Laws of North Dakota of 1909, being an act to provide for probation of persons convicted of felonies and misdemeanors.

Also,

Senate Bill No. 224.

A bill for an act to amend Section 98 of the Revised Codes of North Dakota of 1905.

Also,

Senate Bill No. 261.

A bill for an act regulating the practice in county court having increased jurisdiction.

Also,

Senate Bill No. 353.

A bill for an act to provide for the expression by the qualified voters of the several political parties of their choice for nomination by their party for president and vice president of the United States; to provide for and regulate direct primary election for the election of said political party's delegates to their respective national conventions, and for the payment of delegates' necessary expenses, not exceeding \$200 each, for the election of party candidates for the office of presidential elector, and for the election of national committeemen.

Also,

Senate Bill No. 363.

A bill for an act to amend and re-enact Section 10393 of the Revised Codes of 1905, providing that twenty-five (25) per cent of the profits of the brick yard be set aside as a manufacturing and operating fund for making furniture and school supplies for sale to public institutions of this state.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The secretary announced that the President was about to sign:

Senate Bill No. 76.

A bill for an act to amend and re-enact Sections 6 and 9 of Chapter 174 of the Laws of North Dakota of 1909, being an act to provide for probation of persons convicted of felonies and misdemeanors.

Also,

Senate Bill No. 224.

A bill for an act to amend Section 98 of the Revised Codes of North Dakota of 1905.

Also,

Senate Bill No. 261.

A bill for an act regulating the practice in county court having increased jurisdiction.

Also,

Senate Bill No. 353.

A bill for an act to provide for the expression by the qualified voters of the several political parties of their choice for nomination by their party for president and vice president of the United States; to provide for and regulate direct primary election for the election of said political party's delegates to their respective national conventions, and for the payment of delegates' necessary expenses, not exceeding \$200 each, for the election of party candidates for the office of presidential elector, and for the election of national committeemen.

Also,

Senate Bill No. 363.

A bill for an act to amend and re-enact Section 10393 of the Revised Codes of 1905, providing that twenty-five (25) per cent of the profits of the brick yard be set aside as a manufacturing and operating fund for making furniture and school supplies for sale to public institutions of this state.

And the President signed the same in the presence of the Senate.

REPORT OF SPECIAL COMMITTEE.

Mr. President:

Your special committee on the House resolution requesting the conferring of certain powers upon the board of managers in the Cowan impeachment proceedings, recommend that the further consideration of the resolution be indefinitely postponed for the reason that your committee is of the opinion that the powers asked for are already conferred upon them by law.

ED PIERCE,
L. A. SIMPSON,
J. E. DAVIS.

Mr. Davis moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also,

Mr. President:

Your special committee upon the House concurrent resolution relative to payment of witness fees in the Cowan impeachment matter, have had the same under consideration and recommend that the Senate do concur in the same.

ED PIERCE,
J. E. DAVIS,
L. A. SIMPSON,

Mr. Simpson moved
That the report be adopted.
Which motion prevailed, and
The report was adopted.

Also,

Mr. President:

Your special committee on the House concurrent resolution relative to adjournment and recess, recommend that the resolution be amended so as to read as follows:

Be It Resolved by the House of Representatives, the Senate Concurring:

That at the completion of the business of the Twelfth legislative assembly the House of Representatives shall adjourn until the 28th day of March, 1911, at the hour of 2 o'clock p. m., and that from and after the said day, the House of Representatives, with the consent of the Senate, shall stand adjourned from day to day, subject to the call of the Speaker, upon the request of the managers of the prosecution of the impeachment trial of the Hon. John F. Cowan, judge of the Second judicial district of North Dakota; and be it further

Resolved, that the members of the House of Representatives, with the exception of said managers, shall receive mileage and per diem only in the event that they are so required by the Speaker to return to the state capitol, and shall then receive per diem only for such time as they may be in attendance upon the call of the Speaker, at the city of Bismarck. Be it further

Resolved, that at the close of this day's session the Senate shall take a recess until the 28th day of March, 1911, at 2 o'clock p. m. and that the members of the Senate shall thereafter receive per diem only during the time it shall be in session upon the trial of said impeachment proceedings.

ED PIERCE,
L. A. SIMPSON,
J. E. DAVIS,

Mr. Pierce moved
That the resolution be adopted as amended.
Which motion prevailed, and
The resolution was adopted.

Mr. Welch moved a call of the Senate.

Mr. Duis moved
That further proceedings under the call be dispensed
with.

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. 63.

A bill for an act to prohibit the importation, manufac-
ture, distribution, transportation, sale, or use of snuff, and
providing a penalty therefor.

And find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The secretary announced that the President was about
to sign:

Senate Bill No. 63.

A bill for an act to prohibit the importation, manufac-
ture, distribution, transportation, sale, or use of snuff, and
providing a penalty therefor.

And the President signed the same in the presence of
the Senate.

House Bill No. 252.

A bill for an act to divide the state of North Dakota into
three (3) congressional districts, and defining the boun-
daries of each of said congressional districts of the state
of North Dakota.

Was read the third time.

Mr. Putnam moved

That the bill be amended as follows:

Strike out "Kidder, Burleigh and Emmons" in section 3; insert in section 4 after word "Bowman," "Kidder, Burleigh and Emmons."

In section 4 strike out "Renville." In section 3 after word "Bottineau," insert the word "Renville."

Which motion prevailed, and
The amendments were adopted.

Mr. Simpson moved

That the previous question be put.

Which motion prevailed.

House Bill No. 252.

A bill for an act to divide the state of North Dakota into three (3) congressional districts, and defining the boundaries of each of said congressional districts 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 26 ayes, 18 nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Martin	Steele of Renville
Bessesen	McDonald	Stevens
Carter	McDowell	Talcott
Davis	Overson	Turner
Duis	Plain	Wallin
Jacobsen	Putnam	Welch
Johnson	Ruzicka	Williams
Kretschmar	Simpson	Young
Linde	Steel of Stutsman	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Duncan	Gilbert	Movius
Elken	Gronvold	Pierce
Ellingson	Gunderson	Syvertson
Ganssle	Kennedy	Thoreson
Garden	LaMoure	Walton
Gibbens	McLean	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baker	Hookway	Welo
Cashel	Trimble	

So the bill passed and the title was agreed to.

Mr. Welch moved:

That the vote by which House Bill No. 252 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES
BISMARCK, NORTH DAKOTA.

March 3, 1911.

Mr. President:

I have the honor to inform you that the House do not concur in the Senate amendments to House Bill No. 252.

Very respectfully,

E. H. GRIFFIN,
Chief Clerk.

Mr. Davis moved:

That the Senate do now concur in the House amendments to Senate Bill No. 220.

Which motion prevailed, and
The amendments were concurred in.

Senate Bill No. 220.

A bill for an act to divide the state of North Dakota into three (3) congressional districts, and defining the boundaries of each said congressional district of the state of 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 30 ayes, 24 nays, 5 absent and not voting.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	LaMoure	Steel of Stutsman
Davis	Linde	Steele of Renville
Duis	Martin	Stevens
Elken	McDonald	Turner
Ellingson	McDowell	Wallin
Ganssle	Overson	Walton
Garden	Pierce	Welo
Jacobsen	Putnam	Welch
Johnson	Ruzicka	Williams
Kretschmar	Simpson	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Gunderson	Syverson
Carter	Kennedy	Talcott
Duncan	McLean	Thoreson
Gibbens	Movius	Whitcher
Gilbert	Plain	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Gronvold	Trimble
Cashel	Hookway	

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. 77.

A bill for an act to amend and re-enact Section 3 of Chapter 175 of the Laws of North Dakota for 1909, being 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 find the same correctly enrolled.

C. W. PLAIN,
Chairman.

The secretary announced that the President was about to sign:

Senate Bill No. 77.

A bill for an act to amend and re-enact Section 2 of Chapter 175 of the Laws of North Dakota for 1909, being 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 the President signed the same in the presence of the Senate.

Mr. Talcott moved:

That Mr. J. E. Stevens be elected president *pro tem* for the ensuing two years.

Which motion prevailed.

The secretary announced that the President was about to sign:

Senate Bill No. 235.

A bill for an act to amend Sections 3, 4, 5, 6, 7, 8, 12, 15, 28, 35, 42, 43, 44 and 45 of Chapter 128 of the Session Laws of 1909, being 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, 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 divide the state of North Dakota into three (3) congressional districts, and defining the boundaries of each said congressional district of the state of North Dakota.

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. 13.

A bill for an act to provide additional maintenance for the government experiment station and North Dakota agricultural college at Fargo.

Also,

Senate Bill No. 210.

A bill for an act to amend Sections 4638, 4641 and 4664 of the Revised Codes of 1905, relating to state banking corporations; creating a separate banking department; and providing for placing banking and other financial corporations within the jurisdiction and control of the same.

And find the same correctly enrolled.

C. W. PLAIN,

Chairman.

The secretary announced that the President was about to sign:

Senate Bill No. 13.

A bill for an act to provide additional maintenance for the government experiment station and North Dakota agricultural college at Fargo.

Also,

Senate Bill No. 210.

A bill for an act to amend Sections 4635, 4638, 4641, 4642, 4664 and 4668, relating to state banking corporations; creating a separate banking department; and providing for placing banking and other financial corporations within the jurisdiction and control of 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. 11.

A bill for an act to create a permanent non-partisan tax commission, defining its powers and duties and making an appropriation for the maintenance thereof.

And the President signed the same in the presence of the Senate.

The President named Mr. Allen as member of the committee to continue the investigation of the State Treasurer's office.

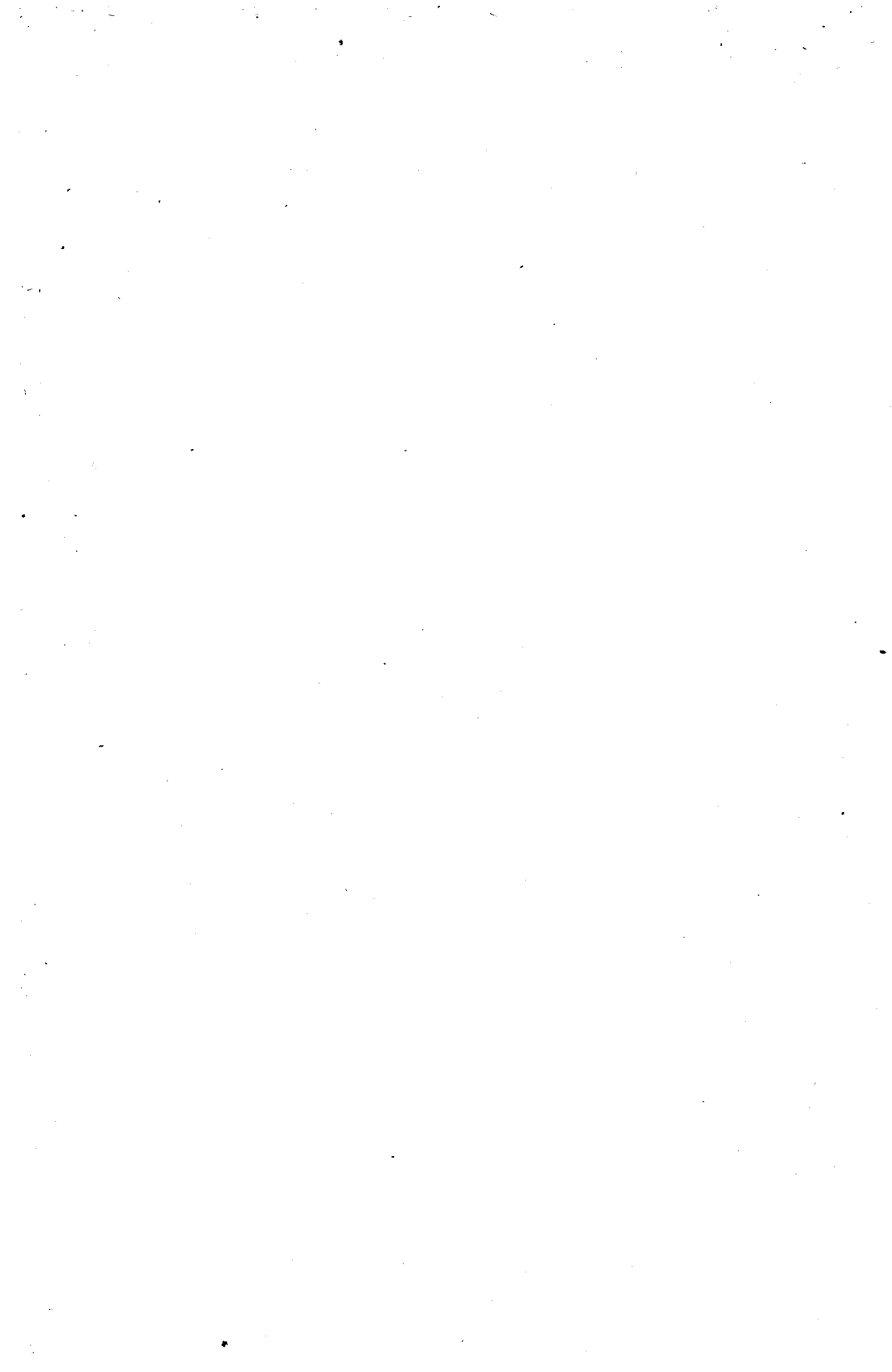
Mr. LaMoure moved:

That the Senate do now take a recess until 2:00 o'clock p. m. March 28, 1911.

Which motion prevailed, and

The Senate took a recess until 2:00 o'clock p. m. March 28, 1911.

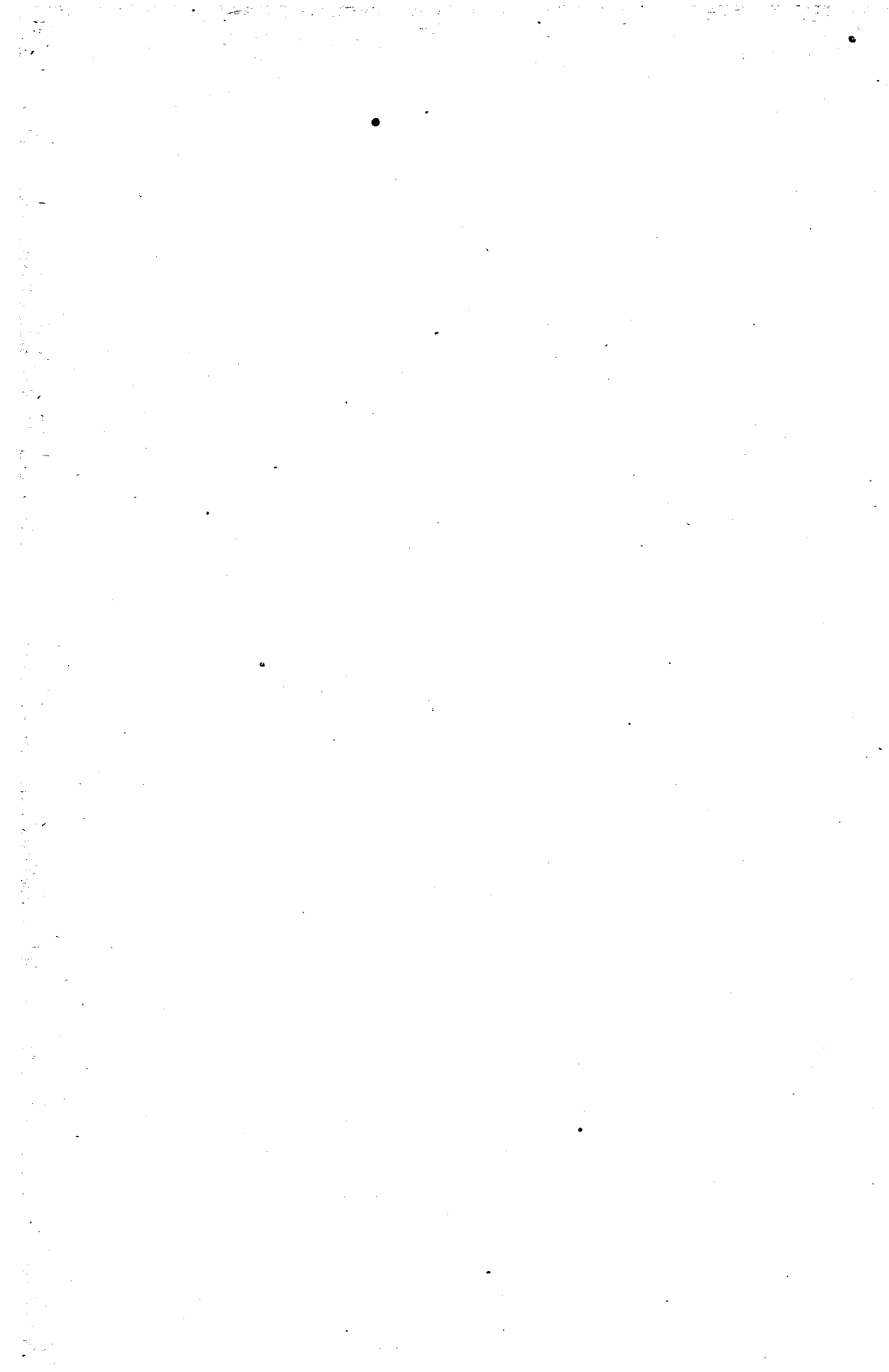
J. W. FOLEY,
Secretary.



EXPLANATORY NOTE

On the sixtieth day of the Twelfth session of the Legislative Assembly of the state of North Dakota, Articles of Impeachment were presented to the senate for the trial of the Honorable John F. Cowan, judge of the Second Judicial District of the state of North Dakota by the Senate, sitting as a Court of Impeachment. Under the law and the procedure as recommended by a special committee and adopted by the Senate, the Senate, at the close of the sixtieth day, did not adjourn sine die, but took a recess until 2:00 o'clock p. m., on March 28th, 1911, for the trial of the impeachment. On March 28, 1911, the Senate convened pursuant to such recess and sitting as such body, made the necessary preparations for the trial. Upon the completion of such preparation, the Senate resolved itself into a Court of Impeachment, the proceedings of which are published in full in separate volumes. Upon the conclusion of the trial the Senate again resumed its session as a senatorial body and adjourned sine die on Thursday, May 4th, 1911. The proceedings of the Senate on the sixtieth day after the recess, and upon the final adjournment are herewith appended, that the record of the Senate and of the Twelfth Legislative Assembly may be complete in this volume. The proceedings also appear in the report of the Court of Impeachment, inasmuch as they are necessarily a part of the complete proceedings of that body.

JAMES W. FOLEY,
Secretary.



SIXTIETH DAY AFTER RECESS.

SENATE CHAMBER,
Bismarck, North Dakota,
March 28, 1911.

The Senate convened at two o'clock p, m., pursuant to recess taken.

President presiding.

Prayer by the chaplain.

Roll call.

All present except Messrs. Duis, McDonald, Movius and Pierce, who were excused.

Mr. Talcott moved:

That Mr. Pierce be excused on account of sickness.

Which motion prevailed.

Mr. Steele moved:

That the Senate do now take preliminary steps necessary and arrangements leading up to the organization of a court of impeachment at this time.

Which motion prevailed.

Mr. Davis moved:

That the chair be authorized to name a committee of five, to be known as an employment committee and auditing committee of expense accounts.

Which motion prevailed.

The president announced the appointment of Messrs. Davis, Talcott, Steel of Stutsman, Stevens and Turner as Senate members of the committee on employment and auditing.

Mr. Talcott moved:

That a committee of five on mileage and per diem be appointed.

Which motion prevailed.

The president announced the appointment of Messrs. Elken, Gilbert, Plain, Bessesen and Carter as Senate members of the committee on mileage and per diem.

Mr. Steel introduced the following resolution:

WHEREAS, All the proceedings of the Senate and the Senate sitting as a court of impeachment should be reduced to writing and made a part of the records of the Senate;

Resolved:

That all the said proceedings shall be noted in the Journal of the Senate, and that the secretary of the Senate shall have printed daily five hundred (500) copies thereof; one hundred (100) copies for the use of the members, board of managers of the House of Representatives and attorneys in the proceedings, and four hundred (400) copies to be bound in book form for the use of the state.

Resolved further:

That the expenses incurred hereunder be authorized and allowed as a part of the expenses of the impeachment proceedings, as provided by law.

Mr. Gilbert moved:

That the resolutions be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Welch moved:

That the Senate sitting as a court of impeachment hold its sessions in the Senate chamber.

Which motion prevailed.

Mr. Simpson introduced the following resolution:

Be it Resolved by the Senate of the State of North Dakota:

That the president of the Senate be and he is authorized to appoint a committee of seven senators to formulate rules of procedure while the Senate is sitting as a high court of impeachment in the matter of the impeachment of the Hon.

John F. Cowan, said committee to report to the Senate not later than 2 o'clock p. m. on March 29, 1911.

Mr. Simpson moved:

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

The president announced the appointment of Messrs. Steele of Renville, Simpson, Williams, Linde, Putnam, Overson and Welch as Senate members of the committee on rules.

Mr. Talcott moved:

That the list of temporary employees appointed by the president and secretary of the Senate be approved and ratified.

Which motion prevailed.

Mr Davis moved:

That the Senate do now take a recess until 8 o'clock p. m.

Which motion prevailed, and

The Senate took a recess until 8 o'clock p. m.

AFTER RECESS.

The Senate convened at 8 o'clock p. m., pursuant to recess taken.

The president pro tem. presiding.

Mr. McDowell moved:

That the secretary of the Senate be authorized to have printed 250 additional copies of the Journal of the Senate of each day, and to have one mailed to each of the House members of the Twelfth Legislative Assembly.

Which motion prevailed.

Mr. Bessen moved:

That the Senate take a recess until 12 o'clock tomorrow.

Which motion prevailed, and

The Senate took a recess until 12 o'clock tomorrow.

JAMES W. FOLEY,
Secretary.

SENATE CHAMBER,
Bismarck, North Dakota,
March 29, 1911.

The Senate convened at 10 o'clock a. m. pursuant to recess taken.

The president pro tem. presiding.

All present.

Mr. Allen moved:

That the Senate take a recess until 1 o'clock p. m.

Which motion prevailed, and

The Senate took a recess until 1 o'clock p. m.

The Senate convened at 1 o'clock, pursuant to recess taken.

The president presiding.

REPORTS OF SELECT COMMITTEES.

Mr. President: Your committee on employment and expenses respectfully submit the following nominations as officers of the High Court of Impeachment at the salaries specified:

Secretary—James W. Foley, at \$10.00 per day.

Assistant Secretary—R. H. Johnston, at \$7.00 per day.

Sergeant at Arms—James Walsh, at \$5.00 per day.

Assistant Sergeant at Arms—Lewis Stevens at \$4.00 per day.

Postmaster and Messenger—F. A. McDonald, at \$4.00 per day.

Stenographer to Board of Managers—Ethel Newberry, at \$5.00 per day.

Stenographer to Committee on Per Diem and Mileage—
Helen Fauske at \$5.00 per day.

Senate Stenographers—Marguerite Bannerman, Catherine Coleman, Marie Holmboe, Cora Simpson, Helen Barber, L. Daubenberg, each at \$5.00 per day.

Janitors—M. Skarrison and George Fisher, at \$4.00 per day.

Pages—John Keeman, Percy Hughes and E. Griffin, each at \$2.00 per day.

Court Reporters—Wm. C. Green, C. H. Olsen and Harold B. Nelson. Said reporters to receive twenty cents per folio for taking reports of proceedings, testimony, and arguments when so directed and transcribing the same, and performing all other work incident to the duties of stenographic reporters in like cases.

J. E. DAVIS, Chairman.
F. S. TALCOTT,
J. E. STEVENS,
ALFRED STEEL,
JAMES TURNER.

Mr. Davis moved:

That the report be adopted.

Roll call requested.

The question being on the adoption of the report:

The roll was called and there were 47 ayes, absent and not voting, 2.

Those who voted in the Affirmative were:

Messrs.—

Allen
Baker
Bessesen
Carter
Cashel
Davis
Duis
Duncan
Elken
Ellingson
Ganssle
Garden
Gibbens
Gilbert
Gronvold
Gunderson

Messrs.—

Hookway
Jacobsen
Johnson
Kennedy
Kretschmar
LaMoure
Linde
Martin
McDonald
McDowell
McLean
Overson
Plain
Putnam
Ruzicka
Simpson

Messrs.—

Steel of Stutsman
Steele of Renville
Stevens
Syvertson
Talcott
Thoreson
Trimble
Turner
Wallin
Walton
Welo
Welch
Whitcher
Williams
Young

Absent and not voting:

Messrs.—
Movius

Messrs.—
Pierce

Messrs.—

So the report was adopted.

REPORT OF SELECT COMMITTEE.

RULES OF THE SENATE OF THE STATE OF NORTH DAKOTA,
SITTING AS A HIGH COURT OF IMPEACHMENT IN THE MAT-
TER OF THE IMPEACHMENT OF HONORABLE JOHN F. COWAN,
JUDGE OF THE SECOND JUDICIAL DISTRICT IN SAID STATE.

Mr. President:

The committee appointed by the president of the Senate, pursuant to a resolution of the Senate, submit the following rules for the government of the High Court of Impeachment upon the trial of the impeachment of Honorable John F. Cowan, Judge of the Second Judicial District of the state of North Dakota.

Respectfully submitted,

H. H. STEELE, Chairman.
L. A. SIMPSON,
W. B. OVERSON,
JOHN E. WILLIAMS,
GEORGE A. WELCH,
S. N. PUTNAM,
H. J. LINDE.

RULE 1.

The hour of the day at which the court shall sit upon the trial of this impeachment (unless otherwise ordered), shall be 10:00 o'clock a. m., and when the hour for sitting shall arrive the presiding officer of the court shall so announce and thereupon the presiding officer upon said trial shall cause proclamation to be made and the business of the trial shall proceed.

RULE 2.

The secretary of the court shall keep and cause to be published daily for the use of the court, a full and complete record of all proceedings had in the trial, including all motions and the vote thereon, and objections to the evidence and the rulings thereon, a verbatim report of all the testimony taken on the trial, the remarks of members of the court in explanation of their votes.

RULE 3.

Upon the application of the board of managers of the counsel for the prosecution by them selected, or upon the application of the party impeached, or his counsel, subpoenas shall issue by the presiding officer thereof, and said subpoenas shall state a time and place at which the same shall be returnable and shall be substantially in the following form:

State of North Dakota, ss.

Before the Senate of the State of North Dakota, sitting as a High Court of Impeachment.

The State of North Dakota, to Greeting:
You, and each of you, are hereby commanded to appear before the

Senate of the State of North Dakota, sitting as a High Court of Impeachment, on the day of 1911, at the Senate chamber in Bismarck, North Dakota, then and there to testify your knowledge in the cause which is before the court, in which the House of Representatives of the State of North Dakota have impeached the Honorable John F. Cowan, Judge of the District Court of the Second Judicial District of the State of North Dakota, and you are hereby required to bring with you the following: Hereof fail not.

.....
President of the Senate and of
the Court of Impeachment.

Attest:

.....
Secretary of the Senate and of
the Court of Impeachment.

RULE 4.

The form of direction for the service of subpoena shall be substantially as follows:

State of North Dakota, ss.

To the Sergeant at Arms of the Court of Impeachment, or any of his assistants, or Special Officer appointed by the Court, or to any sheriff, constable, marshal, or police officer within the State of North Dakota:

You are hereby commanded to forthwith serve and return the within subpoenas according to law.

Dated at Bismarck, North Dakota, on this day of, 1911.

.....
Secretary of said Court.

RULE 5.

The witness shall be sworn in the following form:

You do solemnly swear (or affirm, as the case may be), that the evidence you will give in the matter of the impeachment of John F. Cowan, Judge of the District Court of the Second Judicial District of the State of North Dakota, shall be the truth, the whole truth and nothing but the truth. So help you God.

Which oath shall be administered by the presiding officer or secretary of the court.

RULE 6.

The governor and other state officers, judges of the supreme and district courts and the reporters of the daily press shall be admitted to the floor of the Senate, and no others (except members and officers of the court, the managers and their counsel, the party impeached and his counsel), shall be admitted, except such as have cards signed by the President of the Senate.

RULE 7.

The rules which shall be adopted by the Senate while sitting as a High Court of Impeachment shall be printed for the use of the members of this Court.

RULE 8.

The rules of evidence in force in the courts of this state shall be applicable in the trial of this impeachment proceeding.

RULE 9.

All preliminary or interlocutory questions and all motions may be argued for not exceeding five minutes on each side, unless the court shall otherwise order.

RULE 10.

The presiding officer of the Senate and Court shall direct all necessary preparations in the Senate chamber, and on the trial direct all forms of proceedings while the Senate is sitting for the purpose of trying the impeachment, and all forms during the trial not otherwise specifically provided for, and the presiding officer on the trial may rule on all questions of evidence and incidental questions, which ruling shall stand as the judgment of the Senate, unless some member of the Senate shall ask that a formal vote be taken thereon, in which case it shall be submitted to the Senate for decision; or such presiding officer may, at his option, in the first instance submit any such question to a vote of the members of the Senate, or court. Upon all such questions the vote shall be without a division, unless the "ayes" and "nays" be demanded by any member of the court present or requested by the presiding officer, in either of which cases the same shall be taken.

RULE 11.

Where no rule is herein provided for the governing of the practice and procedure of the court, the rules adopted and now in force in the Senate of the United States shall govern.

RULE 12.

Witnesses shall be examined by one person only on behalf of the party introducing them and then cross-examined by one person only on the opposite side.

Provided, If a member of the Senate wishes a question to be put to a witness, permission shall first be given by the presiding officer or by the Senate.

RULE 13.

Unless otherwise ordered by the Senate while sitting as a court of impeachment, only three witnesses respectively on behalf of the managers or the defense, shall be examined to establish or disprove any fact tending to prove any specification under any particular charge contained in the articles of impeachment.

RULE 14.

Unless otherwise ordered by the Senate, the case of each side may be opened by one person whose remarks shall be limited to three hours.

Upon the close of all testimony in this proceeding, the managers shall have the opening argument, which shall not consume to exceed two hours time, unless otherwise ordered by the Senate, and shall be made by one counsel. The party impeached in person or by counsel or either or both, may then make the argument in his behalf, but the aggregate time consumed by all shall not exceed five hours. The managers shall then make the closing argument, which shall be made by one counsel and be limited to three hours' duration.

RULE 15.

The parliamentary rules adopted by the Senate, so far as the same

may be applicable and not inconsistent with other rules adopted by this court, shall govern in the proceedings upon the trial of this impeachment.

RULE 16.

All motions and objections made by either party to the proceedings shall be addressed to the presiding officer of the court, and if such officer or any Senator shall require it, they shall be reduced to writing and read at the secretary's desk.

RULE 17.

No member of the Senate shall be permanently excused from participation in these impeachment proceedings, except upon a two-thirds vote of the members elected.

RULE 18.

Testimony of acts tending to prove habitual drunkenness shall not be admissible, if such testimony relates to acts committed prior to the commencement of the present term of office of the party impeached, unless otherwise ordered by the court.

RULE 19.

The vote upon the charges and specifications shall be taken by "ayes" and "nays" beginning with the first specification under the first charge, and continuing until all the specifications under the first charge have been disposed of. A vote shall be taken in the same way upon each specification and all specifications and other charges in the articles of impeachment until they are disposed of. If two-thirds of the members elected concur in favor of a conviction upon any of the charges or specifications, the accused must be convicted; otherwise he shall be acquitted.

Mr. Steel moved:

That the report of the committee on rules be adopted.

Mr. Duis introduced the following resolution:

In order that the taking of the testimony be simplified and the time of the trial shortened in the matter of the proceedings now pending before the Senate,

Be it Resolved:

That all evidence offered be received subject to such objection as may be made and noted thereto, the mode of examination of witnesses and receiving testimony to be the same as in the trial of court cases in the district court under Section 7229, Revised Codes of 1905.

Mr. Duis moved:

That the resolution be adopted, and the rules amended accordingly.

Which motion was lost.

Roll call requested on adoption of rules.

The question being on the adoption of the rules:

The roll was called and there were 47 ayes, absent and not voting, 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hookway	Steel of Stutsman
Baker	Jacobsen	Steele of Renville
Bessesen	Johnson	Stevens
Carter	Kennedy	Syvertson
Cashel	Kretschmar	Talcott
Davis	LaMoure	Thoreson
Duis	Linde	Trimble
Duncan	Martin	Turner
Elken	McDonald	Walton
Ellingson	McDowell	Wallin
Ganssle	McLean	Welch
Garden	Overson	Welo
Gibbens	Plain	Whitcher
Gilbert	Putnam	Williams
Gronvold	Ruzicka	Young
Gunderson	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Pierce	Pierce	

So the report of the committee on rules was adopted.

Mr. Stevens introduced the following resolution:

WHEREAS, The Secretary of the Senate, with Lawrence Casey and C. G. Parsons were appointed a special committee to revise and correct the Journal of the sixtieth day and to compare and complete the written Journal and make a report of their comparison and correction to the secretary of state; and

WHEREAS, It will be impossible for said special committee to complete the said work in thirty days,

Therefore, Be it Resolved by the Senate of the State of North Dakota:

That the said Lawrence Casey and C. G. Parsons be allowed an additional thirty days at five dollars per day in which to complete said work.

Mr. Stevens moved:

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Steele moved:

That the Senate do now resolve itself into a High Court of Impeachment for the purpose of hearing the charges of impeachment against Hon. John F. Cowan, Judge of the Second Judicial District in and for the state of North Dakota.

Which motion prevailed.

JAMES W. FOLEY,
Secretary.

SENATE CHAMBER,
Bismarck, North Dakota.
May 4, 1911.

The Senate convened pursuant to recess. The president presiding.

The president announced that nominations were in order for the election of a president pro tem. during the recess of the Senate.

Mr. Steele of Renville nominated Mr. George A. Welch of Bismarck.

There being no further nominations,

And the question being on the election of Mr. Welch,

The roll was called and there were ayes 44, absent and not voting, 5.

Those who voted in the affirmative were:

Messrs.—

Allen
Baker
Bessesen
Carter
Cashel
Davis
Duis

Messrs.—

Jacobson
Johnson
Kennedy
Kretschmar
Linde
Martin
McDonald

Messrs.—

Steel of Stutsman
Steele of Reaville
Stevens
Syvertson
Talcott
Thoreson
Trimble

Messrs.—	Messrs.—	Messrs.—
Elken	McDowell	Turner
Ellingson	McLean	Wallin
Ganssle	Movius	Walton
Garden	Overson	Welo
Gibbens	Plain	Whitcher
Gilbert	Putnam	Williams
Gronvold	Ruzicka	Young
Gunderson	Simpson	

Those absent and not voting were:

Messrs.—	Messrs.—	Messrs.—
Duncan	LaMoure	Welch
Hookway	Pierce	

So Mr. Welch was declared president pro tem elect for the ensuing term.

Mr. Talcott moved:

That the Senate by a rising vote express to the president its appreciation of his services as presiding officer and donate to him the chair which he has occupied and the gavel which he has used during the past session of the legislature.

Which motion prevailed.

Mr. Talcott moved that a committee be appointed to wait upon the sister house and inform them that the Senate was about to adjourn sine die.

Which motion prevailed, and

The President appointed Messrs. Talcott, Steele and McDonald as such committee.

The committee reported that they had announced to the House of Representatives that the Senate was about to adjourn sine die.

Mr. Simpson moved:

That the Senate adjourn sine die.

Which motion prevailed, and

The Senate adjourned sine die.

JAMES W. FOLEY,
Secretary.

REPORT OF SPECIAL COMMITTEE.

REVISION AND CORRECTION OF THE JOURNAL.

Revision and correction of the Senate Journal of the fifty-ninth day after recess and sixtieth day.

At the bottom of page 82 where it reads "29 ayes" change the figures "29" to "39."

On page 135, at bottom of page, change "Senate Bill No. 137" to read "House Bill No. 137," also insert title of House Bill No. 137, which reads as follows:

"A bill for an act to reimburse district judges called to sit in hearing of cases before supreme court when regular members thereof are disqualified."

On page 171 strike out all of the page after line "22."

Strike out all of pages "172, 173, 174, 175, 176, 177, 178, and Senate Bills Nos. 211 and 227 on page 179" and insert the following: "The secretary announced that the president was about to sign."

On page 187, after the title of Senate Bill No. 338 insert the following: "And the president signed the same in the presence of the senate."

Also on page 187, strike out "also Senate Bill No. 369 and all following on the page."

Strike out all of page "188."

On page 248, line 7, change the name "Price" to "Pierce."

On page 261, line 18, change the word "such" to "said."

On page 271, line 13, from the bottom change the name "Stern" to "Stevens."

On page 284, line 9, from the bottom change the word "treasurer" to "auditor."

On page 307, strike out all of lines "13, 14, 15 and 16."

INDEX

RECORD OF BILLS IN THE SENATE.

SENATE BILLS

Senate Bill No. 1.—(La Moure)

An act appropriating an annual sum of money for the use of the government experiment station at Fargo for conducting demonstration farms and for furnishing samples of seed and grain and otherwise cooperating with farmers; 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.

Introduction, 25.
Reference, 43.
Reported, 314.
Passed or lost, 342.
Received from house, 1478.
Other action, 341, 1536, 1655, 1657.

Senate Bill No. 2.—(Gilberf)

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, 25.
Reference, 43.

Senate Bill No. 3.—(McLean)

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, 26.
Reference, 43.
Reported, 1218.

Senate Bill No. 4.—(Bessesen)

A bill for an act prohibiting the granting to or using by any person of any free pass, frank or special privileges withheld from any other person, and prohibiting railroads, railroad corporations and common carriers from carrying any passenger or person 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, providing a penalty therefor; and providing transportation for the board of railroad commissioners and its secretary.

Introduction, 26.
Reference, 44.
Reported, 1220.

Senate Bill No. 5.—(Bessessen)

A bill for an amendment to the constitution providing for the initiative and referendum.

Introduction, 26.
Reference, 44.
Reported, 558.
Passed or lost, 673.
Received from house, 1415.
Other action, 662, 1539, 1748.

Senate Bill No. 6.—(Simpson)

A bill for an act to create October 12th of each year a legal holiday to be known as "Columbus Day."

Introduction, 26.
Reference, 44.
Reported, 244.
Passed or lost, 1296.
Received from house, 1538.

Senate Bill No. 7.—(Duis)

A joint resolution ratifying the sixteenth amendment to the constitution of the United States.

Introduction, 26.
Reference, 44.
Reported, 1222.

Senate Bill No. 8.—(Wallin)

A Concurrent Resolution, amending the constitution of North Dakota, empowering the legislative assembly to establish a department of hail insurance within the state of North Dakota.

Introduction, 40.
Reference, 51.
Reported, 522.
Passed or lost, 582.
Other action, 582.

Senate Bill No. 9.—(Gunderson)

A bill for an act to repeal House Bill numbered 156, enacted by the Eleventh legislative assembly.

Introduction, 41.
Reference, 51, 412.
Reported, 329, 1246.

Senate Bill No. 10.—(Gunderson)

A bill for an act to amend Sections 1031, 1034, 1035 and 1036 of the Revised Codes of 1900, relating to education.

Introduction, 41.
Reference, 51.
Reported, 418.
Passed or lost, 458.
Received from house, 1455.
Other action, 457, 1550, 1655, 1657

Senate Bill No. 11.—(Gunderson)

A bill for an act creating the office of Fire Marshal, describing his duties and providing for his compensation, and for the continuation of his office.

Introduction, 41.
Reference, 51, 654.
Reported, 654, 1242.

Senate Bill No. 12.—(Kennedy)

A bill for an act making an appropriation to pay the balance due on girls' dormitory and domestic science laboratory and for the equipment and furnishing of same; for the installation of a boiler and smokestack for the heating plant and for the purchase of additional land for the use of the government experiment station at Fargo.

Introduction, 41.
Reference, 52.
Reported, 840.
Passed or lost, 937.
Received from house, 1611.
Other action, 915, 1752.

Senate Bill No. 13.—(Kennedy)

A bill for an act to provide additional maintenance for the government experiment station and North Dakota Agricultural College at Fargo.

Introduction, 41.
Reference, 52.
Reported, 840.
Passed or lost, 938.
Received from house, 1613, 1768.
Other action, 915, 1390, 1618, 1623, 1763, 1767, 1768, 1780.

Senate Bill No. 14.—(Pierce)

A bill for an act to provide a refuge or breeding ground for certain game birds and to protect the same.

Introduction, 41.
Reference, 52, 233.
Reported, 205, 473.
Passed or lost, 712.
Received from house, 1183.
Other action, 231, 536, 539.

Senate Bill No. 15.—(Pierce)

A bill for an act making Good Friday a legal holiday.

Introduction, 41.
Reference, 52.
Reported, 146.
Passed or lost, 163.
Received from house, 960.
Other action, 162.

Senate Bill No. 16.—(Overson)

A bill for an act creating and defining the Eleventh judicial district within the state of North Dakota, providing for the appointment and election of a judge therein and fixing the boundaries thereof, and fixing the terms of court therein.

Introduction, 42.
Reference, 52.
Reported, 204.
Passed or lost, 233.
Received from house, 469.
Other action, 232, 542, 681.

Senate Bill No. 17.—(Overson)

A bill for an act to amend and reenact Section 468 of the Revised Codes of North Dakota for the year A. D., 1905, as amended by Chapter 159 of the Laws of 1907, relating to judicial districts within the state.

Introduction, 42.
Reference, 52.
Reported, 361.
Passed or lost, 393.
Received from house, 1320.
Other action, 391, 1390, 1720.

Senate Bill No. 18.—(Stevens)

A bill for the regulation and control of fraternal benefit societies.

Introduction, 42.
Reference, 81.
Reported, 695.
Passed or lost, 807, 858.
Received from house, 1429.
Other action, 785, 853, 804.

Senate Bill No. 19.—(Gronvold)

A bill for an act to amend Section 7782 of the Revised Codes of 1905, relating to the priority of claims in insolvency proceedings.

Introduction, 42.
Reference, 81.
Reported, 184.
Passed or lost, 214.
Received from house, 731.
Other action, 213, 794, 795, 924.

Senate Bill No. 20.—(Ellingson)

A bill for an act prescribing the conditions by which the public examiner, his deputies and employes of the state public examiner's department, the stockholders, officers and employes of any banking association in this state may secure loans from banking associations with which they are in any way connected, and fixing the liability for non-compliance with the provisions of this act.

Introduction, 42.
Reference, 82.
Reported, 207.
Passed or lost, 234.
Received from house, 726.
Other action, 232, 826, 827, 761, 924.

Senate Bill No. 21.—(Duncan)

A bill for an act to appropriate the sum of sixty thousand dollars or as much thereof as may be necessary to indemnify persons who have lost animals from the disease known as glanders.

Introduction, 42.
Reference, 82.
Reported, 313.
Passed or lost, 343, 347.
Received from house, 1365.
Other action, 341.

Senate Bill No. 22.—(Walton)

An act requiring railroad companies to provide suitable rooms in railroad station waiting rooms, or in places adjacent thereto.

Introduction, 43.
Reference, 82.
Reported, 143.
Passed or lost, 163.
Received from house, 469.
Other action, 162, 487, 527, 546.

Senate Bill No. 23.—(Steele of Renville)

A bill for an act to prohibit the granting to, or use of, by any person, a free pass or special privilege withheld from any oth-

Senate Bill No. 23—Continued.

er person, and fixing the penalty for the violation thereof.
Introduction, 43.
Reference, 82.
Reported, 1219.

Senate Bill No. 24.—(Stevens)

A bill for an act to appropriate money for the maintenance and equipment and permanent improvements at the State university and School of Mines of North Dakota.
Introduction, 43.
Reference, 82.
Reported, 834.
Passed or lost, 933.
Received from house, 1456.
Other action, 915, 1567, 1568.

Senate Bill No. 25.—(Pierce)

A bill for an act to authorize boards of trustees of incorporated villages to regulate the use of streets, alleys and public grounds by automobiles, traction engines and other self-propelled vehicles, and to provide for registration and identification of the same, at the expense of the owners or operators thereof.
Introduction, 49.
Reference, 65.
Reported, 224.
Passed or lost, 252.
Received from house, 408.
Other action, 251, 462, 503.

Senate Bill No. 26.—(Duis).

A bill for an act entitled, an act to amend Section 2783 of the Revised Codes of the state of North Dakota, of 1905, relating to cities.
Introduction, 49.
Reference, 65.
Reported, 699.

Senate Bill No. 27.—(Wallin)

A bill for an act making an appropriation for the normal school at Minot to meet the expenditure for the erection of build-

Senate Bill No. 27—Continued.

ings and permanent improvements necessary in connection therewith, and for furnishings, equipment and maintenance.
Introduction, 49.
Reference, 65.
Reported, 929.
Passed or lost, 1008.
Received from house, 1404.
Other action, 990, 1461, 1462.

Senate Bill No. 28.—(Wallin).

A bill for an act establishing a normal school at the city of Minot, and providing for the appointment of a board of management thereof.
Introduction, 49.
Reference, 66.
Reported, 929, 1221.

Senate Bill No. 29.—(Welch)

A bill for an act to amend Sections 240 and 241 of the Revised Codes of 1905, and Section 242 of the same code as amended by Chapter 132, Laws of 1907, relating to the State Historical society of North Dakota, and making it an appropriation.
Introduction, 49.
Reference, 66.
Reported, 171, 1019.
Passed or lost, 1145.
Received from house, 1604.
Other action, 1079, 1760.

Senate Bill No. 30.—(Gunderson)

A bill for an act creating a state text-book commission and defining its duties and powers.
Introduction, 50.
Reference, 66.
Reported, 1222.

Senate Bill No. 31.—(Duncan)

A bill for an act defining and limiting the legal expenses of candidates for nomination and for election to any elective office in the state, and making the violation unlawful, and prescribing penalties therefor.
Introduction, 50.

Senate Bill No. 31—Continued.

Reference, 66.
 Reported, 609.
 Passed or lost, 713.
 Received from house, 1466.
 Other action, 1548, 1760.

Senate Bill No. 32.—(Baker)

A bill for an act to provide for the completion of a school building and making necessary improvements at the school for the deaf and dumb, at Devils Lake, North Dakota, and making an appropriation therefor.

Introduction, 50.
 Reference, 66.
 Reported, 968.
 Passed or lost, 1052.
 Received from house, 1614.
 Other action, 1047, 1617, 1622, 1642, 1653, 1752.

Senate Bill No. 33.—(Cashel)

A bill for an act to provide for calling caucuses of political parties, regulating the same and providing suitable penalties for the violation thereof.

Introduction, 50.
 Reference, 66.
 Reported, 1242.

Senate Bill No. 34.—(Cashel)

A bill to provide for the nomination and election of candidates for judges of the supreme court, superintendent of public instruction, judges of the district courts, county superintendent of schools, whose election shall be non-partisan, and the election of delegates to national conventions nominating presidential electors, electing a national committee man and promulgating party platforms for the respective parties.

Introduction, 50.
 Reference, 66.
 Reported, 889.

Senate Bill No. 35.—(Cashel)

A bill for an act amending Sections 2, 3, 4, 9, 10, 12, 26, and 40 of Chapter 109, of the Laws of

Senate Bill No. 35—Continued.

1907, known as the Primary Election law.
 Introduction, 50.
 Reference, 67.
 Reported, 1241.

Senate Bill No. 36.—(Cashel)

A bill for an act amending Section 616 of Article 6, Chapter 8, of the Revised Codes of 1905, titled Elections.

Introduction, 51.
 Reference, 67, 153.
 Reported, 145, 220, 246, 266.
 Passed or lost, 295.
 Received from house, 1375.
 Other action, 153, 266, 293, 1547, 1655, 1657.

Senate Bill No. 37.—(Cashel)

A bill for an act to provide an appropriation for the current and contingent expenses, and for permanent improvement for the institution for feeble minded at Grafton.

Introduction, 51.
 Reference, 67.
 Reported, 836.
 Passed or lost, 934.
 Received from house, 1613.
 Other action, 915, 1661, 1663.

Senate Bill No. 38.—(Trimble)

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 non-observance.

Introduction, 51.
 Reference, 67.
 Reported, 247.
 Other action, 1549.

Senate Bill No. 39.—(Duncan)

A joint resolution providing for the payment of necessary legislative expenses.

Introduction, 60.
 Reference, 67.
 Reported, 92.
 Passed, 112.
 Received from house, 139.
 Other action, 112, 147, 166.

Senate Bill No. 40.—(Elkin)

A bill for an act to confirm title to real estate sold by decedents in their lifetime under contract, conveyed pursuant to Article 8, of Chapter 6, of the Probate Code of North Dakota in estates now closed, and not approved by the county judge.

Introduction, 61.
Reference, 67.
Reported, 140.
Passed or lost, 153.
Received from house, 259.
Other action, 152, 287, 286, 923.

Senate Bill No. 41.—(Kennedy)

A bill for an act appropriating money for the purpose of building and equipping a chemistry building and laboratories for the North Dakota Agricultural College at Fargo, North Dakota.

Introduction, 61.
Reference, 68.
Reported, 841.
Passed or lost, 939.
Received from house, 1611.
Other action, 915, 1738.

Senate Bill No. 42.—(Elkin)

A bill for an act to amend Section 8157 of the Revised Codes of North Dakota, 1905, relating to the conveyance of real estate sold by decedents upon contract.

Introduction, 61.
Reference, 68.
Reported, 140.

Senate Bill No. 43.—(Walton)

A bill for an act appropriating money for the purpose of parking and otherwise improving the grounds of the White Stone Hills Memorial park in the state of North Dakota, and to pay for labor and improvements heretofore made thereon.

Introduction, 61.
Reference, 68.
Reported, 156, 1342.

Senate Bill No. 44.—(Pierce)

A bill for an act to amend Section 6237 of the Revised Codes, as amended by Chapter 158, of the Session Laws of 1909, relating to mechanic's liens.

Introduction, 61.
Reference, 68.
Reported, 317.
Passed or lost, 1041.
Received from house, 1471.
Other action, 391, 425, 426, 459, 583.

Senate Bill No. 45.—(Pierce)

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, 61.
Reference, 68.
Reported, 1245.

Senate Bill No. 46.—(Plain)

A bill for an act establishing a hail insurance department and making the commissioner of agriculture and labor also the commissioner of hail insurance; prescribing rules, regulations and duties of all officers and persons connected therewith; prescribing how premiums, expenses and indemnity for losses by hail shall be paid.

Introduction, 62.
Reference, 68, 487.
Reported, 476, 565.
Passed or lost, 721.
Received from house, 1445.
Other action, 660, 1546, 1749.

Senate Bill No. 47.—(Gronvold)

A bill for an act fixing the rate of interest on the redemption of lands sold on execution or foreclosure.

Introduction, 62.
Reference, 69.
Reported, 1271.

Senate Bill No. 48.—(Gronvold)

A bill for an act regulating the speed of locomotives and trains while passing through cities,

Senate Bill No. 48—Continued.

towns and villages in North Dakota.
 Introduction, 62.
 Reference, 69.
 Reported, 363.
 Passed or lost, 395.
 Received from house, 1083.
 Other action, 392, 1172, 1175, 1720.

Senate Bill No. 49.—(McLean)

A bill for an act providing for the further protection of wild geese of any variety, and wild brant.
 Introduction, 62.
 Reference, 69.
 Reported, 1245.

Senate Bill No. 50.—(Wallin)

A bill for an act to amend and reenact Section 1576 of the Revised Codes of North Dakota of 1905, relating to the sale of real property for delinquent taxes and reducing the rate of interest on the purchase price of the lands so sold for delinquent taxes.
 Introduction, 62.
 Reference, 69.
 Reported, 165.
 Passed or lost, 180.
 Received from house, 963.
 Other action, 179, 993, 1034, 1299.

Senate Bill No. 51.—(Jacobsen)

A bill for an act amending and reenacting Section 2613 of the Revised Codes of 1905, relating to the compensation of county commissioners.
 Introduction, 62.
 Reference, 69, 274, 289.
 Reported, 243, 318.
 Passed or lost, 273, 343.
 Received from house, 1086.
 Other action, 272, 274, 289, 341.

Senate Bill No. 52.—(Jacobsen)

A bill for an act providing for deducting debts from money and credits listed for taxation.
 Introduction, 63.
 Reference, 69.
 Reported, 170.

Senate Bill No. 53.—(Movius)

A bill for an act entitled, an act to amend Section 4049 of the Civil Code of North Dakota, relating to causes for divorce.
 Introduction, 63.
 Reference, 69.
 Reported, 415.

Senate Bill No. 54.—(Welch)

A bill for an act providing for the attendance of certain persons upon certain schools.
 Introduction, 63.
 Reference, 69.
 Reported, 205.
 Passed or lost, 234.
 Received from house, 1571.
 Other action, 232.

Senate Bill No. 55.—(LaMoure)

A bill for an act providing when surety may be released on bond, and prescribing mode procedure.
 Introduction, 63.
 Reference, 70.
 Reported, 206, 415.
 Passed or lost, 459.
 Received from house, 850.
 Other action, 457.

Senate Bill No. 56.—(Bessessen)

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 may adopt or has adopted the commission plan may return to the former system.
 Introduction, 63.
 Reference, 70, 77.
 Reported, 234.
 Passed or lost, 322.
 Received from house, 964.
 Other action, 321, 994, 1082, 1083, 1299.

Senate Bill No. 57.—(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, 63.

Reference, 70.

Reported, 476.

Passed or lost, 638.

Received from house, 1133.

Other action, 662.

Senate Bill No. 58.—(Jacobsen)

A bill for an act amending and re-enacting Section 2597 of the Revised Codes of 1905, relating to the fees in the office of the register of deeds.

Introduction, 64.

Reference, 70.

Reported, 221.

Passed or lost, 253.

Received from house, 1417.

Other action, 251, 1542, 1626, 1628, 1659.

Senate Bill No. 59.—(Davis)

A bill for an act prohibiting ball games and other sports until 3 o'clock p. m.

Introduction, 64.

Reference, 70.

Reported, 157.

Passed or lost, 181.

Received from house, 1084.

Other action, 180, 1129, 1130, 1720.

Senate Bill No. 60.—(Talcott)

A bill for an act to provide a system of free public schools for the state of North Dakota, and to repeal Sections 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798,

Senate Bill No. 60—Continued.

799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, and Section 1038 of the Revised Codes of 1905, with any and all amendments thereto, and also Chapters 49, 98, 100, 103, 124, 153, and 201, of the Session Laws of 1909.

Introduction, 64.

Reference, 70.

Reported, 904.

Passed or lost, 1132.

Received from house, 1427.

Other action, 73, 1094, 1133, 1729, 1730.

Senate Bill No. 61.—(Cashel)

A bill for an act to amend Section 2, of Chapter 220, of the Session Laws of 1909, relating to evidence regarding the chain of title to real estate.

Introduction, 65.

Reference, 71.

Reported, 263.

Senate Bill No. 62.—(Cashel)

A bill for an act to amend Sections 8040, 8041, 8042, and 8043 of the Revised Codes of the state of North Dakota, for the year 1905, relating to proceedings for probate of heirship.

Introduction, 65.

Reference, 71.

Reported, 649.

Senate Bill No. 63.—(LaMoure)

A bill for an act to prohibit the importation, manufacture, distribution, transportation, sale, or use of snuff, and providing a penalty therefor.

Introduction, 78.

Reference, 83.

Reported, 328.

Passed or lost, 377, 1210.

Received from house, 1130, 1318.

Other action, 376, 1125, 1130, 1185, 1210, 1535, 1560, 1661, 1775.

Senate Bill No. 64.—(Stevens)

A bill for an act entitled, an act amending Section 1546, of the Revised Codes of the state of North Dakota, of the year 1905, relating to the county treasurer and his duties.

Introduction, 78.

Reference, 83, 297.

Reported, 265, 1280.

Other action, 294.

Senate Bill No. 65.—(Welo)

A bill for an act to authorize cities to levy and collect a tax to pay judgments obtained against such cities.

Introduction, 78.

Reference, 83.

Reported, 171.

Passed or lost, 214.

Received from house, 1380.

Other action, 195, 196, 213, 1437, 1438, 1721.

Senate Bill No. 66.—(Wero)

A bill for an act to amend and reenact Section 437 of the Revised Codes of the state of North Dakota, for 1905, relating to the

Senate Bill No. 66.—Continued.

qualifications of deputies, clerks and employes of the state, county, and municipal governments, of and within the state of North Dakota, and members of the official boards.

Introduction, 79.

Reference, 83.

Reported, 172.

Passed or lost, 197.

Received from house, 407.

Other action, 195, 452, 503.

Senate Bill No. 67.—(Hookway)

A bill for an act to repeal Sections 6237, 6238, 6239, 6240, 6241, 6242, 6243, 6244, 6245, 6246, 6247, 6248, 6249, 6250, and 6251 of the Revised Codes of the state of North Dakota for A. D., 1905, and Chapter 167 of the Session Laws of 1907, and Chapter 158 of the Session Laws of 1909, relating to mechanic's liens, and the filing of mechanic's liens, the giving of notice to contractors and sub-contractors, and the record and priority of liens and matters appertaining to the creation, existence and enforcement of mechanic's liens.

Introduction, 79.

Reference, 83.

Reported, 441, 482.

Passed or lost, 643.

Received from house, 1085

Other action, 482, 582, 583.

Senate Bill No. 68.—(McDowell)

A bill for an act making an appropriation to determine the milling value of cereals, the baking and other economic properties, to provide for experiments and for the publication of the information obtained.

Introduction, 79.

Reference, 84.

Reported, 517, 1308.

Passed or lost, 1308.

Received from house, 1379.

Other action, 1308, 1572.

Senate Bill No. 69.—(Martin)

A bill for an act to amend Section 2592 of the Revised Codes of North Dakota for 1905 as amended by Chapter 70 of the Laws of the state of North Dakota, for 1907, relating to the salary of county auditors.

Introduction, 79.
Reference, 84.
Reported, 330.
Passed or lost, 378.
Received from house, 1365.
Other action, 376.

Senate Bill No. 70.—(Martin)

A bill for an act regulating and governing contracts relative to the shipment of live stock, and the giving of notice or claim for loss or damage thereto.

Introduction, 80.
Reference, 84.
Reported, 173.
Passed or lost, 197, 427.
Received from house, 408.
Other action, 195, 426, 489, 536.

Senate Bill No. 71.—(Whitcher)

A bill for an act amending Section 8519 of the Revised Codes of 1905, relating to reports of justices of the peace.

Introduction, 80.
Reference, 84.
Reported, 169.
Passed or lost, 198.
Received from house, 310, 1086.
Other action, 195, 323, 324.

Senate Bill No. 72.—(Wallin)

A bill for an act to amend Section 1582 of the Revised Codes of North Dakota for 1905 as amended by Chapter 199 of the Session Laws of North Dakota for 1909, relating to the redemption of real estate.

Introduction, 80.
Reference, 84.
Reported, 521.
Passed or lost, 583.
Received from house, 850, 963.
Other action, 582, 878.

Senate Bill No. 73.—(Steele of Renville)

A concurrent resolution amending the constitution of the state of North Dakota, relating to the elective franchise, defining who are qualified electors.

Introduction, 80.
Reference, 85, 158.
Reported, 144, 331, 354, 411
Passed or lost, 461.
Other action, 158, 332, 354, 411, 457, 460.

Senate Bill No. 74.—(Steele of Renville).

A bill for an act to amend section 1608 of the Revised Codes of 1905 relating to revenue and taxation.

Introduction, 80.
Reference, 85.
Reported, 262.
Passed or lost, 297.
Received from house, 1374.
Other action, 294, 1405, 1414, 1721.

Senate Bill No. 75.—(Thoreson)

A bill for an act to prevent the spread of noxious weeds.

Introduction, 80.
Reference, 85.
Reported, 363.
Passed or lost, 397.
Received from house, 1084.
Other action, 392, 1129, 1130, 1300.

Senate Bill No. 76.—(Jacobsen)

A bill for an act to amend and reenact Sections 6 and 9 of Chapter 174 of the Laws of North Dakota, of 1909, being an act to provide for probations of persons convicted of felonies and misdemeanors.

Introduction, 81.
Reference, 85.
Reported, 170.
Passed or lost, 199.
Received from house, 1090.
Other action, 195, 1127, 1136, 1495, 1496, 1742, 1772.

Senate Bill No. 77.—(Jacobsen)

A bill for an act to amend and reenact Section 3 of Chapter 175 of the Laws of North Dakota, for 1909, being 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.

Introduction, 81.
Reference, 85.
Reported, 169.
Passed or lost, 199.
Received from house, 1088.
Other action, 196, 1127, 1136, 1495, 1496, 1742, 1778, 1779.

Senate Bill No. 78.—(Talcott)

A bill for an act to amend Section 1484 of the Revised Codes of 1905, relating to property exempt from taxation.

Introduction, 81.
Reference, 85.
Reported, 224.
Passed or lost, 254.
Received from house, 720.
Other action, 251, 721, 744, 923.

Senate Bill No. 79.—(Steele of Renville)

A bill for an act to amend and reenact Section 2323 of the Revised Codes for the year 1905, of the state of North Dakota.

Introduction, 95.
Reference, 99.
Reported, 146.
Passed or lost, 164.
Received from house, 727.
Other action, 162, 826, 827, 760, 924.

Senate Bill No. 80.—(Committee on Cities and Municipal Corporations)

A bill for an act to amend Section 2869 of the Revised Codes of 1905, as amended by Chapter 265 of the Session Laws of 1907, relating to the contracting of

Senate Bill No. 80.—Continued.

loans for the payment of corporate indebtedness and providing for the levy of taxes to pay final judgments rendered against villages and providing for the manner of collecting the same.

Introduction, 96.
Reference, 99.
Reported, 263.
Passed or lost, 298.
Received from house, 1089.
Other action, 294, 1126, 1172, 1175, 1721.

Senate Bill No. 81.—(Committee on Cities and Municipal Corporations)

A bill for an act to amend Section 1564 of the Revised Codes relating to the fees of sheriffs for the collection of delinquent personal property taxes.

Introduction, 96.
Reference, 99, 528.
Reported, 223, 267, 480, 650.
Passed or lost, 771.
Received from house, 878.
Other action, 251, 255, 528, 715.

Senate Bill No. 82.—(Steele of Stutsman)

A bill for an act to provide an appropriation for the erection of new buildings and other necessary improvements at the state hospital for the insane of North Dakota, at Jamestown.

Introduction, 96.
Reference, 99.
Reported, 838, 916.
Passed or lost, 936.
Received from house, 1578.
Other action, 939, 1578, 1738.

Senate Bill No. 83.—(Steele of Renville)

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, 96.
Reference, 99.
Reported, 1346.

Senate Bill No. 84.—(Plain)

A concurrent resolution, amending the constitution of the state of North Dakota, relating to the legislative department and providing for direct legislation, the proposing of constitutional amendments, reference of laws and recall of officers.

Introduction, 96.

Reference, 99.

Reported, 559.

Passed or lost, 674.

Received from house, 1457.

Other action, 662, 1636, 1638.

Senate Bill No. 85.—(Whitcher)

A bill for an act to place the office of sheriff upon a salary basis, and to provide for the salary thereof, and the appointment of deputies and prescribing penalties for the violation of the provisions of said act.

Introduction, 97.

Reference, 100.

Reported, 515.

Senate Bill No. 86.—(Gundersen)

A bill to provide for a judicial procedure to determine the identity of the grantees and the shares of each in the cases where the lands have been or may be patented, granted or conveyed by the United States to the heirs or devisees of a deceased person without naming therein the persons so designated as grantees.

Introduction, 97.

Reference, 100.

Reported, 516.

Passed or lost, 584.

Received from house, 850.

Other action, 582.

Senate Bill No. 87.—(Elkin)

A bill for an act to amend Section 2767 of the Revised Codes of North Dakota, for 1905, relating to the letting of contract for sidewalks in cities.

Introduction, 97.

Reference, 100.

Reported, 223.

Senate 114.

Senate Bill No. 87.—Continued.

Passed or lost, 255.

Received from house, 959.

Other action, 251, 1034, 1035, 1300.

Senate Bill No. 88.—(Elkin)

A bill for an act to amend Section 2768 of the Revised Codes of North Dakota for 1905, relating to the repairs of city sidewalks.

Introduction, 97.

Reference, 100.

Reported, 222.

Passed or lost, 256.

Received from house, 408.

Other action, 252, 452, 453, 503.

Senate Bill No. 89.—(Plain)

A bill for an act to amend Section 4 of Chapter 172 of the Laws of 1901, entitled, an act to create a State Farmers' institute board of directors and prescribing its powers and duties, and making an appropriation for conducting farmers' institutes as the same was amended by Chapter 11 of the Laws of 1903, and Chapter 23, of the Laws of 1905.

Introduction, 97.

Reference, 100.

Reported, 286, 842.

Passed or lost, 930.

Received from house, 1477.

Other action, 1569.

Senate Bill No. 90.—(Grønvald)

A bill for an act to provide for the ascertaining and giving notice of the title of 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, 97.

Reference, 101.

Reported, 781, 849.

Passed or lost, 998.

Received from house, 1539.

Other action, 849, 992, 1662.

Senate Bill No. 91.—(Turner)

A bill for an act entitled, an act specifying who may sue for divorce in this state, and amend-

Senate Bill No. 91.—Continued.

ing Section 4067, Revised Codes of North Dakota of 1905.
Introduction, 98.
Reference, 101.
Reported, 359, 738.
Other action, 786.

Senate Bill No. 92.—(Duis)

A bill for an act relating to children who are now or may hereafter become dependent, neglected or delinquent; to define these terms, and to provide for the treatment, control, maintenance, protection, adoption and guardianship of the persons of such children.
Introduction, 98.
Reference, 101, 236.
Reported, 184, 385.
Passed or lost, 425.
Received from house, 1087.
Other action, 232, 235, 425, 1192, 1175, 1721.

Senate Bill No. 93.—(Cashel)

A bill for an act to amend and reenact Sections 1031, 1033, 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, 98.
Reference, 101.
Other action, 267.

Senate Bill No. 94.—(Simpson)

A bill for an act regulating inheritance in case of unlawful killing.
Introduction, 98.
Reference, 101.
Reported, 416.
Passed or lost, 539.
Received from house, 851.
Other action, 457, 462.

Senate Bill No. 95.—(Gunderson)

A bill for an act regulating the conditions and provisions to be contained in policies of health or accident insurance issued in this state.
Introduction, 98.
Reference, 101.

Senate Bill No. 95.—Continued.

Reported, 654.
Passed or lost, 855.
Received from house, 1428.
Other action, 715, 791, 772, 846, 1524.

Senate Bill No. 96.—(Baker)

A bill for an act to amend Section 3061 of the Revised Codes for 1905, relating to annual township meetings.
Introduction, 111.
Reference, 249.
Reported, 312.

Senate Bill No. 97.—(Kretchmar)

A bill for an act fixing the salaries and providing for the payment of necessary expenses of the judges of the district courts of the state of North Dakota.
Introduction, 111.
Reference, 212.
Reported, 552.
Passed or lost, 676.
Received from house, 849.
Other action, 662.

Senate Bill No. 98.—(McDonald)

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, 111.
Reference, 212.
Reported, 242.
Passed or lost, 275.
Received from house, 960.
Other action, 272, 1048, 1059, 1721.

Senate Bill No. 99.—(Overson)

A bill for an act to amend and reenact Section 1513 of Revised Codes of North Dakota, as amended by Chapter 41, of the Laws of 1909, relating to the furnishing by the county auditor of assessment books and blanks, lists, of real property, regulating the time of meeting of assessors, and providing for

Senate Bill No. 99—Continued.

their compensation for attending such meeting.
 Introduction, 111.
 Reference, 212.
 Reported, 243.
 Passed or lost, 276.
 Received from house, 730.
 Other action, 272, 794, 796, 924.

Senate Bill No. 100.—(Overson)

A bill for an act to amend and reenact Section 6828 of the Revised Codes of North Dakota, relating to the place of trial of civil actions.
 Introduction, 111.
 Reference, 212.
 Reported, 262.

Senate Bill No. 101.—(Overson)

A bill for an act to amend and reenact Section 8356 of the Revised Codes of North Dakota for 1905, relating to the commencement and place of trial of civil actions in justice court.
 Introduction, 111.
 Reference, 190.
 Reported, 222.

Senate Bill No. 102.—(Martin)

A concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state agricultural college at the city of Beach, county of Billings,
 Introduction, 112.
 Reference, 249, 652.
 Reported, 651, 700, 736.
 Passed or lost, 1294.
 Received from house, 1379.
 Other action, 1230, 1293, 1571.

Senate Bill No. 103.—(Committee on Temperance)

A bill for an act to regulate the sale of intoxicating liquors for medicinal, sacramental, scientific and mechanical purposes.
 Introduction, 112.
 Reference, 190, 370.
 Reported, 318, 523, 569, 641.
 Other action, 334, 376, 524, 569, 570, 640.

Senate Bill No. 104.—(Duis)

A bill for an act providing for correcting errors and deficiencies in city plats.
 Introduction, 119.
 Reference, 124.
 Reported, 1215.
 Passed or lost, 1274.
 Received from house, 1577.
 Other action, 1251, 1656, 1657.

Senate Bill No. 105.—(Duis)

A bill for an act providing for platting unplatted portions and parcels of ground within the corporate limits of any city.
 Introduction, 119.
 Reference, 124.
 Reported, 1223.

Senate Bill No. 106.—(Pierce)

A bill for an act to amend Sections 1895 and 1896 of the Revised Codes, relating to cruelty to animals, and to provide for the organization and operation of societies for the purpose of inculcating humane principles and the prevention of cruelty, especially to animals and children.
 Introduction, 120.
 Reference, 124, 584.
 Reported, 560, 841.
 Passed or lost, 932.
 Received from house, 1653.
 Other action, 582.

Senate Bill No. 107.—(Elkin)

A bill for an act to amend Section No. 2743 of the Revised Codes of North Dakota, for 1905, relating to election districts and precincts.
 Introduction, 120.
 Reference, 125.
 Reported, 264.
 Passed or lost, 298.
 Received from house, 729.
 Other action, 294, 826, 827, 924.

Senate Bill No. 108.—(Elkin)

A bill for an act to amend Section 2744 of the Revised Codes of North Dakota for 1905, relating

Senate Bill No. 108.—Continued.

to qualified voters and registration in cities.

Introduction, 120.
Reference, 125.
Reported, 265.
Passed or lost, 299.
Received from house, 730.
Other action, 294, 795, 796, 924.

Senate Bill No. 109.—(Elkin)

A bill for an act making an appropriation for the Mayville State Normal school, located at Mayville, North Dakota, for hospital, green house, fuel bin, library, museum, boiler, grounds, lecture course, manual training and domestic science and improvements on ventilating system, and for reimbursement of money transferred from local and interest and income funds.

Introduction, 120.
Reference, 125.
Reported, 972.
Passed or lost, 1054.
Received from house, 1476.
Other action, 1029, 1626, 1628, 1659.

Senate Bill No. 110.—(Gronvold)

A bill for an act to amend Section 4670 of the Revised Codes of 1905, relating to lists of shareholders kept by banking associations and the manner of transferring shares, and providing for the enforcement thereof.

Introduction, 120.
Reference, 125.
Reported, 208.

Senate Bill No. 111.—(Trimble)

A bill for an act amending Section 1070 of the Revised Codes of 1905 and making an appropriation to meet the necessary expenses of the state geological survey.

Introduction, 121.
Reference, 125.
Reported, 1345.

Senate Bill No. 112.—(Trimble)

A bill for an act amending Section 1064 of the Revised Codes of North Dakota for 1905.

Introduction, 121.
Reference, 126, 792.
Reported, 627.
Other action, 660, 756.

Senate Bill No. 113.—(Welo)

A bill for an act defining and taxing the occupation of transient merchants, regulating the licensing of persons engaged in such occupation, increasing the state revenue by such taxation, and prescribing penalties for violation of its provisions.

Introduction, 121.
Reference, 126, 398.
Reported, 360.
Passed or lost, 518, 585.
Received from house, 1538.
Other action, 392, 582, 1738.

Senate Bill No. 114.—(Gibbens)

A bill for an act to enlarge the powers and duties of the board of railroad commissioners, creating a public warehouse fund and making an appropriation.

Introduction, 121.
Reference, 126, 379.
Reported, 329, 554.
Passed or lost, 676.
Received from house, 1089.
Other action, 377, 379, 663, 1192, 1175, 1721.

Senate Bill No. 115.—(Whitcher)

A bill for an act to provide furniture for the new dormitory, and to complete and make adequate the heating plant of the state normal school at Valley City, and making appropriations therefor.

Introduction, 121.
Reference, 126.
Reported, 1514.

Senate Bill No. 116.—(Whitcher)

A bill for an act to provide for making permanent improvements at the State normal school at Valley City, to assist in

Senate Bill No. 116—Continued.

the maintenance thereof, and for other purposes, and making an appropriation therefor.

Introduction, 122.
Reference, 126.
Reported, 362, 1513.

Senate Bill No. 117.—(Wallin)

A bill for an act providing for salary for sheriffs and providing for fees collected by sheriffs to be turned into the county treasurer of their respective counties and prescribing for a penalty for failing to do so.

Introduction, 122.
Reference, 127.
Reported, 513.

Senate Bill No. 118.—(Talcott)

A bill for an act to amend and reenact Section 4374 of the Revised Codes of 1905, relating to free transportation and reduced rates by common carriers.

Introduction, 122.
Reference, 127.
Reported, 1217.

Senate Bill No. 119.—(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.

Introduction, 122.
Reference, 127.
Reported, 1244.

Senate Bill No. 120.—(Movius)

A bill for an act to punish the giving of checks or drafts on any bank or other depository where-in the person so giving such check or draft shall not have sufficient funds or credit for the payment of the same.

Introduction, 123.
Reference, 127.
Reported, 479.
Passed or lost, 540.
Received from house, 850.
Other action, 536.

Senate Bill No. 121.—(Plain)

A bill for an act amending Section 1976 and Section 1979, relating to estrays.

Introduction, 123.
Reference, 128, 491.
Reported, 362.
Passed or lost, 398.
Other action, 392, 800.

Senate Bill No. 122.—(Trimble)

A bill for an act requiring natural gas to be confined, and prescribing penalty for the violation thereof.

Introduction, 123.
Reference, 128.
Reported, 244.
Passed or lost, 276.
Received from house, 963.
Other action, 272, 992, 1082, 1083, 1300.

Senate Bill No. 123.—(Plain)

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.

Introduction, 123.
Reference, 128.
Reported, 261.
Passed or lost, 300.
Received from house, 731.
Other action, 294, 826, 827, 925.

Senate Bill No. 124.—(Davis)

A bill for an act to amend Section 2594 of the Revised Codes of North Dakota.
 Introduction, 123.
 Reference, 128.
 Reported, 518.
 Passed or lost, 586.
 Received from house, 1572.
 Other action, 582.

Senate Bill No. 125.—(Gunderson)

A bill for an act to create a legislative "committee on uniform methods for public accounts," prescribing its powers, duties and the service it shall render in creating and enforcing the use of standard and uniform accounting methods, for all state officers, state institutions, all public institutions under the control of the state, county officers, municipalities, and school districts, as hereinafter provided.
 Introduction, 124.
 Reference, 128, 779.
 Reported, 779, 1343.

Senate Bill No. 126.—(Stevens)

A bill for an act entitled, an act relative to deposits made in banks or other institutions, authorized to receive deposits under the laws of North Dakota, when such deposits are made in two or more names.
 Introduction, 134.
 Reference, 136.
 Reported, 207.
 Passed or lost, 236.
 Received from house, 1183.
 Other action, 232.

Senate Bill No. 127.—(Kennedy)

A bill for an act appropriating money for erecting and equipping a dairy laboratory, a recitation hall and a boys' dormitory at the North Dakota Agricultural college at Fargo.
 Introduction, 134.
 Reference, 137.
 Reported, 1344.

Senate Bill No. 128.—(Overson)

A bill for an act regulating marriages and the issuance of marriage licenses, prohibiting marriages in certain cases, providing penalties for the violation of the provisions of this act and repealing all acts or parts of acts in conflict herewith.
 Introduction, 134.
 Reference, 137.
 Reported, 553.
 Passed or lost, 677.
 Received from house, 1402, 1736.
 Other action, 663, 1616.

Senate Bill No. 129.—(Simpson)

A bill for an act concerning insurance contracts and providing that contracts of insurance made by any company belonging to or member of or in any way connected with any tariff association or such like thing by whatever name called, shall be construed to add twenty-five per cent to the face of the policy or contract of insurance in addition to the actual loss or damage suffered; providing that the jury or court finding certain facts must add the amount of said penalty to the verdict, and providing for a liberal construction of this act.
 Introduction, 134.
 Reference, 137.
 Reported, 653.
 Passed or lost, 793.
 Received from house, 1365.
 Other action, 715.

Senate Bill No. 130.—(Simpson)

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 annual statements of insurance companies.
 Introduction, 135.
 Reference, 137.
 Reported, 417.
 Passed or lost, 496.
 Received from house, 1318.
 Other action, 494, 1534, 1656, 1658.

Senate Bill No. 131.—(Welo)

A bill for an act amending Section 167, 169, 170, 171, 189 and 191 of the Revised Codes of North Dakota for 1905, relating to the appraisal and sale of school lands.

Introduction, 135.
Reference, 138.
Reported, 242
Passed or lost, 301.
Received from house, 1085.
Other action, 272, 295, 1131, 1173, 1175, 1722.

Senate Bill No. 132.—(Davis)

A bill for an act appropriating money for the maintenance of the public health laboratory in the medical department of the State University and School of Mines at Grand Forks, and its branches at Bismarck and at Minot, and to repeal Section 1, Chapter 26, Session Laws of 1907.

Introduction, 135.
Reference, 138.
Reported, 553.
Passed or lost, 678.
Received from house, 1477
Other action, 663, 1656, 1658.

Senate Bill No. 133.—(Wallin)

A bill for an act amending Section 1584 of the Revised Codes of the state of North Dakota, as amended by Chapter 220 of the Session Laws of 1907, relating to the rights of purchasers of land at sale for the non-payment of taxes.

Introduction, 135.
Reference, 138.
Reported, 521.
Passed or lost, 586.
Received from house, 1086.
Other action, 582.

Senate Bill No. 134.—(Overson)

A bill for an act making an appropriation for the Williston Experimental Station, located at the city of Williston, Williams county.

Introduction, 135.

Senate Bill No. 134—Continued.

Reference, 138.
Reported, 969.
Passed or lost, 1053.
Received from house, 1603.
Other action, 1029, 1738, 1739.

Senate Bill No. 135.—(Plain)

A concurrent resolution amending the constitution of the state of North Dakota, empowering the legislative assembly to provide by law for erection, leasing, purchasing and operating terminal elevators in the state of Minnesota and Wisconsin, or either.

Introduction, 136.
Reference, 138.
Reported, 248.
Passed or lost, 277.
Received from house, 960.
Other action, 272, 1034, 1035.

Senate Bill No. 136.—(Linde)

A bill for an act to amend and reenact Chapter 120 of the Laws of 1909, being an amendment to Section 2600 of the Revised Codes of North Dakota, 1905, and to repeal Section 2601 of the Revised Codes of 1905, relating to sheriff's fees.

Introduction, 136.
Reference, 139.
Reported, 626.

Senate Bill No. 137.—(Davis)

A bill for an act making an appropriation to compensate F. C. Heffron for services as assistant attorney general, especially authorized to enforce the prohibitory law of this state.

Introduction, 136.
Reference, 139.
Reported, 970.
Passed or lost, 1056.
Received from house, 1544.
Other action, 1029.

Senate Bill No. 138.—(Plain)

A concurrent resolution to amend Section 138 of the Constitution of the state of North Dakota,

Senate Bill No. 138—Continued.

governing the sale of school lands to railroad companies.
 Introduction, 148.
 Reference, 150, 370.
 Reported, 317, 439.
 Passed or lost, 345, 497.
 Received from house, 1456.
 Other action, 341, 370, 1636, 1638.

Senate Bill No. 139.—(Walton)

A bill for an act to provide for the maintenance of the State Normal Industrial school located at Ellendale, and for necessary improvements, and providing appropriations therefor.
 Introduction, 148.
 Reference, 150.
 Reported, 896.
 Passed or lost, 1043.
 Received from house, 1477.
 Other action, 1029, 1568, 1569.

Senate Bill No. 140.—(Young)

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 the state, having a historical value.
 Introduction, 148.
 Reference, 150, 313.
 Reported, 313, 1342.

Senate Bill No. 141.—(McLean)

A bill for an act appropriating money for the erection of a seed house and soil testing room, hog and chicken house and the purchase of brood mares, gasoline engine and other needed repairs at the Langdon sub-experiment station.
 Introduction, 148.
 Reference, 150.
 Reported, 970.
 Passed or lost, 1054.
 Received from house, 1614.
 Other action, 1030, 1753.

Senate Bill No. 142.—(Cashel)

A bill for an act to amend Sections 1821 and 1828 of the Revised Codes of 1905, as amended in Chapter 93 of the Session Laws

Senate Bill No. 142—Continued.

of 1907, and also to amend Section 1825 of the Revised Codes of 1905, relating to drainage.
 Introduction, 148.
 Reference, 150.
 Reported, 328.
 Passed or lost, 380.
 Received from house, 1364.
 Other action, 377, 1541, 1749.

Senate Bill No. 143.—(Linde)

A bill for an act to amend and reenact Section 2763 of the Revised Codes of the state of North Dakota, for the year 1905, relating to vacation of streets and alleys.
 Introduction, 149.
 Reference, 151.
 Reported, 697.

Senate Bill No. 144.—(Thoresen)

A concurrent resolution for an amendment to the constitution providing for the initiative and referendum.
 Introduction, 149.
 Reference, 151.
 Reported, 1240.

Senate Bill No. 145.—(McDonald)

A bill for an act making an appropriation for the experimental station of the School of Mines and the Mining sub-station at Hebron, Morton county.
 Introduction, 149.
 Reference, 151.
 Reported, 835.
 Passed or lost, 934.
 Received from house, 1477.
 Other action, 916, 1626, 1629, 1659.

Senate Bill No. 146.—(Whitcher)

A bill for an act to amend Sections 1953, 1954, 1956, and 1960, providing for the granting of wolf bounties by the counties of the state and to repeal Sections 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, and 1971, relating to the state wolf bounty.
 Introduction, 149.
 Reference, 151.
 Reported, 1161.

Senate Bill No. 147.—(Williams)

A bill for an act to amend Section 4048 of the Revised Codes of 1905, providing for the dissolution of marriage; the effect thereof and the duty of the court to regulate the re-marriage of either or both parties.

Introduction, 158.

Reference, 160.

Reported, 261.

Passed or lost, 301.

Received from house, 730.

Other action, 295, 795, 796, 925.

Senate Bill No. 148.—(Kennedy)

A bill for an act to amend Section 12 of Chapter 182, the same being Senate Bill No. 128 of the Session Laws for 1907, relating to the qualifications for registration of pharmacists.

Introduction, 158.

Reference, 160.

Reported, 564.

Passed or lost, 756.

Received from house, 1319.

Other action, 660, 1437, 1438, 1722.

Senate Bill No. 149.—(Duncan)

A bill for an act to require sheriffs in all counties of the state of North Dakota to issue receipts and to file with the county auditor of their respective counties all duplicate receipts issued for the payment of delinquent taxes collected by them or their deputies during their term of office.

Introduction, 159.

Reference, 160.

Reported, 359.

Passed or lost, 399.

Received from house, 730.

Other action, 392, 804, 925.

Senate Bill No. 150.—(Duncan)

A bill for an act to amend Section 1546 of the Revised Codes of North Dakota, 1905, relating to tax receipts, their contents, numbering and duplicates.

Introduction, 159.

Reference, 161, 587, 1008.

Reported, 514, 894, 1265.

Other action, 582, 990, 1008.

Senate Bill No. 151.—(Duncan)

A bill for an act to require county commissioners in all counties of the state of North Dakota elected or appointed to the office of county commissioner, to furnish an official bond for the faithful performance of their duties, and providing for the approval of the bond.

Introduction, 159.

Reference, 161.

Reported 437.

Passed or lost, 498.

Received from house, 1396.

Other action, 495, 1484, 1742.

Senate Bill No. 152.—(Duis)

A bill for an act to amend Section 6787 of the Revised Codes of the state of North Dakota, A. D., 1905, in regard to the limitations of actions.

Introduction, 159.

Reference, 161.

Reported, 552.

Senate Bill No. 153.—(Gibbens)

A concurrent resolution amending the constitution of the state of North Dakota, providing for the future amendment thereof.

Introduction, 159.

Reference, 161, 267.

Reported 560.

Passed or lost, 675.

Received from house, 1415.

Other action, 663, 1461, 1463.

Senate Bill No. 154.—(Judicial Committee).

A bill for an act authorizing and directing the secretary of the state of North Dakota to loan the plates of the North Dakota supreme court reports covering volumes one to nineteen inclusive, and for prescribing the manner and conditions on which the said loan is to be made.

Introduction, 160.

Reference, 161.

Reported, 165, 875.

Passed or lost, 303.

Received from house, 728.

Other action, 165, 295, 852, 875, 876, 1040.

Senate Bill No. 155.—(Williams)

A bill for an act to amend Section 8103 of the Revised Codes of 1905, of the state of North Dakota, relating to endorsement of allowance or rejection of claims by executive or administrators and providing for notices thereof.

Introduction, 175.
Reference, 177.
Reported, 414.
Passed or lost, 500.
Received from house, 729.
Other action, 495, 826, 828, 762, 925.

Senate Bill No. 156.—(Williams)

A bill for an act to amend Section 8105 of the Revised Codes of 1905, relating to rejecting claims and providing how suit is instituted.

Introduction, 175.
Reference, 177.
Reported, 439.
Passed or lost, 501.
Received from house, 727.
Other action, 495, 827, 828, 762, 925.

Senate Bill No. 157.—(Williams)

A bill for an act to amend and reenact Section 8356 of the Revised Codes of 1905, relating to procedure in civil actions in justice's court.

Introduction, 175.
Reference, 177.

Senate Bill No. 158.—(McDonald)

A bill for an act making appropriations for the current and contingent expenses of the State Reform school of North Dakota, and for making permanent improvements thereto.

Introduction, 175.
Reference, 178.
Reported, 837.
Passed or lost, 935.
Received from house, 1613.
Other action, 916, 1618, 1739.

Senate Bill No. 159.—(Whitcher)

A bill for an act to require a re-insurance reserve for mutual life insurance companies.

Introduction, 176.
Reference, 178.
Reported, 653.
Passed or lost, 797.
Received from house, 1184.
Other action, 716.

Senate Bill No. 160.—(Carter)

A bill for an act to amend Section 3213, Revised Codes of North Dakota, relating to township boards.

Introduction, 176.
Reference, 178.
Reported, 436.
Passed or lost, 502.
Received from house, 960.
Other action, 495, 1082, 1083, 1300.

Senate Bill No. 161.—(Carter)

A bill for an act to provide an appropriation for the current and contingent expenses and for the permanent improvements of the State School of Science at Wahpeton.

Introduction, 176.
Reference, 178.
Reported, 837, 1018.
Passed or lost, 1144.
Received from house, 1479.
Other action, 916, 1080, 1300, 1627, 1629, 1660.

Senate Bill No. 162.—(Elkin)

A bill for an act to prohibit the granting to or use of 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, 176.
Reference, 178.
Reported, 1218.

Senate Bill No. 163.—(Martin)

A bill for an act amending Section 2326 of the Revised Codes of

Senate Bill No. 163—Continued.

1900, relating to the area and population of counties.

Introduction, 176.

Reference, 178.

Other action, 396.

Senate Bill No. 164.—(Trimble)

A bill for an act requiring life insurance companies transacting business in this state to invest in this state a percentage of the premiums collected on policies written on the lives of citizens of this state, and providing a penalty for the violation thereof.

Introduction, 176.

Reference, 179, 571.

Reported, 525, 528, 529, 694.

Passed or lost, 927.

Other action, 708.

Senate Bill No. 165.—(Committee on Railroads).

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 fixing the penalty for the violation thereof, except as provided therein and to require the granting of free transportation to the board of railroad commissioners, their experts and their agents.

Introduction, 177.

Reference, 179.

Reported, 226, 245, 246, 266, 744.

Passed or lost, 306.

Received from house, 749.

Other action, 266, 267, 295, 304, 672, 744, 751, 804, 925.

Senate Bill No. 166.—(Simpson)

A bill for an act to amend and reenact Section 6064 of the Revised Codes of North Dakota for the year A. D., 1905, relating to life insurance.

Introduction, 186.

Reference, 191.

Reported, 241.

Passed or lost, 278.

Received from house, 727.

Other action, 273, 795, 796, 759, 926.

Senate Bill No. 167.—(Simpson)

A bill for an act to provide for the non-forfeiture of premiums on policies of life insurance.

Introduction, 186.

Reference, 191.

Reported, 523.

Passed or lost, 671.

Received from house, 851, 962.

Other action, 582, 878.

Senate Bill No. 168.—(Cashel)

A bill for an act amending Section 1968 of the Revised Codes of 1905, known as the state bounty for wolves and coyotes.

Introduction, 186.

Reference, 191.

Reported, 315.

Passed or lost, 348.

Received from house, 850.

Other action, 341.

Senate Bill No. 169.—(Cashel)

A bill for an act indemnifying owners for horses killed or destroyed according to law for being affected with the disease known as glanders.

Introduction, 187.

Reference, 191.

Reported, 316.

Passed or lost, 349.

Received from house, 960.

Other action, 342, 1034, 1035, 1300.

Senate Bill No. 170.—(Duis)

A bill for an act to prohibit the granting or use by any person of any free pass, frank or special privilege withheld from any other person and to fix the penalty for violation thereof.

Introduction, 187.

Reference, 191.

Reported, 1217.

Senate Bill No. 171.—(Gronvold)

A bill for an act relating to payment of deposits in trust, in any bank, banking institution or trust company.

Introduction, 187.

Reference, 192.

Reported, 315, 479.

Passed or lost, 541.

Received from house, 1319.

Other action, 537.

Senate Bill No. 172.—(Bessessen)

A bill for an act to amend Section 2170 of the Revised Codes of North Dakota, for 1905, providing automobiles and motorcycles must have bell, horn or whistle.
 Introduction, 187.
 Reference, 192, 289.
 Reported, 481, 626.
 Passed or lost, 543.
 Received from house, 962.
 Other action, 289, 537, 542.

Senate Bill No. 173.—(Bessessen)

A bill for an act to amend Section 2169 of the Revised Codes of North Dakota for 1905, regulating the speed of automobiles, horses and vehicles.
 Introduction, 188.
 Reference, 192, 289, 541.
 Reported, 477, 650.
 Passed or lost, 546.
 Other action, 289, 537, 629.

Senate Bill No. 174.—(Bessessen)

A bill for an act relating to desertion and non-support of wife by husband, or of children by either father or mother, and providing punishment therefor; and providing for manner of procedure and evidence required in such cases; and to promote uniformity between the states in reference thereto.
 Introduction, 189.
 Reference, 192.
 Reported, 314, 471.
 Passed or lost, 547.
 Received from house, 1084
 Other action, 537, 1194, 1742.

Senate Bill No. 175.—(Ellingson)

A bill for an act to amend Section 417 of the Revised Codes of North Dakota for the year 1905, relating to officers and offices, and the qualifications of officers.
 Introduction, 188.
 Reference, 192.
 Reported, 436.
 Passed or lost, 504.
 Received from house, 1083.
 Other action, 436, 495, 1173, 1176, 1722.

Senate Bill No. 176.—(Welo)

A bill for an act providing for the appointment of county superintendents of highways and deputy superintendents in organized counties, who shall have charge and supervision of the construction, improvement and maintenance of the roads within said counties, providing for road institutes, prescribing the duties of the state engineer in connection therewith.

Introduction, 188.
 Reference, 193.
 Reported, 285, 876.
 Passed or lost, 345.
 Received from house, 831.
 Other action, 321, 323, 852, 876, 1040.

Senate Bill No. 177.—(Steele of Renville.)

A bill for an act to create a board of immigration and prescribing its powers and duties.
 Introduction, 188.
 Reference, 193, 1026.
 Reported, 1026.
 Passed or lost, 1136.
 Other action, 1033, 1080, 1137.

Senate Bill No. 178.—(Welo)

A bill for an act to prohibit county superintendents of schools, deputies, school officers, school official, principals and teachers from receiving commission or fees or reward for or on account of any school books, furniture, or other supplies purchased during the incumbency of such office, and providing for a penalty therefor.

Introduction, 189.
 Reference, 193.
 Reported, 358.
 Passed or lost, 400.
 Received from house, 1084
 Other action, 392, 1173, 1175, 1722.

Senate Bill No. 179.—(Gunderson)

A bill for an act providing for the regulation and the use of the

Senate Bill No. 179—Continued.

public drinking cup and public towel.

Introduction, 189.
Reference, 193.
Reported, 438.
Passed or lost, 504.
Received from house, 851.
Other action, 495.

Senate Bill No. 180.—(Kretchmar)

A bill for an act to amend and reenact Section 1607 of the Revised Codes of North Dakota for the year 1905.

Introduction, 189.
Reference, 193.
Reported, 435.
Passed or lost, 505.
Received from house, 728.
Other action, 495, 795, 796, 760, 926.

Senate Bill No. 181.—(Kretchmar)

A bill for an act to provide for the levy and collection of taxes in the villages of the state of North Dakota, and to repeal Sections 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882, and 2883 of the Revised Codes of 1905.

Introduction, 189.
Reference, 194.
Reported, 516.
Passed or lost, 588.
Received from house, 1455.
Other action, 582, 1546, 1662.

Senate Bill No. 182.—(Bessessen)

A bill for an act to amend Section 12 of Chapter 109 of the Laws of North Dakota for 1907, relating to the percentage of votes required for nomination at primary elections.

Introduction, 189.
Reference, 194.
Reported, 283.
Passed or lost 324.
Received from house, 851.
Other action, 321.

Senate Bill No. 183.—(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, 190.
Reference, 194.
Reported, 437.
Passed or lost, 506.
Received from house, 1366.
Other action, 496.

Senate Bill No. 184.—(Davis)

A bill for an act fixing the liability of a bank to its depositor for payment of forged and raised checks.

Introduction, 190.
Reference, 194.
Reported, 417.
Passed or lost, 462.
Received from house, 849.
Other action, 457.

Senate Bill No. 185.—(Pierce)

A bill for an act providing for the establishing of savings banks and defining the powers and restrictions of the same.

Introduction, 190.
Reference, 194.
Reported, 646.
Passed or lost, 798.
Received from house, 1375.
Other action, 716, 1437, 1438, 1722.

Senate Bill No. 186.—(Linde)

A bill for an act to amend and reenact Section 9371 of Revised Codes of the state of North Dakota for the year 1905, relating to the enforcement of the prohibition law by state's attorneys, providing for a special fund in each county for the fines and penalties and the payment of prosecution expenses.

Introduction, 209.
Reference, 209, 784.
Reported, 784, 891.

Senate Bill No. 186—Continued.

Passed or lost, 1001.
Received from house, 1445.
Other action, 990.

Senate Bill No. 187.—(McDowell)

A bill for an act to encourage elementary education in North Dakota, and appropriate money therefor.

Introduction, 209.
Reference, 209.
Reported, 440, 897.
Passed or lost, 999.
Received from house, 1379.

Senate Bill No. 188.—(Ellingson)

A bill for an act to license motor and other vehicles, and chauffeurs, defining the road regulations of such vehicles, providing that the funds received from such licenses shall be expended on the maintenance of public highways and making it a misdemeanor to take and remove motor and other vehicles from any warehouse, garage or building without the knowledge and consent of the owner, and repealing Sections 2169, 2170, 2171, and 2112, of the Revised Codes of 1905, and repealing Sections 2173 and 2174 of the Revised Codes of 1905, as amended in Chapter 42 of the Session Laws of 1909.

Introduction, 210.
Reference, 210.
Reported, 555.
Passed or lost, 770.
Received from house, 1620.
Other action, 1621, 1762.

Senate Bill No. 189.—(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, 210.
Reference, 210.
Reported, 839.
Passed or lost, 936.
Received from house, 1477.
Other action, 916, 1636, 1638.

Senate Bill No. 190.—(Walton)

A bill for an act creating and establishing an agricultural experiment station to be located at or near the town of Ellendale, in Dickey county, in connection with the state normal-industrial school, under the management of the board of trustees of said institution, and under the direction of the North Dakota Agricultural college, and making an appropriation therefor.

Introduction, 210.
Reference, 210.
Reported, 1344.

Senate Bill No. 191.—(Walton)

A bill for an act making an appropriation for permanent improvements at the state normal-industrial school located at Ellendale, Dickey county, North Dakota.

Introduction, 210.
Reference, 210.
Reported, 1346.

Senate Bill No. 192.—(Welch)

A bill for an act to amend Articles 1, 2, 3, 4, and 5, of Chapter 175 of the Session Laws of 1909.

Introduction, 211.
Reference, 211.

Senate Bill No. 193.—(Jacobsen)

A bill for an act to amend and reenact Section 1486 of the Revised Codes of 1905, relating to listing property for taxation.

Introduction, 211.
Reference, 211, 414.
Reported, 414, 883.
Other action, 1627, 1629.

Senate Bill No. 194.—(Simpson)

A bill for an act defining the Tenth judicial district and providing for holding terms of court therein.

Introduction, 211.
Reference, 211.
Reported 438.
Passed or lost, 639.
Received from house, 1321.
Other action, 496, 1390, 1391, 1722.

Senate Bill No. 195.—(Putnam)

A bill for an act regulating the discharge of liens, not dependent upon possession, and to provide for the release of liens, filed of record against real property and personal property, and the giving of an undertaking for the payment thereof.

Introduction, 211.
Reference, 211.
Reported, 416.
Passed or lost, 463.
Received from house, 1320.
Other action, 457, 1393, 1722.

Senate Bill No. 196.—(Hookway)

A bill for an act to amend and reenact Section 8841 of the Revised Codes of North Dakota for the year 1905, relating to kidnaping, defining same, providing punishment therefor, and prescribing punishment of aidors, assistants and abettors therein.

Introduction, 211.
Reference, 211.
Reported, 440.
Passed or lost, 507.
Received from house, 850.
Other action, 496.

Senate Bill No. 197.—(Committee on Education.)

A bill for an act to amend Article 2, Chapter 10, of the Session Laws of 1909, relating to normal schools.

Introduction, 213.
Reference, 213.
Reported, 441.
Passed or lost, 508.
Received from house, 877.
Other action, 496, 918, 1048, 1060, 1722.

Senate Bill No. 198.—(Gunderson and Duis)

A bill for an act to amend and reenact Section 7387 of Article 4 of Chapter 27 of the Revised Codes of North Dakota for the year 1905.

Introduction, 213.
Reference, 213.

Senate Bill No. 198.—Continued.

Reported, 629.
Passed or lost, 757.
Received from house, 1363.
Other action, 660, 1405, 1406, 1414, 1723.

Senate Bill No. 199.—(Pierce)

A bill for an act entitled an act to amend Sections 8893, 8894, 8895, and 8896 of the Revised Codes of North Dakota, as amended by Chapter 84 of the Session Laws of 1909, defining rape and prescribing punishment therefor.

Introduction, 228.
Reference, 229.
Other action, 320.

Senate Bill No. 200.—(Kennedy)

A bill for an act to amend and reenact Section 10371 and Section 10373 of the Revised Codes of North Dakota, for the year 1905, relating to parole of inmates of the state penitentiary.

Introduction, 228.
Reference, 230.
Reported, 517.
Passed or lost, 589.
Received from house, 878.
Other action, 582.

Senate Bill No. 201.—(Simpson)

A bill for an act to prohibit certain designated officers from advising, counseling, or suggesting to persons upon whom process is served, the name of attorneys and prescribing a penalty for violation.

Introduction, 228.
Reference, 230.
Reported, 625.
Passed or lost, 758.
Received from house, 1319.
Other action, 660.

Senate Bill No. 202.—(Trimble)

A bill for an act making it the duty of the commissioner of agriculture and labor to furnish certain information, and making an appropriation for the payment of the expenses connected therewith.

Senate Bill No. 202—Continued.

Introduction, 229.
 Reference, 230, 515.
 Reported, 515.
 Passed or lost, 969, 1051.
 Received from house, 1379.
 Other action, 1030.

Senate Bill No. 203.—(Gronvold)

A bill for an act to repeal Section 1044 of the Revised Codes of the state of North Dakota, relating to county treasurers and the collection of taxes.
 Introduction, 229.
 Reference, 230.
 Reported, 519.
 Passed or lost, 590.
 Received from house, 851.
 Other action, 582.

Senate Bill No. 204.—(Duncan)

A bill for an act to authorize boards of trustees of incorporated villages to regulate and license liveries, dray and express lines, and other vehicles used for the carrying of passengers, messages, or property for hire.
 Introduction, 229.
 Reference, 230.
 Reported, 698.
 Passed or lost, 808.
 Received from house, 1403.
 Other action, 742, 817.

Senate Bill No. 205.—(Welch)

A bill for an act to amend Section 10381 of the Revised Codes of 1905, as amended by Section 1, of Chapter 40, of the Session Laws of 1907, relating to the manner of disposing of the product of the state binder plant.
 Introduction, 229.
 Reference, 231.
 Reported, 519.
 Passed or lost, 591.
 Received from house, 1084.
 Other action, 582, 1173, 1176, 1723.

Senate Bill No. 206.—(McDowell)

A bill for an act to amend Section 1346 of the Revised Codes of

Senate Bill No. 206—Continued.

North Dakota for 1905, relating to highways.
 Introduction, 248.
 Reference, 249.
 Reported, 477.
 Passed or lost, 577.
 Received from house, 851, 1176.
 Other action, 537.

Senate Bill No. 207.—(Simpson).

A bill for an act to divide the state of North Dakota into three congressional districts.
 Introduction, 248.
 Reference, 250.
 Reported, 604.
 Other action, 1474.

Senate Bill No. 208.—(Garden)

A bill for an act to provide for and making of improvements at the North Dakota School of Forestry to assist in the maintenance thereof, and making appropriation therefor.
 Introduction, 248.
 Reference, 250.
 Reported, 1073.
 Passed or lost, 1190.
 Received from house, 1572.
 Other action, 1173, 1748.

Senate Bill No. 209.—(Garden)

A bill for an act entitled, an act regulating the business of corporations issuing bonds, notes, or other evidences of indebtedness and providing for the examination of such corporations.
 Introduction, 249.
 Reference, 250.
 Reported, 1093.
 Passed or lost, 1198.
 Received from house, 1572.
 Other action, 1174, 1636, 1638.

Senate Bill No. 210.—(McDowell)

A bill for an act to amend Sections 4635, 4638, 4641, 4642, 4664, and 4668, relating to state banking corporations; creating a separate banking department; and providing for placing banking and other financial corporations

Senate Bill No. 210—Continued.

within the jurisdiction and control of the same.
 Introduction, 249.
 Reference, 250.
 Reported, 658.
 Passed or lost, 942.
 Received from house, 1367.
 Other action, 287, 855, 916, 1540, 1560, 1618, 1619, 1654, 1780.

Senate Bill No. 211.—(Gunderson)

A bill for an act to amend Sections 1, 3, 5, 8 and 13, of Chapter 161 of the Session Laws of 1909 entitled, an act to regulate the public service of stallions in North Dakota; and providing a penalty for violation thereof.
 Introduction, 492.
 Reference, 291, 494.
 Reported, 965.
 Passed or lost, 1061.
 Received from house, 1475.
 Other action, 1047, 1636, 1639.

Senate Bill No. 212.—(Steele)

A bill for an act to provide for the refund of any tax upon land which shall have been paid through the error of any county official, or by mistake of the party so paying.
 Introduction, 267.
 Reference, 269.
 Reported, 606.
 Passed or lost, 763.
 Received from house, 1320.
 Other action, 661, 1393, 1394, 1724.

Senate Bill No. 213.—(Kennedy)

A bill for an act to regulate the manner of sale of food products and beverages, and establishing the legal weight for lard or lard substitutes and for bread, and providing a penalty for the violation thereof.
 Introduction, 267.
 Reference, 269.
 Reported, 640.
 Passed or lost, 801.
 Received from house, 1470.
 Other action, 716, 1524.

Senate Bill No. 214.—(Kennedy)

A bill for an act to amend subdivision 3 of Section 5001 of the Revised Codes of North Dakota of 1905, relative to the recording of instruments in the office of register of deeds.
 Introduction, 268.
 Reference, 270.
 Reported, 413.
 Passed or lost, 463.
 Received from house, 1085.
 Other action, 457, 1129, 1130, 1300.

Senate Bill No. 215.—(Kennedy)

A bill for an act permitting of the expenditure of moneys appropriated for the enforcement of the food, drug and paint laws and from the beverage law, for the enforcement of the sanitary inspection law, also, for the making of such investigations as are deemed necessary for the purpose of gaining information under the laws mentioned, and for the dissemination of information.
 Introduction, 268.
 Reference, 270.
 Reported, 1244.

Senate Bill No. 216.—(Overson)

A bill for an act to amend and reenact Section 8023 of the Revised Codes of North Dakota for 1905, relating to time to apply for letters of administration and providing when the statute of limitation shall run against claims against decedents.
 Introduction, 268.
 Reference, 270.
 Reported, 362.
 Passed or lost, 400.
 Received from house, 730.
 Other action, 393, 795, 796, 926.

Senate Bill No. 217.—(Overson)

A bill for an act to amend and reenact Section 9015 of the Revised Codes of North Dakota for 1905, as amended by Chapter 163 of the laws of 1909, validating marriages performed without authority, or where licenses

Senate Bill No. 217—Continued.

have been issued by a clerk of the county court.

Introduction, 268.
Reference, 270.
Reported, 360.
Passed or lost, 402.
Other action, 393.

Senate Bill No. 218.—(Overson)

A bill for an act to amend and reenact Section 7047 of the Revised Codes of North Dakota for the year 1905, relating to references and trials by referees.

Introduction, 269.
Reference, 271.
Reported, 891.
Passed or lost, 1006.
Received from house, 1572.
Other action, 990, 1635, 1638.

Senate Bill No. 219.—(Steele of Stutsman).

A bill for an act making an appropriation to meet the deficiency incurred by William Blake of Stutsman county, North Dakota, in carrying out the work of state humane agent.

Introduction, 269.
Reference, 271.
Reported, 358.
Passed or lost, 402.
Received from house, 832.
Other action, 393, 869, 926.

Senate Bill No. 220.—(Elkin)

A bill for an act to divide the state of North Dakota into three (3) congressional districts, and defining the boundaries of each said congressional district of the state of North Dakota.

Introduction, 269.
Reference, 271.
Reported, 605, 1206.
Passed or lost, 1313, 1325.
Received from house, 1632.
Other action, 1128, 1206, 1207, 1251, 1298, 1312, 1313, 1314, 1317, 1321, 1325, 1623, 1654, 1750, 1751, 1753, 1777, 1779.

Senate Bill No. 221.—(LaMoure)

A bill for an act to amend and reenact Section 4303 of the Revised Codes of 1905, and repeal Section 4304 of said code.

Introduction, 289.
Reference, 291.
Reported, 413.
Passed or lost, 464.
Received from house, 1085.
Other action, 458, 1129, 1130, 1300.

Senate Bill No. 222.—(Steele of Renville).

A bill for an act to amend and reenact Section 2, Section 16 and Section 24 of Chapter 109 of the Session Laws of the year 1907, of the state of North Dakota, relating to primary election.

Introduction, 289.
Reference, 292, 578, 680.
Reported, 478, 609, 693, 694.
Passed or lost, 750.
Received from house, 1296.
Other action, 537, 661, 719, 743.

Senate Bill No. 223.—(Steele of Renville)

A bill for an act to amend and reenact Section 39 and Section 40 of Chapter 109 of the Session Laws of the year 1907, of the State of North Dakota, relating to primary election.

Introduction, 290.
Reference, 292.
Reported, 563.
Passed or lost, 679.
Received from house, 1446.
Other action, 663, 1552, 1657, 1658.

Senate Bill No. 224.—(LaMoure)

A bill for an act to amend Section 98 of the Revised Codes of North Dakota of 1905.

Introduction, 290.
Reference, 292.
Reported, 395.
Passed or lost, 396.
Received from house, 1750.
Other action, 878, 1772.

Senate Bill No. 225.—(Linde)

A bill for an act to amend and re-enact Sections 4071, 4073 and 4074 of the Revised Codes of the State of North Dakota for the year 1905, relating to alimony, support and maintenance of the children of a marriage or of either party thereto in divorce actions.

Introduction, 290.

Reference, 292.

Reported, 472.

Passed or lost, 578.

Received from house, 1087.

Other action, 538, 1173, 1176, 1725.

Senate Bill No. 226.—(Linde)

A bill for an act giving the court authority to require the defendant to provide for the temporary support and maintenance of the plaintiff in divorce actions.

Introduction, 290.

Reference, 292.

Reported, 625.

Passed or lost, 764.

Received from house, 1418.

Other action, 661, 1485, 1724.

Senate Bill No. 227.—(Gunderson)

A bill for an act making it unlawful for corporations having banking powers to invest more than thirty percent of its capital stock and surplus 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.

Introduction, 290.

Reference, 293.

Reported, 846.

Passed or lost, 940.

Received from house, 1479.

Other action, 917, 1635, 1637.

Senate Bill No. 228.—(Stevens)

A bill for an act to amend and re-enact Section 1599 of the Revised Codes of 1905, relating to the platting of irregular tracts of land.

Senate Bill No. 228—Continued.

Introduction, 291.

Reference, 293.

Reported, 704.

Passed or lost, 811.

Received from house, 1380.

Other action, 742, 817, 1437, 1438, 1724.

Senate Bill No. 229.—(Plain)

A concurrent resolution amending the Constitution of the State of North Dakota, empowering the legislative assembly to provide by law for erecting, leasing, purchasing and operating terminal elevators in the State of North Dakota.

Introduction, 291.

Reference, 293.

Reported, 520.

Passed or lost, 591.

Received from house, 1320.

Other action, 582, 1390, 1391.

Senate Bill No. 230.—(Bessessen)

A bill for an act to amend section 40 of Chapter 109 of the laws of 1907, relating to the county and state central committee, how selected and when the same shall meet, under the primary election law.

Introduction, 320.

Reference, 320.

Reported, 1070.

Senate Bill No. 231.—(Martin)

A bill for an act to divide the State of North Dakota into three Congressional districts.

Introduction, 320.

Reference, 320.

Reported, 603.

Other action, 1474.

Senate Bill No. 232.—(Kennedy)

A bill for an act to amend Article 18 of Chapter 30 of the Political Code of North Dakota, being Section 2777 of the Revised Codes of North Dakota for 1905.

Introduction, 336.

Reference, 338.

Reported, 1224.

Senate Bill No. 233.—(Davis)

A bill for an act to amend Section 7045 of the Revised Codes of 1905, relating to the calling of another judge on account of prejudice or bias.

Introduction, 336.
Reference, 338.
Reported, 472.
Passed or lost, 579.
Received from house, 849.
Other action, 538.

Senate Bill No. 234.—(Duis)

A bill for an act to authorize and empower the state auditing board to audit, approve and order paid, bills contracted by the capitol commission under Chapter 166 of the Session Laws of 1905, and making an appropriation therefor.

Introduction, 336.
Reference, 339, 520.
Reported, 520, 783.
Passed or lost, 856.
Received from House, 847, 1456, 1524.

Senate Bill No. 235.—(Talcott)

A bill for an act to amend Sections 3, 4, 5, 6, 7, 8, 12, 15, 28, 35, 42, 43, 44, and 45 of Chapter 128 of the Session Laws of 1909, being 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, for the protection, propagation, preservation, taking, use and transportation of game, fish, wild birds, fur bearing animals and certain harmless birds and animals.

Introduction, 336.
Reference, 339.
Reported, 512.
Passed or lost, 717.
Received from house, 1446.
Other action, 582, 592, 1536, 1545, 1567, 1609, 1655, 1732, 1734, 1778, 1779.

Senate Bill No. 236.—(Martin)

A bill for an act to amend and reenact Section 2240, Article 45, Chapter 24, of the Revised Codes of North Dakota for the year 1905, relating to the duties of county auditors and prescribing how records of fees shall be kept.

Introduction, 337.
Reference, 339.
Reported, 607.
Passed or lost, 765.
Received from house, 1319.
Other action, 661, 1405, 1406, 1414, 1724.

Senate Bill No. 237.—(Welch)

A bill for an act providing for the reconstruction of the present capitol building of the state of North Dakota; and for that purpose creating a board of capitol commissioners, defining its powers and duties, providing for and appropriating the proceeds of sales of the capitol building lands, and authorizing the issuance of interest certificates against said fund.

Introduction, 337.
Reference, 339.
Reported, 1262.

Senate Bill No. 238.—(Welch)

A bill for an act authorizing the board of university and school lands to make examination of all state and school lands to thickness of any lignite coal veins underlying the surface and to show the soil characteristics and topographical features of such land, and providing an appropriation therefor.

Introduction, 337.
Reference, 340, 580.
Reported, 474, 895.
Passed or lost, 1000.
Received from house, 1479.
Other action, 538, 1627, 1629, 1660.

Senate Bill No. 239.—(Stevens)

A bill for an act prescribing the qualifications of certain appli-

Senate Bill No. 239—Continued.

cants for admission to the bar of the state of North Dakota.
Introduction, 338.
Reference, 340.
Reported, 627.

Senate Bill No. 240.—(Davis)

A bill for an act to divide the state of North Dakota into three (3) congressional districts, and defining the boundaries of each of the said congressional districts of the state of North Dakota.
Introduction, 338.
Reference, 340.
Reported, 604.
Other action, 1127, 1474.

Senate Bill No. 241.—(Committee on Temperance).

A bill for an act entitled, an act to prevent drinking or offering to others to drink as a beverage, any intoxicating liquors upon passenger trains in the state of North Dakota.
Introduction, 338.
Reference, 340.
Reported, 1017.
Passed or lost, 1147, 1195.
Received from house, 1577.
Other action, 1080, 1147, 1627, 1629, 1660.

Senate Bill No. 242.—(Linde)

A bill for an act prohibiting and punishing the unauthorized publication or distribution of the secret work of fraternal orders, and any publication claimed or represented to be secret work.
Introduction, 370.
Reference, 373.
Reported, 608.
Passed or lost, 765.
Received from house, 1184.
Other action, 661.

Senate Bill No. 243.—(Gronvold)

A bill for an act to amend Section 2084 of the Revised Codes of North Dakota for 1905, relating to proof of planting trees, under the tree bounty law.

Senate Bill No. 243—Continued.

Introduction, 371.
Reference, 373.
Reported, 607.
Passed or lost, 766.
Received from house, 1544.
Other action, 661.

Senate Bill No. 244.—(Linde)

A bill for an act prohibiting public administrators from acting as attorneys in the estates of decedents.
Introduction, 371.
Reference, 374.
Reported, 471.
Passed or lost, 580.
Received from house, 1735.
Other action, 538, 1744, 1765.

Senate Bill No. 245.—(Linde)

A bill for an act to amend and reenact Sections 1, 2, 3, 4, 7, 8 of Chapter 260 of the Session Laws of the state of North Dakota for the year 1907, to repeal Sections 5 and 6 thereof and to repeal Chapter 258 of the Session Laws of the state of North Dakota for the year 1907, relating to the prohibition of unfair discrimination between different sections, communities or localities, unfair competition and providing penalties for the violation thereof.
Introduction, 371.
Reference, 374.
Reported, 780.
Passed or lost, 995.
Received from house, 1366.
Other action, 847, 1131.

Senate Bill No. 246.—(Plain)

A bill for an act to prohibit the carrying and use of firearms by children and minors.
Introduction, 371.
Reference, 374.
Reported, 608.
Passed or lost, 768.
Received from house, 1363.
Other action, 662, 1393, 1394, 1725.

Senate Bill No. 247.—(Welo)

A concurrent resolution amending Section 185 of the constitution of the state of North Dakota, relating to state aid in the construction and improvement of public highways.

Introduction, 372.

Reference, 374.

Reported, 557.

Passed or lost, 680.

Received from house, 1414.

Other action, 663, 1483, 1485.

Senate Bill No. 248.—(Welch).

A bill for an act to provide for the better preservation of section corner, quarter section corner, and meander corner monuments on any government line of survey, and to provide a penalty for their destruction or defacement.

Introduction, 372.

Reference, 374.

Reported, 474.

Passed or lost, 581.

Received from house, 1396.

Other action, 538, 1437, 1438, 1725.

Senate Bill No. 249.—(Gilbert)

A bill for an act to amend Article 4 of Chapter 30 of the Political Code of North Dakota, being Section 2678 of the Revised Codes of North Dakota, of 1905, relating to powers of city councils.

Introduction, 372.

Reference, 375.

Reported, 898, 1128.

Other action, 1067, 1128.

Senate Bill No. 250.—(Martin)

A bill for an act limiting the expenses of life insurance corporations.

Introduction, 372.

Reference, 375.

Reported, 1243.

Senate Bill No. 251.—(Cashel)

A bill for an act to provide compensation for the destruction of tubercular cows, and levying a tax therefor.

Senate Bill No. 251—Continued.

Introduction, 372.

Reference, 375.

Reported, 1075.

Senate Bill No. 252.—(Cashel)

A bill for an act to amend Section 1541 of the Revised Codes of 1905, relating to tax lists made out by county auditors.

Introduction, 373.

Reference, 375.

Reported, 628.

Passed or lost, 769.

Received from house, 1320, 1326.

Other action, 662, 1405, 1406, 1414, 1725.

Senate Bill No. 253.—(Cashel)

A bill for an act transferring funds from the state wolf bounty fund of this state to the general fund of the state.

Introduction, 373.

Reference, 375.

Reported, 657.

Passed or lost, 801.

Received from house, 1404.

Other action, 716, 1483, 1485, 1724.

Senate Bill No. 254.—(Bessessen)

A bill for an act prohibiting combinations or agreements between two or more fire insurance companies, fixing rates and prescribing penalties therefor.

Introduction, 373.

Reference, 376.

Reported, 1254, 1305.

Passed or lost, 1307.

Other action, 1254.

Senate Bill No. 255.—(Jacobsen)

A bill for an act amending and re-enacting Sections 2 and 4 of Chapter 141 of the laws of 1909, relating to fire escapes for hotels.

Introduction, 373.

Reference, 376.

Reported, 884.

INDEX

Senate Bill No. 256.—(Stevens)

A bill for an act to amend Section 1833 of the Revised Codes of North Dakota for the year 1905, relating to additional assessments for drains.
 Introduction, 388.
 Reference, 390.
 Reported, 732.
 Passed or lost, 857.
 Received from house, 1456.
 Other action, 847, 1483, 1485, 1725.

Senate Bill No. 257.—(Duis)

A bill for an act entitled an act regulating the erection of telegraph, telephone, electric light, power and other poles carrying wires conveying electricity in incorporated cities.
 Introduction, 389.
 Reference, 390.
 Reported, 700.
 Passed or lost, 809.
 Received from house, 1403.
 Other action, 742, 817, 1462, 1463, 1725.

Senate Bill No. 258.—(Kennedy)

A bill for an act to prevent the cropping of farm land to the same kind of grain during successive years.
 Introduction, 389.
 Reference, 390.
 Reported, 696.

Senate Bill No. 259.—(Williams)

A bill for an act making an appropriation to compensate P. J. Johnson for services as assistant attorney general, especially authorized to enforce the prohibitory law of this state.
 Introduction, 389.
 Reference, 390, 785.
 Reported, 784, 971.
 Passed or lost, 1057.
 Received from house, 1634.
 Other action, 1030.

Senate Bill No. 260.—(Walton)

A bill for an act to regulate the names of corporations and to prohibit the use of misleading words in the names of corpora-

Senate Bill No. 260—Continued.

tions organized or authorized to do business in this state.
 Introduction, 389.
 Reference, 390.
 Reported, 734.
 Passed or lost, 816.
 Received from house, 1184.
 Other action, 786, 817.

Senate Bill No. 261.—(Wallin)

A bill for an act regulating the practice in county court having increased jurisdiction.
 Introduction, 389.
 Reference, 391.
 Reported, 1078.
 Passed or lost, 1198.
 Received from house, 1476.
 Other action, 1185, 1760, 1773.

Senate Bill No. 262.—(Thoreson)

A bill for an act to establish a revolving fund out of the net profits derived from the operation of the twine plant at the state penitentiary, and to provide for the disposal thereof.
 Introduction, 421.
 Reference, 423.
 Reported, 741.
 Passed or lost, 859.
 Received from house, 1456.
 Other action, 847, 1524, 1585, 1739.

Senate Bill No. 263.—(Wallin)

A bill for an act providing for and creating a new office of county adjutor.
 Introduction, 422.
 Reference, 423.
 Reported, 735, 1157.

Senate Bill No. 264.—(Talcott)

A bill for an act to amend Section 10430 of the Revised Codes of 1905, of the state of North Dakota, relating to the appointment and obligations of jailers and manner of fixing compensation to be allowed for jail services.
 Introduction, 422.
 Reference, 423.
 Reported, 1155.
 Passed or lost, 1276.
 Received from house, 1538.
 Other action, 1215, 1251.

Senate Bill No. 265.—(Kennedy)

A bill for an act to amend Sections 2772, 2775, 2776, 2777, 2786, Revised Codes of 1905, relating to the creation of improvement districts and the purposes for which special assessments may be levied in this state.

Introduction, 422.
Reference, 423.
Reported, 698.
Passed or lost, 805.
Received from house, 1375.
Other action, 742, 1546.

Senate Bill No. 266.—(Stevens)

A bill for an act to amend Section 3013 of the Revised Codes of 1905, relating to bridge funds to be turned over to cities of certain class.

Introduction, 422.
Reference, 424.
Other action, 800.

Senate Bill No. 267.—(Duncan)

A bill for an act to amend Sections 2, 3, 4, 10, 14 and 28, of Chapter 92 of the Session Laws of the state of North Dakota of 1909, relating to the creation of 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 assistant dairy commissioners, fixing their compensation, defining their powers and duties, prescribing rules and regulations for the manufacture and sale of dairy products prescribing penalties for violations, providing for a license for creameries, cream stations, cheese factories and renovating process butter factories, throughout the state.

Introduction, 422.
Reference, 424.
Reported, 655.
Passed or lost, 802.
Received from house, 1428.
Other action, 746, 1484, 1485, 1725.

Senate Bill No. 268.—(Duncan)

A bill for an act to amend Section 28 of Chapter 92, of the Session Laws of North Dakota for 1909.

Introduction, 423.
Reference, 424.
Reported, 897.
Passed or lost, 1044.
Received from house, 1603.
Other action, 1030, 1662, 1663.

Senate Bill No. 269.—(Baker)

A bill for an act creating a reserve at Devils Lake, North Dakota, and providing for the protection of birds and their nests within such reserve.

Introduction, 453.
Reference, 455.
Reported, 551.
Passed or lost, 719.
Received from house, 1429.
Other action, 664, 1484, 1486, 1726.

Senate Bill No. 270.—(Duis)

A bill for an act entitled, an act requiring the payment of road and road poll tax in money, and providing for the expenditure thereof, under the contract system.

Introduction, 453.
Reference, 455.
Reported, 1169.

Senate Bill No. 271.—(Kretchmar)

A bill for an act for the organization of villages in territory embracing more than one county.

Introduction, 453.
Reference, 455.
Reported, 843.
Passed or lost, 998.
Received from house, 1480.
Other action, 917, 1553, 1656, 1658.

Senate Bill No. 272.—(Thoreson)

Concurrent resolution amending Section 121 of the constitution of the state of North Dakota, relating to the elective franchise.

Introduction, 454.
Reference, 455.
Reported, 626.

Senate Bill No. 273.—(Kennedy)

A bill for an act amending; Section 49 of the Revised Codes of North Dakota, of 1905, relating to how printing shall be done.
 Introduction, 454.
 Reference, 455.
 Reported, 735, 870.
 Passed or lost, 943.
 Other action, 870, 917, 994.

Senate Bill No. 274.—(Simpson)

A bill for an act making an appropriation for the Dickinson experiment station located in the city of Dickinson.
 Introduction, 454.
 Reference, 456.
 Reported, 972.
 Passed or lost, 1055.
 Received from house, 1614.
 Other action, 1030, 1752.

Senate Bill No. 275.—(Elkin)

A bill for an act authorizing the county commissioners to condemn and purchase right of way for highways whenever the cost of constructing such highway or any part thereof is to be borne by the county.
 Introduction, 454.
 Reference, 456.
 Reported, 556.
 Passed or lost, 719.
 Received from house, 1363.
 Other action, 664, 1393, 1394, 1726.

Senate Bill No. 276.—(Elkin)

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, relating to the supervision and repairs of bridges.
 Introduction, 454.
 Reference, 456.
 Reported, 1169.

Senate Bill No. 277.—(Baker)

A bill for an act relating to trespassing while hunting game.

Senate Bill No. 277.—Continued.

Introduction, 455.
 Reference, 456.
 Reported, 733.
 Passed or lost, 815.
 Received from house, 1478.
 Other action, 786, 817, 1553, 1637, 1639.

Senate Bill No. 278.—(Steele of Renville)

A bill for an act to amend and reenact Section 13 of the Session Laws for the year 1907 of the state of North Dakota, relating to primary election.
 Introduction, 490.
 Reference, 492.
 Reported, 651.
 Passed or lost, 755.
 Received from house, 1429.
 Other action, 716, 718, 719, 1576, 1627, 1629, 1660.

Senate Bill No. 279.—(McLean)

A bill for an act to provide that the counties of the state may adopt a uniform system of text books.
 Introduction, 490.
 Reference, 492.
 Reported, 1221, 1267.
 Other action, 1282.

Senate Bill No. 280.—(Steele of Renville)

A bill for an act to amend and reenact Section 9 of the Session Laws for the year 1907 of the state of North Dakota, relating to primary election.
 Introduction, 490.
 Reference, 493.
 Reported, 652.
 Passed or lost, 753.
 Received from house, 1404, 1555.
 Other action, 719, 743, 1545, 1575, 1752.

Senate Bill No. 281.—(Bessessen)

A concurrent resolution for an amendment to the constitution of the state of North Dakota, providing for the recall of public officers by the people.

Senate Bill No. 281—Continued.

Introduction, 490.
 Reference, 493.
 Reported, 653.
 Passed or lost, 767.
 Received from house, 1403.
 Other action, 717, 1551, 1662.

Senate Bill No. 282.—(Linde)

A bill for an act to amend and re-enact Section 2563 of the Revised Codes of the state of North Dakota for the year 1905, relating to the power of counties to issue bonds for the purpose of purchasing sites and constructing county buildings.

Introduction, 490.
 Reference, 493.
 Reported, 704.
 Passed or lost, 809.
 Received from house, 1403.
 Other action, 743, 817, 1484, 1486, 1726.

Senate Bill No. 283.—(Martin)

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, 491.
 Reference, 493, 699.
 Reported, 699, 1330.
 Other action, 491, 1540.

Senate Bill No. 284.—(Johnson)

A bill for an act making an appropriation for the purpose of reimbursing members of the railroad commission of North Dakota for money actually and necessarily expended in the conduct of the business of the office and for which bills there has never been funds with which to make payment.

Introduction, 492.
 Reference, 493.
 Reported, 1260.
 Passed or lost, 1295.
 Received from house, 1610.
 Other action, 1282, 1294.

Senate Bill No. 285.—(Davis)

A bill for an act establishing a temporary educational commission and appropriating one thousand dollars for the expenses thereof.

Introduction, 492.
 Reference, 494.
 Reported, 986, 1163.
 Passed or lost, 1254.
 Received from house, 1603.
 Other action, 1251, 1739.

Senate Bill No. 286.—(Linde)

A bill for an act to amend and re-enact Section 2336 of the Revised Codes of North Dakota for the year of 1905 and to repeal Section 2338 of the Revised Codes of North Dakota for the year 1905, relating to the settlement of assets and liabilities between counties growing out of the division of a county.

Introduction, 529.
 Reference, 532.
 Reported, 783.

Senate Bill No. 287.—(Welch)

A bill for an act prescribing the duties of the county auditor upon receipt of tax levies certified to him.

Introduction, 529.
 Reference, 532.
 Reported, 980.
 Passed or lost, 1059.
 Received from house, 1735.
 Other action, 1030, 1760.

Senate Bill No. 288.—(Talcott)

A bill for an act to amend Section 2755 of the Revised Codes of 1905, relating to powers of city councils to contract indebtedness.

Introduction, 530.
 Reference, 533.
 Reported, 895.

Senate Bill No. 289.—(Duncan)

A bill for an act making it unlawful for any chairman of the board of county commissioners of any county in the state of North

Senate Bill No. 289—Continued.

Dakota from signing any county warrant or warrants before such warrant or warrants are drawn by the county auditor, and all blanks filed out in full and compared with the bill for which the same was allowed.

Introduction, 530.
Reference, 533.
Reported, 741.
Passed or lost, 812.
Received from house, 1184.
Other action, 786, 817.

Senate Bill No. 290.—(Pierce)

A bill for an act to amend and reenact Section 496 of the Revised Codes of North Dakota, relating to qualifications of applicants for admission to the bar of the state of North Dakota.

Introduction, 530.
Reference, 533.
Reported, 649.
Passed or lost, 817.
Received from house, 1-15.
Other action, 786, 817, 1543, 1635, 1637.

Senate Bill No. 291.—(Walton)

A bill for an act authorizing the state auditing board to audit any claims the county of Dickey in said state, may have against the state of North Dakota, for moneys paid the state on collections of taxes by sale of lands, which sales were thereafter declared illegal and the county was compelled to refund the amount of such sales money with interest and no part of which has been refunded the county, which was paid the state on such sales, and making an appropriation therefor.

Introduction, 530.
Reference, 533.
Reported, 1345.

Senate Bill No. 292.—(Judiciary Committee)

A bill for an act to make a uniform law of sales of goods.

Senate Bill No. 292—Continued.

Introduction, 531.
Reference, 534.
Reported 1260.
Other action, 1282, 1284.

Senate Bill No. 293.—(Welo)

A bill for an act to regulate the practice of naturopathy in the state of North Dakota.

Introduction, 531.
Reference, 534, 918.
Reported, 848, 981.
Passed or lost, 1135, 1310.
Other action, 918, 1173, 1178, 1310.

Senate Bill No. 294.—(Trimble)

A bill for an act to amend Chapter 183 of the 1909 Session Laws.

Introduction, 531.
Reference, 534, 746, 978.
Reported, 978, 1243.
Other action, 746.

Senate Bill No. 295 —(Gibbens)

A bill for an act providing for the establishment of county agricultural and training schools and their joint maintenance by the state and the county wherein located, and providing for a levy of state tax for the raising of funds to meet the state share of said cost of maintenance.

Introduction, 531.
Reference, 534.
Reported, 1124.
Passed or lost, 1311.
Received from house, 1612.
Other action, 1311, 1762.

Senate Bill No. 296.—(Bessessen)

A bill for an act authorizing cities incorporated under the laws of this state to regulate and fix the rate to be charged by persons, firms or corporations furnishing water, light or other public service utility to such cities and the inhabitants thereof.

Introduction, 531.
Reference, 534.
Reported, 914, 932.
Passed or lost, 1039.
Received from house, 1577.
Other action, 991, 992, 1656, 1658.

Senate Bill No. 297.—(Pierce)

A bill for an act to amend Section 4655 of the Revised Codes of North Dakota for 1905, relating to the reserve fund of banking corporations.

Introduction, 532.
Reference, 535.
Reported, 890.

Senate Bill No. 298.—(Stevens)

A bill for an act prescribing the amount of bonds which shall be furnished by the deputy state treasurer and the deputy state auditor for the faithful performance of their duties; appropriating funds with which to pay the premium of such bonds, and limiting the salary of the deputy state treasurer and deputy state auditor.

Introduction, 532.
Reference, 535.
Reported, 929.
Passed or lost, 1042.
Received from house, 1728.
Other action, 1030, 1745, 1765.

Senate Bill No. 299.—(Welch)

A bill for an act providing for the making of necessary repairs upon the capitol building and making an appropriation therefor.

Introduction, 532.
Reference, 535.
Reported, 782.
Passed or lost, 856.
Received from house, 1476.
Other action, 847, 1627, 1630, 1660.

Senate Bill No. 300.—(Welo)

A bill for an act relating to the location and construction of new lines of railroads in the state and defining the powers and duties of the board of railroad commissioners in connection therewith, and prescribing penalties for violation thereof.

Introduction, 571.
Reference, 574.
Reported, 1220.

Senate Bill No. 301.—(Gunderson)

A bill for an act to amend and reenact Section 237 of the Revised Codes of the state of North Dakota for the year 1905.

Introduction, 571.
Reference, 574.
Reported, 978.
Passed or lost, 1061.
Received from house, 1479.
Other action, 1031, 1628, 1630, 1660.

Senate Bill No. 302.—(Talcott)

A bill for an act to forfeit firearms or other weapons to the state when found on the person of any one arrested and convicted of a felony, misdemeanor or other crime.

Introduction, 572.
Reference, 575.
Reported, 739.
Passed or lost, 814.
Received from house, 1475.
Other action, 785, 817, 1546.

Senate Bill No. 303.—(Whitcher)

A bill for an act to amend Sections 4695 and 4698 of the Revised Codes of North Dakota for 1905, relating to foreign corporations.

Introduction, 572.
Reference, 575.
Reported, 1093.
Passed or lost, 1194.
Received from house, 1577.
Other action, 1174, 1628, 1630, 1749.

Senate Bill No. 304.—(Talcott)

A bill for an act requiring a more thorough and comprehensive system of instruction in all common and high schools of this state, and providing a penalty for the violation thereof.

Introduction, 572.
Reference, 575.
Reported, 986.
Passed or lost, 1062.
Received from house, 1457.
Other action, 1031, 1549, 1628, 1630, 1659.

Senate Bill No. 305.—(Williams)

A bill for an act to amend and re-enact Section 9363 of the Revised Codes of 1905 as amended by Chapter 183 of the Session Laws of 1909, relating to fees of clerk of a court.

Introduction, 572.

Reference, 575.

Reported, 977.

Passed or lost, 1049.

Received from house, 1475.

Other action, 1031, 1568, 1569.

Senate Bill No. 306.—(Cashel)

A bill for an act amending Section 9358 of the Revised Codes of 1905, as amended and re-enacted by Section 5 of Chapter 183 of the Laws of 1909, regulating the sale of intoxicating liquors by druggists who are registered pharmacists, and to provide a method of such sales in cases of emergency.

Introduction, 572.

Reference, 575.

Reported, 988, 989, 1032.

Passed or lost, 1192, 1200.

Received from house, 1396.

Other action, 1032, 1080, 1189, 1190, 1191, 1200, 1462, 1463.

Senate Bill No. 307.—(Steele of Renville)

A concurrent resolution for an amendment to the constitution of the state of North Dakota, relating to the term of office of the judges of the supreme court.

Introduction, 573.

Reference, 576.

Reported, 740.

Passed or lost, 813.

Received from house, 1430.

Other action, 785, 817, 1537, 1551, 1635, 1637.

Senate Bill No. 308.—(Welch)

A bill for an act to amend Section 474 of the Revised Codes of North Dakota of 1905, relating to the boundaries and terms of court in the Sixth judicial district.

Senate Bill No. 308—Continued.

Introduction, 573.

Reference, 576.

Reported, 965.

Passed or lost, 1058, 1179.

Received from house, 1615.

Other action, 1031, 1178, 1617, 1760.

Senate Bill No. 309.—(Welch)

A bill for an act to provide for the purchase of the paintings of "Mink Woman," "Bear's Neck-lace," and "Bad Brave."

Introduction, 573.

Reference, 576, 631.

Reported, 967.

Passed or lost, 1050.

Received from house, 1320.

Other action, 1031, 1437, 1438, 1726.

Senate Bill No. 310.—(Stevens)

A bill for an act to amend and re-enact Section 733 of the Revised Codes of 1905, relating to the registration of voters.

Introduction, 573.

Reference, 576.

Reported, 888.

Passed or lost, 1007.

Received from house, 1416.

Other action, 991, 1484, 1486, 1726.

Senate Bill No. 311.—(Duncan)

A bill for an act to amend and re-enact Sections 6240 and 6241 of Chapter 79 of the Revised Codes of North Dakota for 1905, relating to accounts to be filed with clerk of court in mechanic's liens; and clerk's records thereof.

Introduction, 573.

Reference, 576.

Reported, 740.

Passed or lost, 814.

Received from house, 1402.

Other action, 785, 817.

Senate Bill No. 312.—(Gronvold)

A bill for an act to amend and re-enact Section 264 of the Revised Codes of 1905, in relation to the compensation of superin-

Senate Bill No. 312—Continued.

tendents of county boards of health.
 Introduction, 574.
 Reference, 577.
 Reported, 845.
 Passed or lost, 995.
 Received from house, 1366.
 Other action, 917.

Senate Bill No. 313.—(Gronvold)

A bill for an act to amend Section 2586 of the Revised Codes of North Dakota for 1905, relating to the salaries of judges of the county court.
 Introduction, 574.
 Reference, 577.
 Reported, 976.
 Passed or lost, 1049.
 Received from house, 1475.
 Other action, 1031, 1636, 1638.

Senate Bill No. 314.—(Garden)

A bill for an act to amend Section 2, Chapter 80, Laws of 1909, relating to practice in county courts.
 Introduction, 574.
 Reference, 577.
 Reported, 1261.

Senate Bill No. 315.—(Linde)

A bill for an act to amend Section 5642 of the Revised Codes of the state of North Dakota for the year 1905, providing for the termination of liability of common carriers.
 Introduction, 631.
 Reference, 635.
 Reported, 973.
 Passed or lost, 1048.
 Received from house, 1366.
 Other action, 1032.

Senate Bill No. 316.—(Linde)

A bill for an act to amend Section 227½, Revised Codes of 1905, relating to storage companies.
 Introduction, 631.
 Reference, 635.
 Reported, 1021.
 Passed or lost, 1143.
 Received from house, 1480.
 Other action, 1080.

Senate Bill No. 317.—(Turner)

A bill for an act for the regulation supervision and control of the business of banking, and to provide penalties for its violation, repealing all acts and parts of acts inconsistent therewith.
 Introduction, 631.
 Reference, 635.
 Reported, 975.

Senate Bill No. 318.—(Bessessen)

A bill for an act to amend and re-enact Section 738 of the Revised Codes of 1905, relating to votes cast by persons not registered.
 Introduction, 632.
 Reference, 635.
 Reported, 985.
 Passed or lost, 1060.
 Received from house, 1727.
 Other action, 1032, 1765.

Senate Bill No. 319.—(Duncan)

A bill for an act to amend and re-enact Section 482 of the Revised Codes of North Dakota for 1905, relating to the duties of court stenographers.
 Introduction, 632.
 Reference, 635.
 Reported, 890.

Senate Bill No. 320.—(Duncan)

For an act to amend and re-enact Section 9545 of the Revised Codes of 1905, relating to costs taxed and collected in criminal cases.
 Introduction, 632.
 Reference, 636.
 Reported, 1268.

Senate Bill No. 321.—(Committee on Election and Privileges)

A bill for an act to secure the purity of elections, to limit candidates' election expenses, to define, prevent and punish corrupt and illegal practices in nominations and elections, to provide for furnishing information to the electors; and to provide a penalty for the violation of this act.

Senate Bill No. 321—Continued.

Introduction, 632.
Reference, 636.
Reported, 1241.

Senate Bill No. 322.—(Talcott)

A bill for an act to amend Section 4207 of the Revised Codes of North Dakota for 1905, relating to the manner of voting of private corporations.

Introduction, 632.
Reference, 636.
Reported, 1092.
Passed or lost, 1196.
Received from house, 1379.
Other action, 1132, 1174.

Senate Bill No. 323.—(Davis)

A bill for an act to amend Sections 1295, 1297, and 1298 of the Revised Codes of North Dakota of 1905, and Section 1296 of the Revised Codes of 1905 as amended by the legislative assembly of 1909, being Chapter 13 of the Revised Codes of 1905, entitled state library.

Introduction, 633.
Reference, 636, 987.
Reported, 987, 1018.
Passed or lost, 1131.
Received from house, 1538.
Other action, 1032.

Senate Bill No. 324.—(Davis)

A bill for an act providing for a bailiff of the supreme court.

Introduction, 633.
Reference, 636.
Reported, 1017.
Passed or lost, 1146.
Received from house, 1537.
Other action, 1080.

Senate Bill No. 325.—(Carter)

A bill for an act entitled, an act fixing the terms of court in the various counties comprising the Fourth judicial district of the state and the beginning and duration thereof.

Introduction, 633.
Reference, 637.
Reported, 1265.

Senate Bill No. 325—Continued.

Passed or lost, 1298.
Received from house, 1612.
Other action, 1282, 1297, 1656, 1658.

Senate Bill No. 326.—(Duncan)

A bill for an act to amend Section 1350, Revised Codes of 1905, relating to the laying out, altering or discontinuing roads.

Introduction, 633.
Reference, 637.
Reported, 887.
Passed or lost, 1003.
Received from house, 1416.
Other action, 991, 1297, 1462, 1463, 1726.

Senate Bill No. 327.—(Gronvold)

A bill for an act amending Section 7176 of the Revised Codes of 1905, as amended and re-enacted by Chapter 177, Laws of 1907, pertaining to authority of attorney in foreclosure.

Introduction, 633.
Reference, 637.
Reported, 1024.

Senate Bill No. 328.—(Davis)

A bill for an act to create a commission to investigate and report to the legislature of this state, on the first day of the legislative session of 1913, a bill to fairly compensate employes for injuries received in the course of employment and defining the duties of said commission, and making appropriation therefor.

Introduction, 634.
Reference, 637.
Reported, 968.
Passed or lost, 1052.
Received from house, 1623.
Other action, 1047, 1748.

Senate Bill No. 329.—(Simpson)

A bill for an act to repeal Section 7229 of the Revised Codes of 1905.

Introduction, 634.
Reference, 637.
Reported, 1278.

Senate Bill No. 330.—(Bessessen)

A bill for an act to amend Section 7145 of the Revised Codes of North Dakota for 1905, relating to redemptions and payments, to whom made and how disposed of.

Introduction, 634.
Reference, 638.
Reported, 1511.

Senate Bill No. 331.—(Steele of Renville)

A bill for an act to amend Section 6796, Revised Codes of 1905, relating to limitations of actions or proceedings to foreclose real estate and mortgages.

Introduction, 634.
Reference, 638.
Reported, 1177, 1222.
Passed or lost, 1273, 1421.
Received from house, 1616.
Other action, 1251, 1739.

Senate Bill No. 332.—(Steele of Renville)

A bill for an act to amend Section 7530, Revised Codes of 1905, relating to adjustment of cross judgment in actions to determine conflicting claims to real property.

Introduction, 634.
Reference, 638.
Reported, 892.
Passed or lost, 1002.
Received from house, 1456.
Other action, 991, 1524, 1525.

Senate Bill No. 333.—(Pierce)

A bill for an act to amend Section 4173 of the Revised Codes of 1905, relating to articles of incorporation.

Introduction, 665.
Reference, 668.
Reported, 844.
Passed or lost, 996.
Received from house, 1296.
Other action, 917.

Senate Bill No. 334.—(Pierce)

A bill for an act to amend Chapter 63. Laws of 1909. being Section 4210, Revised Codes of 1905

Senate Bill No. 334—Continued.

as amended by said chapter, relating to indebtedness of corporations.

Introduction, 665.
Reference, 668.
Reported, 845.
Passed or lost, 997.
Received from house, 1296.
Other action, 917.

Senate Bill No. 335.—(Overson)

A bill for an act to amend and reenact Section 9557 of the Revised Codes of the state of North Dakota for 1905.

Introduction, 666.
Reference, 668.
Reported, 1021

Senate Bill No. 336.—(Overson)

A bill for an act to amend and reenact Section 6187 of the Revised Codes of North Dakota, for 1905.

Introduction, 666.
Reference, 668.
Reported, 1022.
Passed or lost, 1142.
Received from house, 1367.
Other action, 1081.

Senate Bill No. 337.—(Baker)

A bill for an act prohibiting trespass on the lands or tenements of another, providing the punishment therefor.

Introduction, 666.
Reference, 668.
Reported, 1023.

Senate Bill No. 338.—(Committee on Elections).

A bill for an act providing for the publication of the names of candidates before the primary.

Introduction, 666.
Reference, 668.
Reported, 888.
Passed or lost, 1005.
Received from house, 1418.
Other action, 991, 1542, 1657, 1659, 1748.

Senate Bill No. 339.—(Committee on Elections and Privileges)

A bill for an act to prescribe legal rates for the publication of political announcements.

Introduction, 666.

Reference, 669.

Reported, 888.

Passed or lost, 1004.

Received from house, 1416.

Other action, 991, 1462, 1463, 1727.

Senate Bill No. 340.—(Committee on Elections and Privileges)

A bill for an act prohibiting the sale or purchase of political support or political editorials and prescribing a penalty therefor.

Introduction, 666.

Reference, 669.

Reported, 887.

Passed or lost, 1003, 1046.

Received from house, 1571.

Other action, 991, 1006, 1045, 1140.

Senate Bill No. 341.—(Bessessen)

A bill for an act to amend Section 4 of Chapter 109 of the Laws of North Dakota for 1907, relating to county and legislative candidates, petition, filing fee, and pledge under the primary election law.

Introduction, 667.

Reference, 669.

Reported, 1239.

Senate Bill No. 342.—(Syvertson)

A bill for an act to amend Section 8089 of the Revised Codes of the state of North Dakota for 1905, relating to exempt personal property and the disposition thereof.

Introduction, 667.

Reference, 669.

Reported, 1023.

Passed or lost, 1142.

Received from house, 1367.

Other action, 1081.

Senate Bill No. 343.—(Wallin)

A bill for an act fixing the liability of persons, co-partnerships and corporations engaged in mining

Senate Bill No. 343.—Continued.

for injury sustained by employes in consequence of the negligence of fellow servant.

Introduction, 667.

Reference, 669.

Reported, 1090.

Senate Bill No. 344.—(Whitcher)

A bill for an act relating to mills and millers, providing for tolls for grinding, and prescribing penalties for the violation thereof.

Introduction, 667.

Reference, 670.

Reported, 1074.

Passed or lost, 1199.

Received from house, 1259, 1367.

Other action, 1174, 1254, 1269.

Senate Bill No. 345.—(Davis)

A bill for an act amending Section 9646 of the Revised Codes of North Dakota for 1905, and providing for removal of public officers by summary judicial proceedings.

Introduction, 667.

Reference, 670.

Reported, 1026.

Passed or lost, 1197.

Other action, 1081.

Senate Bill No. 346.—(Gunderson)

A bill for an act to create a commission for the purpose of inquiring into the present system of assessing and collecting taxes; and to make a report thereof, and to make recommendations according to its findings and conclusions, to the Thirteenth legislative assembly.

Introduction, 708.

Reference, 709.

Reported, 1076, 1343.

Senate Bill No. 347.—(Kennedy)

A bill for an act making an appropriation for the enforcement of the feeding stuffs, fertilizer, beverage and sanitary inspection laws, and for the making of such investigations as are deemed ne-

Senate Bill No. 347—Continued.

cessary for the purpose of gaining information, under the laws mentioned, and for the dissemination of information.

Introduction, 708.
Reference, 710.
Reported, 1020.
Passed or lost, 1145.
Received from House, 1481.
Other action, 1081, 1636, 1638.

Senate Bill No. 348.—(Kennedy)

A bill for an act providing for the payment of fees collected by the North Dakota government agricultural experiment station into the state treasury.

Introduction, 709.
Reference, 710.
Reported, 1025.
Passed or lost, 1137.
Received from house, 1480.
Other action, 1081, 1748.

Senate Bill No. 349.—(Putnam)

A bill for an act defining boundaries of the Fifth judicial district, fixing the terms of court therein, and validating certain judgments.

Introduction, 709.
Reference, 710.
Reported, 1261.

Senate Bill No. 350.—(Putnam)

A bill for an act creating the Thirteenth judicial district of the state of North Dakota, defining the boundaries thereof, providing for the appointment and election of a judge, and fixing the terms of court therein.

Introduction, 709.
Reference, 710.
Reported, 1258.

Senate Bill No. 351.—(Bessessen)

A bill for an act to provide for party registration of electors desiring to vote at the primary election in this state.

Introduction, 709.
Reference, 710.
Reported, 1167.
Passed or lost, 1275.
Received from house, 1615.
Other action, 1251.

Senate Bill No. 352.—(Duis)

A bill for an act entitled, an act to amend Section 2389 of the Revised Codes of 1905, relating to county commissioners.

Introduction, 747.
Reference, 748.
Reported, 1025.
Passed or lost, 1187.
Received from house, 1612.
Other action, 1095, 1139, 1187.

Senate Bill No. 353.—(Committee on Elections).

A bill for an act to provide for the expression by the qualified voters of the several political parties of their choice for nomination by their party for president and vice president of the United States; to provide for and regulate direct primary election for the election of said political party's delegates to their respective national conventions, and for the payment of delegates' necessary expenses, not exceeding \$200 each for the election of party candidates for the office of presidential elector, and for the election of national committeeman.

Introduction, 748.
Reference, 749.
Reported, 1234.
Passed or lost, 1292.
Received from house, 1616.
Other action, 1291, 1773.

Senate Bill No. 354.—(Stevens)

A bill for an act to amend Section 5584 of the Revised Codes of North Dakota for the year 1905, relating to fees of clerks of district court.

Introduction, 748.
Reference, 749.
Reported, 1166.
Passed or lost, 1277.
Received from house, 1538.
Other action, 1251.

Senate Bill No. 355.—(Simpson)

A bill for an act to amend Chapter 214 of the Session Laws of 1907,

Senate Bill No. 355—Continued.

relative to assessment of coal mines.

Introduction, 748.
Reference, 749.
Reported, 1077.
Passed or lost, 1201.
Received from house, 1623.
Other action, 1174, 1748.

Senate Bill No. 356.—(Kennedy)

A bill for an act to amend Article 3, Chapter 75, of the Civil Code of North Dakota, being Section 6186 of the Revised Codes of North Dakota of 1905.

Introduction, 789.
Reference, 790.
Reported, 1022.
Passed or lost, 1140.
Received from house, 1473.
Other action, 1081, 1140, 1141, 1569.

Senate Bill No. 357.—(Baker)

A bill for an act to repeal Article 24 of the Revised Codes of North Dakota for 1905, entitled tree planting, said article 24 consisting of Sections 2082, 2083 2084 and 2085; also Chapter 41 of the Session Laws of the state of North Dakota, for 1907, and Chapter 50 of the Session Laws of the state of North Dakota for 1909.

Introduction, 789.
Reference, 790.
Reported, 1280.

Senate Bill No. 358.—(Carter)

A bill for an act to amend Section 6188 of the Revised Codes of North Dakota, for the year 1905, relating to duties of registers of deeds.

Introduction, 790.
Reference, 791.
Reported, 1026.
Passed or lost, 1188.
Received from house, 1727.
Other action, 1082, 1139, 1731, 1760.

Senate Bill No. 359.—(Carter)

A bill for an act to amend Sections 2595 and 2596 of the Revised Codes of North Dakota.
Introduction, 790.
Reference, 791.
Reported, 1024.

*** Senate Bill No. 360.—(Baker)**

A bill for an act defining the crime of assault and battery with intent to do great bodily harm, and prescribing the punishment therefor.

Introduction, 854.
Reference, 854.
Reported, 1167.

*** Senate Bill No. 361.—(Bessessen)**

A bill for an act defining the crime of assault and battery with intent to do great bodily harm, and prescribing the punishment therefor.

Introduction, 854.
Reference, 854.
Reported, 1178.
Passed or lost, 1272.
Received from house, 1620.
Other action, 1252.

*** Senate Bill No. 362.—(Allen)**

A bill for an act to amend and re-enact Section 10393 of the Revised Codes of 1905, providing that twenty-five (25) per cent. of the profits of the brick yard be set aside as a manufacturing and operating fund for making furniture and school supplies for sale to public institutions of this state.

Introduction, 854.
Reference, 855.
Reported, 1157.
Passed or lost, 1255.
Received from house, 1616.
Other action, 1252, 1738.

*** Senate Bill No. 363.—(Gibbons)**

A bill for an act to amend and re-enact Section 10393 of the Revised Codes of 1905, providing that twenty-five (25) per cent. of the profits of the brick yard

Senate Bill No. 363—Continued.

be set aside as a manufacturing and operating fund for making furniture and school supplies for sale to public institutions of this state.
 Introduction, 864.
 Reference, 864.
 Reported, 1157.
 Passed or lost, 1255.
 Other action, 1252, 1654, 1773.

Senate Bill No. 364.—(Duis)

A bill for an act to prohibit lobbying and to regulate the employment of legislative counsel and legislative agents by persons or corporations.
 Introduction, 920.
 Reference, 921.
 Reported, 1156.
 Passed or lost, 1256.
 Received from house, 1728.
 Other action, 1252, 1762.

Senate Bill No. 365.—(Overson)

For an act to provide a method of investigating cases of poor relief in certain cities.
 Introduction, 920.
 Reference, 921.
 Reported, 1158.

Senate Bill No. 366.—(Overson)

A bill for an act to amend and reenact Section 6 of Chapter 210, of the Laws of North Dakota for the year 1909.
 Introduction, 920.
 Reference, 921.
 Reported, 1076, 1170.
 Passed or lost, 1257.
 Received from house, 1612.
 Other action, 1252, 1748.

Senate Bill No. 367.—(Gunderson)

A bill for an act defining the crime of fornication and prescribing the punishment therefor.
 Introduction, 921.
 Reference, 922.
 Reported, 1078.

Senate Bill No. 367—Continued.

Passed or lost, 1202.
 Received from house, 1478.
 Other action, 1174.

Senate Bill No. 368.—(Gunderson)

A bill for an act defining the crime of inveigling females into house of ill fame or of assignation, or elsewhere, for the purpose of prostitution or immoral relations and prescribing the punishment therefor.
 Introduction, 921.
 Reference, 922.
 Reported, 1094.
 Passed or lost, 1193.
 Received from house, 1367.
 Other action, 1174.

Senate Bill No. 369.—(Linde)

A bill for an act to amend subdivision 30 of Article 4 of the political code of North Dakota, being subdivision 30 of Section numbered 2678 of the Revised codes of North Dakota for 1905.
 Introduction, 921.
 Reference, 922.
 Reported, 965.
 Passed or lost, 1057.
 Received from house, 1476.
 Other action, 1032, 1628, 1630, 1659.

Senate Bill No. 370.—**Senate Bill No. 371.—(Martin)**

A bill for an act making disposition of certain moneys now in the hands of the treasurer of the state of North Dakota, or that may hereafter come into his hands by reason of the act of congress approved May 23, 1908, making an appropriation for the national forest reserve located in the county of Billings, state of North Dakota.
 Introduction, 1037.
 Reference, 1038.
 Reported, 1176.
 Passed or lost, 1273.
 Received from house, 1634.
 Other action, 1252, 1749.

HOUSE BILLS

House Bill No. 1.—(Doyle of Foster)

A joint resolution ratifying the sixteenth amendment to the constitution of the United States.

Received, 189.
 Referred, 200.
 Reported, 569.
 Passed or lost, 685.
 Other action, 200, 681, 797.

House Bill No. 2.—(Fried)

A bill for an act to prohibit the introduction of intoxicating liquors, narcotics, or other habit-forming drugs, into any of the buildings or upon the premises of any of the penal or charitable institutions of the state.

Received, 204.
 Referred, 215.
 Reported, 284.
 Passed or lost, 350.
 Other action, 428.

House Bill No. 7.—(Price)

A bill for an act making appropriation to pay balance due on girls' dormitory and domestic science laboratory, and for the equipment and furnishing of same; for the installation of a boiler and smoke stack for the heating plant, and for the purchase of additional land for the use of the government experiment station at Fargo.

Received, 1182.
 Referred, 1203.
 Reported, 1349.

House Bill No. 9.—(Burns)

A bill for an act to amend Section 4037 of the Revised Codes of North Dakota for 1905, relating to issuing of marriage license.

Received, 219.
 Referred, 237.
 Reported, 361.
 Passed or lost, 410.
 Other action, 403, 502.

House Bill No. 11.—(Nestos)

A bill for an act to create a permanent non-partisan tax commission, defining its power and duties and making an appropriation for the maintenance thereof.

Received, 446.
 Referred, 465, 737.
 Reported, 737, 1335.
 Passed or lost, 1392, 1395, 1770.
 Other action, 1349, 1395, 1569, 1584, 1768, 1769, 1781.

House Bill No. 12.—(Doyle of Foster)

A bill for an act to prohibit the use of public drinking cups in the state of North Dakota.

Received, 447.
 Referred, 465.
 Reported, 551, 1249.

House Bill No. 13.—(Anderson of Ramsey)

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, 260.
 Referred, 279.
 Reported, 316.
 Passed or lost, 351.
 Other action, 428.

House Bill No. 21.—(Hill of Bottineau)

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 thereof.

Received, 447.
 Referred, 465.
 Reported, 1074.

House Bill No. 22.—(Englund)

A bill for an act to amend Section 6295 of the Revised Codes of 1905, providing for a lien for repairs of personality.

Received, 219.
 Referred, 237.
 Reported, 475.
 Passed or lost, 593.
 Other action, 753.

House Bill No. 23.—(Nestos)

A concurrent resolution amending the constitution of the state of North Dakota, relating to uniformity of taxation and permitting the classification of property for the purpose of taxation and relating further to the assessment and taxation of certain public utility companies.

Received, 240, 1368.
 Referred, 256.
 Reported, 701, 1362.
 Passed or lost, 954, 1371.
 Other action, 743, 1088, 1152, 1362, 1481.

House Bill No. 25.—(Nestos)

A bill for an act to re-district the state of North Dakota into senatorial districts and apportion the senators and representatives therein.

Received, 1134.
 Referred, 1151.
 Reported, 1283.
 Passed or lost, 1303.
 Other action, 1302, 1621.

House Bill No. 27.—(Edwards)

A bill for an act to amend Section 1575, Chapter 20, of the Revised Codes of 1905, relating to the disposition of penalty and interest.

Received, 447.
 Referred, 465.
 Reported, 606.
 Passed or lost, 819.
 Other action, 875.

House Bill No. 28.—(Geigen)

A bill for an act providing a penalty for obstructing water courses or diverting the water therefrom.

Received, 410.
 Referred, 428.
 Reported, 782.
 Passed or lost, 952.
 Other action, 1186.

House Bill No. 29.—(Davis)

A bill for an act to provide for the establishment and maintenance of department of agriculture,

House Bill No. 29—Continued.

manual training and domestic economy in state, high, graded and consolidated schools.

Received, 1316.
 Referred, 1370.
 Reported, 1507, 1514.
 Passed or lost, 1563.
 Other action, 1754.

House Bill No. 31.—(Christenson)

A bill for an act to amend Section 2247 of the Revised Code of 1905, defining public warehouses and providing a bond therefor.

Received, 882.
 Referred, 944.
 Reported, 1074.
 Passed or lost, 1388.
 Other action, 1388, 1607.

House Bill No. 32.—(Christenson)

A bill for an act to amend Section 1571 of the Revised Codes of 1905, providing when real estate taxes shall become due and delinquent, and for penalty and interest in the event of delinquency thereof.

Received, 240.
 Referred, 257.
 Reported, 657.

House Bill No. 33.—(Edwards)

A bill for an act to amend Section 2445 of Chapter 28, of the Revised Codes of 1905, relating to the monthly statement by depository.

Received, 203.
 Referred, 215.
 Reported, 883.

House Bill No. 35.—(Aasheim)

A bill for an act to amend Section 1571 of the 1905 Revised Codes of North Dakota, relating to delinquent real estate taxes.

Introduction, 76.
 Reference, 76.
 Received, 932.
 Referred, 949.
 Reported, 1165.
 Passed or lost, 1381.
 Other action, 1491.

House Bill No. 36.—(Burnett)

A bill for an act to amend Section 4305 of the 1905 Revised Codes of North Dakota, relating to the maintenance of station houses.
 Received, 282.
 Referred, 306.
 Reported, 647.
 Passed or lost, 822.
 Other action, 1036.

House Bill No. 43.—(Stern)

A bill for an act appropriating money for the purpose of building and equipping a chemistry building and laboratories for the North Dakota Agricultural college at Fargo, North Dakota.
 Received, 1183.
 Referred, 1203.
 Reported, 1342, 1350.

House Bill No. 44.—(France)

A bill for an act to amend Section 4381 and 4383 of the Revised Codes of the state of North Dakota of 1905, relating to track from elevator to railroad.
 Received, 282.
 Referred, 307.
 Reported, 646.
 Passed or lost, 823.
 Other action, 1189.

House Bill No. 46.—(Dvan)

A bill for an act to prevent unfair discrimination in the purchase of grain, dairy products or other commodities.
 Received, 283.
 Referred, 307.
 Reported, 475, 642.

House Bill No. 50.—(Fraine)

A bill for an act entitled, an act to provide for the determination of heirship and the share of such heirs respectively in the claims to certain real estate by action in the district court.
 Received, 602.
 Referred, 683.
 Reported, 1266.
 Passed or lost, 1434.
 Other action, 14918.

House Bill No. 52.—(Johns)

A bill for an act to appropriate money for the buildings, live stock, machinery and other equipment for the Hettinger sub-experiment station.
 Received, 1182.
 Referred, 1203.
 Reported, 1331.
 Passed or lost, 1406.
 Other action, 1481.

House Bill No. 53.—(Johns)

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, Langdon and Hettinger.
 Received, 1316.
 Referred, 1370.
 Reported, 1515.

House Bill No. 54.—(Akesson)

A bill for an act to amend Section 3062 of the Revised Codes of 1905, and to provide for the appointment of overseers of highways.
 Received, 1134.
 Referred, 1150.
 Reported, 1216.
 Passed or lost, 1453.
 Other action, 1521.

House Bill No. 55.—(Gardiner)

A bill for an act reinstating and validating the charters of corporations that have been cancelled for failure to make and file with the secretary of state, reports as required by and under Section 4186, Revised Codes of 1905.
 Received, 409.
 Referred, 429.
 Reported, 522.
 Passed or lost, 596.
 Other action, 753.

House Bill No. 56.—(Hedalen).

A bill for an act entitled, an act to amend Section 8231 of the Revised Codes of 1905, relating to the disposition of unclaimed shares of estate in county court.
 Received, 219.
 Referred, 237.
 Reported, 650.
 Passed or lost, 823.
 Other action, 874.

House Bill No. 61.—(Sgutt)

A bill for an act making an appropriation for the establishing of the Harvey Agricultural experiment station and for conducting agricultural experiments thereat.
 Received, 1227.
 Referred, 1288.
 Reported, 1361, 1362.

House Bill No. 62.—(Tuttle)

A bill for an act entitled, an act prohibiting and making it a misdemeanor to manufacture, sell, barter, exchange or give away cigarettes.
 Received, 1238.
 Referred, 1285.
 Reported, 1339.
 Other action, 1488.

House Bill No. 63.—(Brusletten)

A bill for an act to amend Section 4466 of the Revised Codes of 1905, relating to insurance.
 Received, 282.
 Referred, 307.
 Reported, 1258.

House Bill No. 64.—(Sorlie)

A bill for an act to amend Section 1380 of the Session Laws of 1907, relating to location and building of bridges.
 Received, 283.
 Referred, 307.
 Reported, 557.
 Passed or lost, 817.
 Other action, 1036.

House Bill No. 66.—(Price)

A bill for an act to provide additional maintenance for the

House Bill No. 66—Continued.

Government Experiment Station and North Dakota Agricultural College at Fargo.
 Received, 1180.
 Referred, 1203.
 Reported, 1352.

House Bill No. 67.—(Vraine)

A bill for an act to amend Section 1737 of the Revised Codes of North Dakota of 1905.
 Received, 356.
 Referred, 380, 1150.
 Reported, 555.
 Passed or lost, 818.
 Other action, 875.

House Bill No. 68.—(O'Connor of Grand Forks)

A bill for an act entitled, an act validating special assessments and taxes made or levied in cities since 1903 and establishing certain rules of evidence relating thereto.
 Received, 282.
 Referred, 307.
 Reported, 517.
 Passed or lost, 597.
 Other action, 753.

House Bill No. 69.—(Kuhl)

A bill for an act to provide for the ascertaining and giving notice of the title of lands to the heirs of deceased persons and establishing the right of heirship to real property and to provide a method of procedure therefor.
 Received, 1138.
 Referred, 1150.
 Reported, 1339.
 Other action, 1492.

House Bill No. 72.—(Cunningham)

A bill for an act to appropriate the sum of sixty-five thousand dollars, or as much thereof as may be necessary to indemnify persons who have lost animals from the disease known as glanders.
 Received, 409.
 Referred, 428.
 Reported, 1329.
 Passed or lost, 1409.
 Other action, 1557.

House Bill No. 73.—(Morrison)

A bill for an act making an appropriation to meet the deficiency incurred by the State Live Stock Sanitary board in carrying out the purpose of Chapter 169 of the Session Laws of 1907.

Received, 833.
Referred, 860.
Reported, 898, 1348.

House Bill No. 74.—(Anderson of Ramsey)

A bill for an act to amend Section 19, 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.

Received, 1285.
Referred, 1291.
Reported, 1337, 1515.

House Bill No. 75.—(Olsgard of Nelson)

A bill for an act to amend and reenact Sections 1031, 1033, 1034, 1035 and 1036 of the Revised Codes of 1905, relating to education, as amended by Chapter 99 of the Session Laws of 1907.

Received, 882.
Referred, 944.
Reported, 1067.

House Bill No. 76.—(Price)

A bill for an act in relation to the legal rates for the publication of legal notices, reports and proceedings, and to amend Section 2432 of the Revised Codes of 1905, relating to the publication of the proceedings of boards of county commissioners, and the legal rates therefor.

Received, 310.
Referred, 350.
Reported, 704, 705.
Passed or lost, 706.
Other action, 797.

House Bill No. 77.—(Heinemeyer)

A bill for an act to amend Section 544 of the Revised Codes of 1905, relating to the seals of notaries public.

Received, 203.
Referred, 215.
Reported, 657.

House Bill No. 78.—(O'Connor of Pembina)

A concurrent resolution to amend Article 19, Section 216 of the Constitution of the State of North Dakota, pertaining to public institutions.

Received, 470.
Referred, 509.
Reported, 628.
Passed or lost, 820.
Other action, 875.

House Bill No. 79.—(Walters)

A bill for an act to amend and reenact Chapter 217 of the Laws of 1909, being an act to provide for a greater publicity of the finances of the state.

Received, 203.
Referred, 216.
Reported, 702.
Passed or lost, 868.
Other action, 1037.

House Bill No. 81.—(Collins)

A bill for an act to appropriate money for maintenance, equipment and permanent improvements at the state university of North Dakota.

Received, 1180.
Referred, 1204.
Reported, 1332.
Passed or lost, 1401.
Other action, 1491.

House Bill No. 82.—(England)

A bill for an act to amend Section 4392 of the Revised Codes of the state of North Dakota for the year 1905, relating to the construction of transfer facilities; also providing for the application of a short rate in the absence of "wyes;" and pro-

House Bill No. 82.—Continued.

viding for a penalty for the violation thereof.
 Received, 259.
 Referred, 279, 391.
 Reported, 312, 444.
 Passed or lost, 382, 594.
 Other action, 351, 391, 752.

House Bill No. 84.—(Fritz)

A bill for an act to amend Section 7575 of the Revised Codes of North Dakota for A. D. 1905, and prescribing the instances where the right of eminent domain may be exercised for public uses.
 Received, 447.
 Referred, 466.
 Reported, 894.
 Other action, 1452.

House Bill No. 86.—(DeNault)

A bill for an act to provide an appropriation for the erection of new buildings and for other necessary improvements at the state hospital for the insane of North Dakota, at Jamestown.
 Received, 1227.
 Referred, 1286.
 Reported, 1513.

House Bill No. 91.—(Akesson)

A bill for an act to provide for fixing the amount to be allowed for labor on highways when performed in payment of road taxes.
 Received, 1138.
 Referred, 1149.
 Reported, 1216.
 Passed or lost, 1449.
 Other action, 1518.

House Bill No. 93.—(Hoge)

A concurrent resolution to amend Section 154 of the Constitution of the State of North Dakota, relating to appropriation of fines and forfeitures for the violation of state laws.
 Received, 879.
 Referred, 946.
 Reported, 1527.

House Bill No. 96.—(Williams)

A bill for an act creating a state board of dental examiners; to regulate the practice of dentistry in the state of North Dakota; to provide for licensing dentists; and to provide penalties for the violation of this Act.
 Received, 511.
 Referred, 592.
 Reported, 734.
 Passed or lost, 869.
 Other action, 1189.

House Bill No. 97.—(Law)

A bill for an act to amend Section 2869 of the Revised Codes of 1905 providing for the contracting of loans and for the incurring of indebtedness by villages and providing for the creation of a sinking fund for the liquidation of such loans and indebtedness.
 Received, 447.
 Referred, 466.
 Reported, 1506.

House Bill No. 100.—(O'Connor of Grand Forks)

A bill for an act to regulate the practice of medicine and surgery in the State of North Dakota.
 Received, 357.
 Referred, 381, 595.
 Reported, 473, 703.
 Passed or lost, 862.
 Other action, 1036.

House Bill No. 102.—(Norheim)

A bill for an act to amend Section 9791 of the Revised Codes of 1905, relating to prosecution on information and in what cases.
 Received, 204.
 Referred, 216.
 Reported, 781.
 Passed or lost, 951.
 Other action, 1186.

House Bill No. 109.—(Johnson)

A bill for an act appropriating money to provide needed equipment, permanent improve-

House Bill No. 109—Continued.

ments, repairs, employes' wages, officers' salaries, messengers, railway fares and express charges in the transportation of fish, for the North Dakota state fish hatchery at Fish Lake in Rolette county, North Dakota.

Received, 1181.
Referred, 1204.
Reported, 1334.
Passed or lost, 1398.
Other action, 1481.

House Bill No. 110.—(Gorder)

A bill for an act to provide for the distribution of Blue Books among the district schools of the state.

Received, 357.
Referred, 381.
Reported, 982.
Passed or lost, 1372.
Other action, 1481.

House Bill No. 112.—(Law)

A bill for an act amending Section 2400 of the Revised Codes of 1905, relating to additional powers of the board of county commissioners.

Received, 409.
Referred, 429.
Reported, 886, 1355.
Passed or lost, 1443.
Other action, 1519.

House Bill No. 114.—(Peart)

A bill for an act to prevent the giving away or otherwise disposing of intoxicating liquors as a beverage at public sales and gatherings.

Received, 310.
Referred, 350.
Reported, 419, 448.
Passed or lost, 595.
Other action, 448, 752.

House Bill No. 118.—(Stern)

A bill for an act to amend subdivisions six (6) and seven (7) of Section five (5) of Chapter one seventy-nine (179) of the Session Laws of 1907, in relation

House Bill No. 118—Continued.

to the powers of the board of park commissioners.

Received, 1134.
Referred, 1150.
Reported, 1223.
Passed or lost, 1450.
Other action, 1519.

House Bill No. 119.—(Hyland)

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, 1148.
Referred, 1152.
Reported, 1248, 1354.
Other action, 1471, 1548, 1551, 1556.

House Bill No. 120.—(Fritz)

A bill for an act requiring railroad companies to stop all regular passenger trains at county seats.

Received, 601.
Referred, 683.
Reported, 690.
Passed or lost, 866.
Other action, 1036.

House Bill No. 122.—(Ployhar)

A bill for an act to provide furniture for the new dormitory, and to complete and make adequate the heating plant of the State Normal school at Valley City, and making appropriation therefor.

Received, 1087.
Referred, 1151.
Reported, 1332.
Passed or lost, 1407.
Other action, 1482.

House Bill No. 123.—(Fraine)

A bill for an act making an appropriation for a storehouse on the Rock Island Military Wood reservation near Devils Lake, North Dakota.

Received, 1180.
Referred, 1204.
Reported, 1331.
Passed or lost, 1401.
Other action, 1482.

House Bill No. 124.—(Pierce)

A bill for an act relating to the construction of public buildings, prescribing the duties of boards of trustees thereof in the matter of securing plans and specifications, advertising for bids, letting contracts, allowance and payment of estimates, payment of premiums on contractor's bonds, and insurance on unfinished buildings and material on the ground, and protecting architects, contractors, manufacturers and producers resident within the State of North Dakota.

Received, 602.
 Referred, 683.
 Reported, 979.
 Passed or lost, 1373.
 Other action, 1482.

House Bill No. 125.—(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 drainage board, and fixing the compensation of drain commissioners.

Received, 691.
 Referred, 774.
 Reported, 1246.

House Bill No. 127.—(Sorlie)

A bill for an act making appropriation for the Mayville State Normal school located at Mayville, North Dakota, for hospital, green house, fuel bin, library, museums, boiler, grounds, lecture course, manual training and domestic science, and improvements on ventilating system, and for reimbursement of money transferred from local and interest and income funds.

Received, 1180.
 Referred, 1204.
 Reported, 1348.

House Bill No. 130.—(DeNault)

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,

House Bill No. 130.—Continued.

and Chapter 187 of the Laws of 1909, defining intoxicating liquors.

Received, 879.
 Referred, 947.
 Reported, 1171.
 Passed or lost, 1385.
 Other action, 1521.

House Bill No. 133.—(DeLance)

A bill for an act to amend Section 2763 of the Revised Codes of the State of North Dakota for the year 1905, providing for the vacation of streets and alleys, establishing the procedure and providing for an appeal.

Received, 409.
 Referred, 429.
 Reported, 697.
 Passed or lost, 867.
 Other action, 1037.

House Bill No. 134.—Moen of Cavalier)

A bill for an act to amend Sections 4324 and 4343 of the Revised Codes of 1905, relative to the powers and duties of the board of railroad commissioners.

Received, 511.
 Referred, 593.
 Reported, 648.
 Passed or lost, 919.
 Other action, 828, 1037.

House Bill No. 136.—(Hill of Cass)

A bill for an act declaring to be common nuisances bawdy houses, houses of ill fame, of assignment, of prostitution, or any other house, room or place for persons to visit for unlawful sexual intercourse or for any other lewd, obscene, indecent or disorderly purpose; and prescribing remedies and penalties for the prevention of the same.

Received, 1012.
 Referred, 1066.
 Reported, 1267.
 Passed or lost, 1424.
 Other action, 1519.

House Bill No. 137.—(Homnes)

A bill for an act to reimburse district judges called to sit in hearing of cases before supreme court when regular members thereof are disqualified.
 Received, 309, 1537.
 Referred, 349.
 Reported, 1178.
 Passed or lost, 1391, 1540.
 Other action, 1504, 1607.

House Bill No. 145.—(Ployhar)

A bill for an act to provide for making permanent improvements at the State Normal school at Valley City, to assist in the maintenance thereof, and for other purposes, and making appropriations therefor.
 Received, 1182.
 Referred, 1204.
 Reported, 1328.
 Passed or lost, 1410, 1625.
 Other action, 1567, 1625, 1634, 1757.

House Bill No. 151.—(Davis)

A bill for an act to amend Section 2437 of the Revised Codes of North Dakota for 1905, relating to proposals and acceptance of bonds of county depositaries.
 Received, 602.
 Referred, 684.
 Reported, 690.
 Passed or lost, 1441.
 Other action, 1519.

House Bill No. 152.—(Fraine)

A bill for an act to specify and authorize a state flag.
 Received, 356.
 Referred, 381.
 Reported, 884.
 Passed or lost, 1443.
 Other action, 1519.

House Bill No. 153.—(Jordal)

A bill for an act to amend and reenact Section 1597 of Chapter 219, Laws of 1907, relative to duty of county auditor, and requirements of tax deeds.

House Bill No. 153.—Continued.

Received, 447.
 Referred, 466.
 Reported, 656.
 Passed or lost, 824.
 Other action, 1036.

House Bill No. 154.—(Kyllo)

A bill for an act to amend Section 9363 of the Revised Codes of the State of North Dakota of 1905, as amended by Section 10 of Chapter 183 of the Laws of 1909.
 Received, 1229.
 Referred, 1288.
 Reported, 1531.

House Bill No. 155.—(Fassett)

A bill for an act to provide for the establishment and government of a State Tuberculosis sanitarium.
 Received, 1227.
 Referred, 1287.
 Reported, 1330.
 Passed or lost, 1407.
 Other action, 1740.

House Bill No. 156.—(Lee)

A bill for an act relating to the qualifications of all state, county and city elective officers.
 Received, 1238.
 Referred, 1289.
 Reported, 1526.

House Bill No. 158.—(Sauer)

A bill for an act to amend Section 7117 of the Revised Codes of North Dakota, 1905, relating to additional exemptions allowed the head of a family residing in North Dakota.
 Received, 447.
 Referred, 466.
 Reported, 629.
 Passed or lost, 820.
 Other action, 875.

House Bill No. 165.—(Nestos)

A bill for an act to create a bureau of inspection and supervision of public offices, and to establish a uniform system of pub-

House Bill No. 165—Continued.

lic accounting, auditing and reporting, under the administration of the state examiner.
 Received, 670.
 Referred, 682, 976.
 Reported, 976, 1351.

House Bill No. 168.—(Homnes)

A bill for an act providing for the appointment of a commission to draft a revision of the probate code of the State of North Dakota, and appropriating money therefor.
 Received, 409.
 Referred, 429.
 Reported, 514.
 Passed or lost, 544.
 Other action, 752.

House Bill No. 170.—(Hyland)

A bill for an act to amend Section 10243 of the Revised Codes of North Dakota for 1905.
 Received, 833.
 Referred, 860.
 Reported, 979.
 Passed or lost, 1222.
 Other action, 1397.

House Bill No. 171.—(Fraine)

A bill for an act to amend Section 1167 of the Revised Codes of 1905, as amended by Section 2 of Chapter 237, Session Laws of 1907.
 Received, 260.
 Referred, 279.
 Reported, 315.
 Passed or lost, 352.
 Other action, 428.

House Bill No. 172.—(Moen of Benson.)

A bill for an act to amend Section 2084 of the Revised Codes of North Dakota of 1905, relating to proof of planting trees.
 Received, 409.
 Referred, 429.
 Reported, 988.
 Passed or lost, 1231.
 Other action, 1397.

House Bill No. 173.—(Hoge)

A bill for an act to amend and reenact Section 4201 of the Civil Code of the Revised Codes of North Dakota of 1905, relating to by-laws of private corporations.
 Received, 385.
 Referred, 403.
 Reported, 513.
 Passed or lost, 598, 685.
 Other action, 684, 797.

House Bill No. 174.—(DeNault)

A bill for an act to amend and reenact Section 3, Chapter 137 of the Session Laws of 1907.
 Received, 302.
 Referred, 307.
 Reported, 314.
 Passed or lost, 353.
 Other action, 428.

House Bill No. 176.—(Fraine)

A bill for an act to amend Sections 2 and 4 of Chapter 174 of the Session Laws of 1907.
 Received, 356.
 Referred, 381.
 Reported, 1334.
 Passed or lost, 1398.
 Other action, 1490.

House Bill No. 177.—(Englund)

A bill for an act amending Section 2, Chapter 135, Session Laws of 1909, authorizing the board of railway commissioners to appoint agents at terminal points of Duluth and Minneapolis, for the benefit of shippers of grain of this state, and providing for the compensation and appropriating funds for the purpose of carrying out the provisions of this act.
 Received, 931.
 Referred, 949.
 Reported, 974, 1213.
 Passed or lost, 1213.
 Other action, 1769.

House Bill No. 178.—(Committee on Insurance)

A bill for an act entitled, an act to amend Section 4429 of the Re-

House Bill No. 178—Continued.

vised Codes of North Dakota of 1905, as amended by Chapter 147 of the Session Laws of 1909, relating to the capital stock of domestic stock insurance companies.

Received, 448.
Referred, 466.
Reported, 603.
Passed or lost, 821.
Other action, 875.

House Bill No. 180.—(Stern)

A bill for an act amending Section 8406, Revised Codes of 1905, providing when an action of forcible detainer is maintainable.

Received, 832.
Referred, 860.
Reported, 893.
Passed or lost, 1464.

House Bill No. 181.—(Tuttle)

A bill for an act entitled, an act to amend Section 2 of Chapter 204 of the laws of 1909, entitled, "An act to amend Sections 811, 829, 882 and 883 of the Revised Codes of 1905, pertaining to education."

Received, 470.
Referred, 509.
Reported, 693.
Passed or lost, 866.
Other action, 1189.

House Bill No. 182.—(Burns)

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, 1227.
Referred, 1287.
Reported, 1353.

House Bill No. 183.—(Boyd)

A bill for an act to amend Section 5187 of the Revised Codes of 1905, relating to order of succession.

House Bill No. 183—Continued.

Received, 882.
Referred, 944.
Reported, 1339.
Passed or lost, 1489.
Other action, 1754.

House Bill No. 188.—(Moen of Benson)

A bill for an act to amend Section 521 of the Revised Codes of 1905, relating to the furnishing of a list of jurors to the clerk of the district court.

Received, 881.
Referred, 947.
Reported, 1271.
Passed or lost, 1433.
Other action, 1490.

House Bill No. 189.—(Fried)

A bill for an act amending and reenacting Section 2597 of the Revised Codes of 1905, relating to the fees of the office of the register of deeds.

Received, 470.
Referred, 509.
Reported, 1736.

House Bill No. 190.—(Fox)

A bill for an act providing for aid to the poor, consisting of persons convicted of crime who have been placed upon probation subject to the provisions of law, or who have been paroled or whose term of imprisonment has expired, and making an appropriation therefor.

Received, 776.
Referred, 806.
Reported, 1160, 1335.
Passed or lost, 1410.
Other action, 1522.

House Bill No. 193.—(Tollefson)

A bill for an act to amend and reenact Section 2401, Article 10, Chapter 28 of the Revised Codes of 1905, relating to the duties of boards of county commissioners, superintend county fiscal affairs and providing for auditing and checking of officers.

House Bill No. 193—Continued.

Received, 357.
 Referred, 381.
 Reported, 1356.
 Passed or lost, 1487.
 Other action, 1740.

House Bill No. 194.—(Cunningham)

A bill for an act regulating the issue of health certificates for live stock in transit or before shipment out of the state or upon entering the state and making certain acts in violation thereof misdemeanors.

Received, 356.
 Referred, 381.
 Reported, 562.
 Passed or lost, 953.
 Other action, 1186.

House Bill No. 196.—(Peart)

A bill for an act to amend Section 2972 of the Political Code of the Revised Codes of North Dakota of 1905.

Received, 691.
 Referred, 774.
 Reported, 1027.
 Passed or lost, 1439.
 Other action, 1522.

House Bill No. 197.—(McClellan)

A bill for an act to provide information to the resident tax payers of the state in respect to the various publications which are published for free distribution by the agricultural college and prescribing the duties of the agricultural college and of the county auditors in relation thereto.

Received, 601.
 Referred, 684, 869.
 Reported, 734, 980.
 Passed or lost, 1231.
 Other action, 1397.

House Bill No. 201.—(Fraine)

A bill for an act providing that railroad and telephone companies file with county auditors, maps showing exact location of their lines in each assessment district and school district and the mile-

House Bill No. 201—Continued.

age of said lines and description of any other property owned in said district, and make reports to state auditor and state board of equalization, and providing penalties for violations of this act.

Received, 1138.
 Referred, 1149.
 Reported, 1504.
 Passed or lost, 1563.
 Other action, 1755.

House Bill No. 204.—(O'Connor or Grand Forks)

A bill for an act entitled, an act requiring railway companies to furnish sites for flour and feed mills on their right of way and fixing the manner in which sites may be obtained.

Received, 882.
 Referred, 944.
 Reported, 974.

House Bill No. 206.—(Whitmer)

A bill for an act establishing a Missouri Slope agricultural fair at Mandan and making appropriation therefor.

Received, 602.
 Referred, 684.
 Reported, 1163.
 Passed or lost, 1184.
 Other action, 1652.

House Bill No. 207.—(Anderson or Ramsey)

A bill for an act to regulate the sale of nursery stock to provide for a nursery inspector.

Received, 691.
 Referred, 773.
 Reported, 981.
 Passed or lost, 1226.
 Other action, 1397.

House Bill No. 209.—(Edwards)

A bill for an act to amend Chapter 70, Laws of 1909, relating to the investment of county sinking funds.

Received, 833.
 Referred, 861.
 Reported, 1028.
 Passed or lost, 1440.
 Other action, 1522.

House Bill No. 210.—(Olsgard of Nelson)

A bill for an act to encourage elementary education in North Dakota and appropriate money therefor.

Received, 1180.
Referred, 1205.
Reported, 1335.
Passed or lost, 1412.
Other action, 1522.

House Bill No. 212.—(McClellan)

A concurrent resolution proposing an amendment to the Constitution of the State of North Dakota, providing for the sale of the school and public lands and reserving to the state the coal in them.

Received, 692.
Referred, 773, 949.
Reported, 897, 1518.
Other action, 949, 959.

House Bill No. 215.—(Ployhar)

A bill for an act defining the boundaries of the Fifth judicial district, fixing the terms of court therein, and validating certain judgments.

Received, 880.
Referred, 947.
Reported, 1264.
Passed or lost, 1416.

House Bill No. 216.—(Ployhar)

A bill for an act creating the Thirteenth judicial district of the State of North Dakota, defining the boundaries thereof, providing for the appointment and election of a judge, and fixing the terms of court therein.

Received, 880.
Referred, 947.
Reported, 1264.
Passed or lost, 1419.

House Bill No. 217.—(Knox)

A bill for an act authorizing the board of railroad commissioners to refund license fee of public grain warehouses.

Introduction, 224.

House Bill No. 217—Continued.

Received, 732.
Referred, 775.
Reported, 844.
Passed or lost, 955.
Other action, 1186.

House Bill No. 218.—(Thompson)

A bill for an act making an appropriation for the normal school at the city of Minot to meet the expenditure for the erection of buildings, and permanent improvements necessary in connection therewith, and for furnishings, equipment and maintenance.

Received, 1182.
Referred, 1206.
Reported, 1351.

House Bill No. 219.—(Kuhl)

A bill for an act to prevent fraud in taking mortgages on personal property, to extend the time of validity of the same, to provide a penalty for alteration, and to repeal Section 6186 of the Revised Codes of 1905.

Received, 731.
Referred, 775.
Reported, 1530.

House Bill No. 221.—(Martin)

A bill for an act to amend and reenact Section 4303 of the Revised Codes of 1905, and repeal Section 4304 of said code.

Received, 671.
Referred, 683.
Reported, 690.
Passed or lost, 865, 950.
Other action, 918, 1186.

House Bill No. 223.—(Streeter)

A bill for an act to amend Section 2613 of the Revised Codes of 1905, relating to the compensation and office hours of county commissioners.

Received, 931.
Referred, 949.
Reported, 1164.
Passed or lost, 1383.
Other action, 1382, 1554, 1740.

House Bill No. 225.—(Heinemeyer)

A bill for an act to amend and reenact Section 537 of the Revised Codes of North Dakota for 1905, relating to the bonds of notaries public.

Received, 670.
 Referred, 683.
 Reported, 893.
 Passed or lost, 1452.
 Other action, 1522.

House Bill No. 227.—(Tostenson)

A bill for an act to amend and reenact Section 7475 of the Revised Codes of 1905, State of North Dakota, relating to costs and disbursements on the foreclosure of a real estate mortgage by advertisement.

Received, 777.
 Referred, 805.
 Reported, 892.

House Bill No. 229.—(Homnes)

A bill for an act amending Section 476 of the Revised Codes of North Dakota of 1905, relating to boundaries of, and terms of court in the Eighth judicial district.

Received, 1139.
 Referred, 1149.
 Reported, 1270.
 Passed or lost, 1425.
 Other action, 1521.

House Bill No. 230.—(Fraine)

A bill for an act to amend Chapter 120 of the Session Laws of 1909.

Received, 961.
 Referred, 1065.
 Reported, 1528.

House Bill No. 232.—(Lee)

A bill for an act providing for salary for sheriffs and providing for fees collected by sheriffs to be turned into the county treasurer of their respective counties, and prescribing for a penalty for failure to do so.

Introduction, 247.
 Received, 1237.
 Referred, 1288.
 Reported, 1517.
 Passed or lost, 1573.
 Other action, 1570, 1758.

House Bill No. 234.—(Scheer)

A bill for an act to provide funds to reimburse the counties whose treasurers paid reward for arrest and conviction of violators of the prohibition law, according to Section 9395, of the Revised Codes of 1905, which section provides for a reward of fifty (\$50) dollars for each conviction, to be paid by the county treasurer upon the order of the court in which the conviction was made, and for which payment the county treasurer shall be allowed to withhold taxes due the state any such amounts as he may have paid.

Received, 1181.
 Referred, 1205.
 Reported, 1347.

House Bill No. 237.—(Doyle of Foster, and Ployhar)

A concurrent resolution for amendment of the Constitution, providing for the initiative and referendum, recall of public officers and future amendments to the constitution.

Received, 880.
 Referred, 946.
 Reported, 1077.
 Passed or lost, 1376.
 Other action, 1754.

House Bill No. 239.—(Homnes)

A bill for an act to amend Section 10433 of the Revised Codes of the State of North Dakota, for the year 1905, relating to the commitment of prisoners to jail from counties having no jail.

Received, 603.
 Referred, 682.
 Reported, 1268.
 Passed or lost, 1423.
 Other action, 1520.

House Bill No. 241.—(Hanson)

A bill for an act to amend Chapter 145, laws of 1907, being an act to prohibit the issuance of non-participating policies of certain life insurance companies.

House Bill No. 241—Continued.

Received, 1139.
 Referred, 1149.
 Reported, 1341, 1474.

House Bill No. 242.—(Davidson)

A bill for an act to amend Section 1968 of the Revised Codes of 1905.

Received, 511.
 Referred, 593.
 Reported, 656.
 Passed or lost, 825.
 Other action, 1189.

House Bill No. 245.—(De Nault)

A bill for an act specifying that certain county offices shall be kept open for business during business hours of business days.

Received, 932.
 Referred, 946.
 Reported, 1017.
 Passed or lost, 1442.
 Other action, 1442.

House Bill No. 249.—(Andrus)

A bill for an act prohibiting drinking intoxicating liquors on railroad trains in North Dakota, prescribing penalty for violation thereof and prescribing duties of peace officers.

Received, 692.
 Referred, 773.
 Reported, 842, 1533.

House Bill No. 252.—(Olsgard of Nelson)

A bill for an act to divide the State of North Dakota into three (3) congressional districts, and defining the boundaries of each of said congressional districts of the state of North Dakota.

Received, 1326.
 Referred, 1371.
 Reported, 1532.
 Passed or lost, 1765, 1767, 1776.
 Other action, 1766, 1767, 1775, 1777.

House Bill No. 254.—(Fraine)

A bill for an act to amend Section 7894 of the Revised Codes of 1905, relating to who shall act

House Bill No. 254—Continued.

when a county judge is disqualified or absent.

Received, 670.
 Referred, 682.
 Reported, 739.
 Passed or lost, 788.
 Other action, 871.

House Bill No. 255.—(Martin)

A bill for an act to require coroners to conduct and hold inquests in cases of railroad accidents.

Received, 1237.
 Referred, 1290.
 Reported, 1530.

House Bill No. 257.—(Hyland)

A bill for an act to provide for the better preservation of all plats and plans on file in the register of deeds office in organized counties.

Received, 1309.
 Referred, 1311.
 Reported, 1358.
 Passed or lost, 1494.
 Other action, 1608.

House Bill No. 259.—(Davidson)

A bill for an act providing for the nomination of candidates for office by popular vote at a primary election, and the registration and enrollment of party affiliation.

Received, 1316.
 Referred, 1369.
 Reported, 1508.
 Passed or lost, 1562.

House Bill No. 260.—(Hoge)

A bill for an act to amend Section 12, Chapter 109, of the laws of 1907, entitled, an act providing for the selection of candidates for election by popular vote, and relating to their nomination and perpetuation of political parties, and relating particularly to percentage of votes required to nominate candidates.

Received, 692.
 Referred, 773.
 Reported, 985.
 Passed or lost, 1233.
 Other action, 1233, 1607.

House Bill No. 262.—(Committee on Railroads)

A bill for an act to prohibit public officers from asking, accepting or using a free pass, frank or privilege withheld from any other person for the traveling accommodation or transportation of any person or property, or the transmission of any message or communication.

Received, 602.
Referred, 682.
Reported, 744, 1219.
Other action, 672, 744.

House Bill No. 264.—(O'Connor of Grand Forks)

A bill for an act to amend Section 4112 of the Revised Codes of 1905, relating to the adoption of minor children.

Received, 692.
Referred, 773.
Reported, 1271.
Passed or lost, 1433.
Other action, 1522.

House Bill No. 266.—(Rjornson)

A bill for an act to appropriate money for a root cellar and for the purchase of brood mares for the Edgeley experiment station, located at the city of Edgeley in LaMoure county.

Received, 1250.
Referred, 1290.
Reported, 1353.
Passed or lost, 1413.
Other action, 1520.

House Bill No. 267.—(De Nault)

A bill for an act to amend and re-enact Chapter 172 of the laws of the state of North Dakota for 1907, relating to whom may

Received, 833.
Referred, 861.
Reported, 1279, 1465.

House Bill No. 269.—(Hedalen)

A bill for an act entitled, an act to amend and re-enact Sections 1352 and 1353 of Chapter 19 of the Revised Codes of North Dakota for the year 1905, relating

House Bill No. 269.—Continued.

to altering, discontinuing and laying out public roads and defining what shall be deemed sufficient notices to all parties concerned.

Received, 833.
Referred, 861.
Reported, 1020.
Passed or lost, 1464.
Other action, 1651.

House Bill No. 270.—(Stern)

A bill for an act to amend Article 4 of Chapter 30 of the Political Code of North Dakota, being Section 2678 of the Revised Codes of North Dakota of 1905, relating to powers of city councils.

Received, 692.
Referred, 774.
Reported, 843.
Passed or lost, 954.
Other action, 1186.

House Bill No. 271.—(Hoge)

A bill for an act to create a state board of control, and 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, 962.
Referred, 1065.
Reported, 1279.
Passed or lost, 1459.
Other action, 1653.

House Bill No. 273.—(Lageson)

A bill for an act to regulate the size and construction of ca-boose cars.

Received, 882.
Referred, 945.
Reported, 973.
Passed or lost, 1212.
Other action, 1397.

House Bill No. 274.—(Hyland)

A bill for an act to run a survey or surveys from the Mouse river to Devils lake for the purpose of determining the feasibility of draining the surplus flood waters of the Mouse river into Devils lake; and making an appropriation therefor.

Received, 1013.
Referred, 1066.
Reported, 1161, 1332.
Passed or lost, 1400.
Other action, 1521.

House Bill No. 275.—(Davidson)

A bill for an act entitled, "An act to regulate and provide for admission of live stock into the state of North Dakota from all other states and territories and foreign countries; and providing penalties for violation thereof"

Received, 882.
Referred, 945.
Reported, 966.
Passed or lost, 1225.
Other action, 1621.

House Bill No. 276.—(O'Connor of Pembina)

A bill for an act to provide for making needed improvements for the North Dakota Blind Asylum at Bathgate; and making an appropriation therefor.

Received, 1181.
Referred, 1205.
Reported, 1333.
Passed or lost, 1399.
Other action, 1520.

House Bill No. 277.—(Christenson)

A bill for an act to prohibit the marriage of insane, epileptic, or feeble-minded persons.

Received, 731.
Referred, 775.
Reported, 1507.
Other action, 1563.

House Bill No. 278.—(Andrus)

A bill for an act to provide for the payment of the expenses of district judges when acting out-

House Bill No. 278.—Continued.

side of their judicial districts.
Received, 832, 1537.
Referred, 861.
Reported, 1111.
Passed or lost, 1422.
Other action, 1504, 1740.

House Bill No. 279.—(DeNault)

A bill for an act to make it a felony, and providing a penalty for a guardian, county commissioner, or official or employe in a penal, correctional or eleemosynary institution, to induce a female ward, or pauper under his care, or an inmate of such institution, to have illicit sexual intercourse with him by threatening to withhold the necessities of life, or threatening physical violence.

Received, 1012.
Referred, 1065.
Reported, 1267.
Passed or lost, 1433.
Other action, 1521.

House Bill No. 282. (Kyllo)

A bill for an act to regulate clearance of obstructions on railroads.

Received, 1269.
Referred, 1290.
Reported, 1505.

House Bill No. 284.—(Davis)

A bill for an act to amend Section 4177 of the Revised Codes of North Dakota of 1905, as amended by Chapter 64 of the Laws of North Dakota of 1909, relating to fees for filing articles of incorporation.

Received, 1135.
Referred, 1150.
Reported, 1160.
Passed or lost, 1387.
Other action, 1608.

House Bill No. 286.—(Hyland)

A bill for an act to provide for the completion of a school building and making necessary improvements at the school for the deaf and dumb at Devils Lake,

House Bill No. 286.—Continued.

North Dakota, and making an appropriation therefor.
 Received, 1227.
 Referred, 1287.
 Reported, 1353.

House Bill No. 288—De Nault.

A bill for an act to amend Section 9319 of the Revised Codes of North Dakota for 1905, relating to the abuse of domestic animals and providing punishment therefor.
 Received, 961.
 Referred, 1066.
 Reported, 1071.
 Passed or lost, 1374.
 Other action, 1608.

House Bill No. 291—Ulsaker.

A bill for an act to amend Chapter 93 of the Session Laws of 1909, relating to compensation of election officers and rental of polling places.
 Received, 882.
 Referred, 945.
 Reported, 1016.
 Passed or lost, 1441.

House Bill No. 293.—(Williams)

A bill for an act providing for the extension of the state street car line from the capitol down 9th street to a point at or near Broadway in the city of Bismarck—thence to the state penitentiary; and providing for its equipment and making an appropriation therefor.
 Received, 1276.
 Referred, 1289.
 Reported, 1333.
 Passed or lost, 1411.
 Other action, 1411, 1754.

House Bill No. 295.—(Price)

A bill for an act providing for the erection of an addition to power house upon the agricultural college grounds in which shall be given instructions in carpentry, plumbing, bricklaying and kindred trades, and to install therein necessary equipment,

House Bill No. 295.—Continued.

providing for the maintenance of the same, and making an appropriation therefor.
 Received, 1301.
 Referred, 1307.
 Reported, 1348.

House Bill No. 297.—(Fraine)

A bill for an act to amend Section 1168 of the Revised Codes of 1905, as amended by Section 3 of Chapter 237 of the Session Laws of 1907.
 Received, 691.
 Referred, 774.
 Reported, 1162.
 Passed or lost, 1387.
 Other action, 1608.

House Bill No. 299.—(Hanson)

A bill for an act authorizing county mutual insurance companies to borrow money.
 Received, 880.
 Referred, 945.
 Reported, 1163.
 Passed or lost, 1383.
 Other action, 1491.

House Bill No. 300.—(Fox)

A bill for an act providing for the erection of a standpipe near the capitol building, the sinking of one or more wells, the improvement of the capitol grounds, the purchase of a pump and necessary machinery to operate same and making an appropriation therefor.
 Received, 1182.
 Referred, 1205.
 Reported, 1329.
 Passed or lost, 1408.
 Other action, 1651.

House Bill No. 307.—(De Nault)

A bill for an act to amend Section 4277 of the Revised Codes of North Dakota for the year 1905.
 Received, 879.
 Referred, 946.
 Reported, 974.
 Passed or lost, 1212.
 Other action, 1397.

House Bill No. 310.—(Davis)

A bill for an act entitled, an act to amend and re-enact Section 2478 of the Revised Codes of North Dakota of the year 1905, relating to taxes.

Received, 881.
 Referred, 947.
 Reported, 1164.
 Other action, 1382.

House Bill No. 313.—(Committee on Public Health)

A bill for an act to provide for the establishment, organization, regulation, and management of a state board of health, county boards of health, township boards of health, city boards of health, and village boards of health, and making an appropriation for the expenses of the state board of health.

Received, 777.
 Referred, 806, 977.
 Reported, 977, 1355.

House Bill No. 315.—(Johns)

A bill for an act relating to the duties of local boards of health and sanitary regulations of school houses, churches and public halls.

Received, 1013.
 Referred, 1065.
 Reported, 1263.
 Passed or lost, 1439.

House Bill No. 316.—(Johns)

A bill for an act entitled, an act to prevent procreation of confirmed criminals, idiots, imbeciles and rapists; providing that superintendents and boards of managers of institutions where such persons are confined, shall have the authority and are empowered to appoint a committee of experts, consisting of two physicians, to examine into the mental condition of such inmates.

Received, 1013.
 Referred, 1064, 1168.
 Reported, 1075, 1262.
 Passed or lost, 1377.
 Other action, 1178.

House Bill No. 317.—(Johns)

A bill for an act to prevent the spread of contagious diseases and sanitary regulation of coaches, cars and steam boats in this state.

Received, 832.
 Referred, 861.
 Reported, 977.
 Passed or lost, 1214.

House Bill No. 318.—(Knox)

A bill for an act amending Section 28 of Chapter 80 of the laws of 1909, relating to the taxation of costs in county courts having increased jurisdiction.

Received, 881.
 Referred, 948.
 Reported, 1523.

House Bill No. 324.—(Edwards)

A bill for an act to amend Section 6931 of the Revised Codes of 1905, relative to the time of granting injunctions.

Received, 961.
 Referred, 1064.
 Reported, 1266.
 Passed or lost, 1435.
 Other action, 1520.

House Bill No. 326.—(Boyd)

A bill for an act to provide that the counties of the state may adopt a uniform system of text books.

Received, 1269.
 Referred, 1289.
 Reported, 1516.

House Bill No. 328.—(Boyd)

A bill for an act prohibiting the keeping open, or the running or permitting of running of any theatre, show moving picture show, or theatrical performance upon the first day of the week, commonly called the Sabbath, and providing a penalty for violations of the same.

Received, 692.
 Referred, 774.
 Reported, 780.
 Passed or lost, 950.
 Other action, 949, 1187.

House Bill No. 331.—(Thompson)

A bill for an act defining the duties of county commissioners, relating to the designation of official newspapers.
 Received, 1148.
 Referred, 1152.
 Reported, 1222.
 Passed or lost, 1421.
 Other action, 1520.

House Bill No. 332.—(Nestos)

A bill for an act prohibiting the placing of screens or other obstructions across the windows and doors of pool halls and providing a penalty therefor.
 Received, 833.
 Referred, 862.
 Reported, 1028.
 Passed or lost, 1211.
 Other action, 1397.

House Bill No. 334.—(Fraine)

A bill for an act to amend Section 5 of Chapter 172 of the Session Laws of 1909, relating to the regulation of practice of osteopathy.
 Received, 731.
 Referred, 775.
 Reported, 845.
 Passed or lost, 956.
 Other action, 1187.

House Bill No. 335.—(Gorder)

A bill for an act to amend Section 4494 of the Revised Codes of North Dakota of 1905, relating to county mutual companies.
 Received, 880.
 Referred, 945.
 Reported, 1162.
 Passed or lost, 1384.
 Other action, 1652.

House Bill No. 337.—(Jordal)

A bill for an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.
 Received, 1181.
 Referred, 1206.
 Reported, 1354.
 Passed or lost, 1641.
 Other action, 1617, 1641, 1770.

House Bill No. 340.—(Sorlie)

A bill for an act to amend Section 605 of the Revised Codes of North Dakota for 1905, relating to who is entitled to vote.
 Received, 881.
 Referred, 948.
 Reported, 1073.
 Passed or lost, 1376.
 Other action, 1491.

House Bill No. 343.—(Williams)

A bill for an act to repeal Article 21 of Chapter 32, entitled, town-sites located on public lands, of the Revised Codes of 1905.
 Received, 961.
 Referred, 1064.
 Reported, 1474.

House Bill No. 344.—(Williams)

A bill for an act to prohibit the appointment to any state, county or municipal situation, of clerks, bookkeepers, typewriters, shorthand writers or other office amanuensis who are not citizens of the United States (or who have not declared intention to become such) or who are not bona fide residents of North Dakota.
 Received, 881, 1367.
 Referred, 948.
 Reported, 1360.

House Bill No. 345.—(Tuttle)

A bill for an act to harmonize Sections 8089 and 7117 of the 1905 Code, by amending Section 8089 of the act providing for the settlement of the estates of decedents.
 Received, 880.
 Referred, 946.
 Reported, 1527.

House Bill No. 347.—(Homnes)

A bill for an act to amend and reenact Section 498 of the Revised Codes of North Dakota for the year 1905, relating to admission to the bar.
 Received, 962.
 Referred, 1066.
 Reported, 1270.
 Passed or lost, 1426.
 Other action, 1490.

House Bill No. 348.—(Tuttle)

A bill for an act to amend Section 2 of Chapter 126, Laws of 1909, defining the duties of the register of deeds, relating to foreclosure of mortgages on real property by advertisement, and prescribing a penalty for violating the same.

Received, 1228.

Referred, 1287.

Reported, 1509.

Other action, 1558.

House Bill No. 349.—(Harty)

A bill for an act to provide for the collection of delinquent personal property taxes, and for reducing the same to judgment.

Received, 1013.

Referred, 1064.

Reported, 1530.

House Bill No. 350.—(Harty)

A bill for an act to amend Section 1554 of the Revised Codes of North Dakota of 1905, as amended by Chapter 197 of the Laws of 1909, relating to delinquent personal property taxes and the collection of taxes.

Received, 1013.

Referred, 1063.

Reported, 1511.

Passed or lost, 1561.

Other action, 1651.

House Bill No. 351.—(Price)

A bill for an act to amend and reenact Section 164 of the Revised Codes of North Dakota for 1905.

Received, 961.

Referred, 1065.

Reported, 1156.

Passed or lost, 1386.

Other action, 1386, 1607.

House Bill No. 352.—(Thompson)

A bill for an act providing for a bailiff of the supreme court.

Received, 961.

Referred, 1064.

Reported, 1269.

Passed or lost, 1426.

Other action, 1490.

House Bill No. 353.—(Thompson)

A bill for an act to amend Sections 1295, 1297 and 1298 of the Revised Codes of North Dakota of 1905, and Section 1296 of the Revised Codes of 1905 as amended by the Legislative Assembly of 1909, being Chapter 13 of the Revised Codes of 1905, entitled State Library.

Received, 1139.

Referred, 1149.

Reported, 1159, 1209.

Passed or lost, 1371.

Other action, 1490.

House Bill No. 354.—(O'Shea)

A bill for an act to amend Section 2607 of the Revised Codes of North Dakota, 1905, relating to coroner fees.

Received, 1014.

Referred, 1063.

Reported, 1165.

House Bill No. 355.—(Englund)

A bill for an act to provide for the reimbursement of owners of cattle destroyed by order of the state live stock sanitary board on account of the disease known as tuberculosis, and providing for the levy of a tax to create a fund therefor.

Received, 881.

Referred, 948.

Reported, 967.

Passed or lost, 1224.

Other action, 1225, 1754.

House Bill No. 357.—(Gorder)

A bill for an act to amend Section 4483 of the Revised Codes of 1905, relating to terms of office of boards of directors of county mutual companies.

Received, 1237.

Referred, 1289.

Reported, 1358.

Passed or lost, 1566.

Other action, 1651.

House Bill No. 359.—(Peart)

A bill for an act to amend and reenact Sections 4602 and 4603, Revised Codes of North Dakota

House Bill No. 395.—Continued.

for 1905, being an act to regulate the importation of dependent children from other states.

Received, 1227.
Referred, 1288.
Reported, 1512.
Passed or lost, 1556.
Other action, 1652.

House Bill No. 362.—(Hedalen)

A concurrent resolution, for an amendment to the Constitution of the State of North Dakota, relating to the compensation for services of legislative members.

Received, 1014.
Referred, 1063.
Reported, 1158.

House Bill No. 364.—(Brusletten)

A bill for an act to amend Sections 620 and 650 of the Revised Codes, 1905, relating to elections.

Received, 1227.
Referred, 1285.
Reported, 1529.
Other action, 1745.

House Bill No. 367.—(De Nault)

A bill for an act to legalize all notes and other written evidence of indebtedness, providing for more than seven per cent, but not exceeding twelve per cent per annum interest, and amending Section 5513 of the 1905 Code, relating to penalty for usury.

Received, 1135.
Referred, 1151.
Reported, 1266.
Passed or lost, 1436.
Other action, 1520.

House Bill No. 369.—(Stern)

A bill for an act to amend subdivision 30 of Article 4 of the Political Code of North Dakota, being subdivision 30 of Section numbered 2678 of the Revised Codes of North Dakota for 1905.

Received, 1148.
Referred, 1152.
Reported, 1159.
Passed or lost, 1389.
Other action, 1490.

House Bill No. 373.—(Aasheim)

A bill for an act prohibiting prize fighting, boxing and sparring exhibitions, repealing Section 9089 of the Revised Codes of 1905, and providing penalty for the violation of this act.

Received, 1014.
Referred, 1063.
Reported, 1155.

House Bill No. 376.—(Johns)

A bill for an act to provide for the carrying on of a campaign of education against tuberculosis and making an appropriation therefor.

Received, 1148.
Referred, 1152.
Reported, 1170, 1349.

House Bill No. 378.—(Hyland)

A bill for an act to amend and reenact Chapter 196 of the Session Laws of 1909, relating to auditor's notice of tax sale.

Received, 1259.
Referred, 1289.
Reported, 1356.
Passed or lost, 1494.
Other action, 1607.

House Bill No. 380.—(Hill of Bottineau)

A bill for an act to amend Section 1213 of the Revised Codes of 1905, of the State of North Dakota, relating to the board of trustees of the soldiers' home.

Received, 1087.
Referred, 1151.
Reported, 1248.
Passed or lost, 1451.
Other action, 1741.

House Bill No. 385.—(Englund)

A bill for an act to require railroad companies to provide telephone connections with their offices in towns, cities and villages in this state, where there is a local telephone exchange, and providing penalty for violation thereof.

Received, 1087.
Referred, 1151.
Reported, 1341.
Passed or lost, 1492.
Other action, 1652.

House Bill No. 393.—(Knutson)

A bill for an act to prevent unfair discrimination in the purchase of dairy products.
Introduction, 706.
Reference, 706.
Reported, 1420, 1456, 1511.
Passed or lost, 1530.
Received from senate, 1971.
Received 1284.
Referred 1291.
Reported 1528.

House Bill No. 396.—(Homnes)

A bill for an act to amend Section 2335 of the Revised Codes of the State of North Dakota of 1905, as amended by Chapter 66 of the Session Laws of 1909, relating to the transcribing of records in newly organized counties.
Received 1304.
Referred, 1306.
Reported 1506.

House Bill No. 398.—(Williams)

A bill for an act to provide for a commission system of government in cities which shall adopt the provisions of this act.
Received 1087.
Referred 1151.
Reported 1247.
Passed or lost 1423.

House Bill No. 399.—(Hyland)

A bill for an act to amend and reenact Section 2402 of the Revised Codes of North Dakota for the year 1905.
Received 1316.
Referred, 1370.
Reported 1505.

House Bill No. 400.—(Anderson of Griggs)

A bill for an act to amend and reenact Section 1310 and adding new sections, relating to county and state aid of county fairs, and making appropriation therefor.
Received 1228.
Referred 1288.
Reported 1352.

House Bill No. 401.—(Knox)

A bill for an act to amend and reenact Section 2979 of the Revised Codes of North Dakota of 1905, relating to increasing the debt limit.
Received 880.
Referred 946.
Reported 1071.
Passed or lost 1378.
Other action 1606.

House Bill No. 402.—(Aasheim)

A bill for an act to prohibit the manufacture, use and sale of blank cartridges, fire arms, certain fire crackers and certain other explosives.
Received 1230.
Referred 1286.
Reported 1357.
Passed or lost 1497.
Other action 1606.

House Bill No. 410.—(Fried)

A bill for an act to amend Sections 2231, 2232, 2233 and 2234 of the Revised Codes of 1905, relating to abstractors of titles.
Received 1229.
Referred 1288.
Reported 1359.
Passed or lost 1502.

House Bill No. 414.—(Johns)

A bill for an act entitled, an act to prevent infant blindness caused by the preventable disease known as ophthalmia neonatorum.
Received 1148.
Referred 1152.
Reported 1249.
Passed or lost 1300.
Other action 1369, 1471, 1501, 1740.

House Bill No. 416.—(Richland County Representatives)

A bill for an act fixing the terms of court in the various counties comprising the Fourth judicial district of this state and the beginning and duration thereof.
Received 1281.
Referred 1291.

House Bill No. 416.—Continued.

Reported, 1511.
 Passed or lost 1555.
 Other action 1554, 1652.

House Bill No. 418.—(Williams)

A bill for an act to aid assessors in valuing coal deposits reserved to grantors by providing that all deeds and transfers of real property which reserves the coal deposits to the grantor shall contain a full description of the coal deposits, so reserved, its length, width and thickness, and prohibiting the recording by register of deeds of any deed or transfer of real property that reserves to the grantor the coal deposits, unless such description is contained therein, and providing a penalty therefor.

Received, 1276.
 Reported, 1454.
 Referred 1289.
 Passed or lost 1501.
 Other action 1753.

House Bill No. 419.—(Moen of Cavalier)

A bill for an act to amend Section 10430 of the Revised Codes of North Dakota of 1905, relating to the appointment and obligations of jailers, and the manner of fixing compensations to be allowed for jailer's services.

Received, 1228.
 Referred, 1287.
 Reported, 1357.
 Passed or lost, 1503.
 Other action, 1754.

House Bill No. 420.—(McClellan)

A bill for an act to amend Section 2326 of the Revised Codes of North Dakota for the year 1905, as amended by Chapter 58 of the Session Laws, for the year 1909, relating to the extension of corporate limits of cities, and to provide a method of procedure for the extension of corporate limits of cities.

Received, 1228.

House Bill No. 420.—Continued.

Referred, 1286.
 Reported, 1340.
 Passed or lost, 1492.
 Other action 1606.

House Bill No. 421.—(Sgutt)

A bill for an act entitled, an act to prevent the placing of dependent children in family homes, for pay, by midwives, maternity hospitals and others.

Received, 1230.
 Referred, 1286.
 Reported, 1359.
 Passed or lost, 1498.
 Other action, 1740.

House Bill No. 422.—(DeLance)

A bill for an act to amend and reenact Section 1385, Revised Codes of 1905, limiting the cost of bridges over navigable rivers.

Received, 1301.
 Referred, 1306.
 Reported, 1338.
 Passed or lost, 1450.
 Other action, 1557.

House Bill No. 427.—(Heinemeyer)

A bill for an act to withdraw from sale or rent certain school land in Dunn county.

Received, 1301.
 Referred, 1306.
 Reported, 1337.
 Passed or lost, 1488.
 Other action, 1652.

House Bill No. 433.—(DeLance)

A bill for an act to amend Section 6237 of the Revised Codes or 1905, and Chapter 158 of the Session Laws of 1909, relating to the filing of mechanic's liens, the giving of notice of furnishing materials to contractors and sub-contractors.

Received, 1304.
 Referred, 1306.
 Reported, 1508.
 Passed or lost, 1561.
 Other action, 1755.

House Bill No. 434.—(Price)

A bill for an act entitled, an act for the purpose of governing the construction of public school buildings and providing for the inspection, ventilation and sanitation thereof.

Received, 1316.
 Referred 1370.
 Reported, 1525.
 Passed or lost, 1564.
 Other action, 1758.

House Bill No. 436.—(Fassett)

A bill for an act to license and regulate hospitals, sanitariums and other institutions, and for the protection of patients therein.

Received, 1309.
 Referred, 1311.
 Reported, 1338.
 Passed or lost, 1460.
 Other action, 1557.

House Bill No. 442.—(Edwards)

A bill for an act to amend Section 3198 of the Revised Codes of 1905, as amended by Chapter 224, Laws of 1909, relating to the issue of bonds by civil townships.

Received, 1229.
 Referred, 1285.
 Reported, 1510.
 Passed or lost, 1557.
 Other action, 1740.

House Bill No. 443.—(Hoge)

A bill for an act to amend Section 2020 of the Revised Codes of 1905, relating to registration fees and compensation of the state board of veterinary examiners.

Received, 1250.
 Referred, 1290.
 Reported, 1336.
 Passed or lost, 1454.
 Other action, 1622.

House Bill No. 444.—(Streeter)

A bill for an act to require the shipper of emigrant movables and live stock to deposit with

House Bill No. 444.—Continued.

the agent of the transportation company, paid tax receipts for the fiscal year in which such shipment is offered for transportation.

Received, 1281.
 Referred, 1291.
 Reported, 1529.
 Passed or lost, 1624.
 Other action, 1617, 1622, 1758.

House Bill No. 445.—(Fried)

A bill for an act to amend and reenact Section 1189 of the Revised Codes of North Dakota for 1905.

Received, 1250.
 Referred, 1290.
 Reported, 1516.
 Passed or lost, 1624.
 Other action, 1758.

House Bill No. 447.—(Williams)

A bill for an act creating a commission to have charge of installing and maintaining an exhibit of the products and resources of the State of North Dakota at the Panama-Pacific International Exposition, and appropriating money to pay the expenses thereof.

Received, 1301.
 Referred, 1306.
 Reported, 1360.
 Passed or lost, 1498.

House Bill No. 448.—(Committee on

Elections and Election Privileges)

A bill for an act to provide for the direct election of delegates to the national convention of the different political parties, and for the expression of the popular choice for nominees for president and vice president and for the direct election of national committeemen for different political parties.

Received, 1315.
 Referred, 1370.
 Reported 1510.
 Passed or lost 1574.

INDEX TO MEMBERS

ALLEN

Motions and resolutions—705, 1041, 1123, 1584.
Bills introduced—854.
Committee reports—570, 705.

BAKER

Motions and resolutions—555, 689, 1230, 1248, 1553, 1617.
Bills introduced—50, 111, 453, 454, 666, 789, 854.
Committee reports—555, 689, 1248.

BESSESSON

Motions and resolutions—22, 77, 104, 144, 146, 153, 182, 221, 236, 253,
254, 264, 265, 267, 274, 283, 284, 287, 288, 289, 322, 325, 387, 388, 478,
354, 548, 559, 560, 564, 571, 609, 625, 644, 652, 653, 672, 673, 675, 713,
768, 818, 887, 888, 889, 942, 985, 992, 994, 997, 1005, 1006, 1016,
1040, 1041, 1042, 1046, 1047, 1060, 1070, 1073, 1077, 1091, 1141, 1169,
1188, 1235, 1241, 1240, 1242, 1254, 1291, 1293, 1296, 1305, 1307, 1312,
1324, 1362, 1386, 1419, 1420, 1526, 1532, 1539, 1542, 1551, 1570, 1632,
1753, 1761.
Bills introduced—26, 63, 81, 187, 188, 189, 320, 373, 490, 531, 631, 634,
667, 709, 854.
Committee reports—144, 145, 220, 264, 265, 283, 284, 331, 419, 478, 558,
559, 560, 563, 609, 652, 693, 737, 738, 744, 887, 888, 889, 985, 1016, 1070,
1073, 1077, 1167, 1235, 1240, 1241, 1526.

CASHEL

Motions and resolutions—24, 25, 36, 57, 72, 136, 141, 146, 149, 235, 247,
267, 288, 296, 325, 328, 330, 337, 353, 507, 733, 788, 789, 770, 783, 801,
802, 928, 1200, 1201, 1247, 1302, 1388, 1541, 1547, 1584, 1609, 1610.
Bills introduced—50, 51, 65, 98, 148, 187, 372, 373, 572.
Committee reports—24, 46, 56, 327, 444, 732, 737, 783, 1246.

CARTER

Motions and resolutions—753, 1033, 1731, 1746.
Bills introduced—176, 633, 790.
Committee reports—482, 1067, 1127, 1128.

DUIS

Motions and resolutions—7, 39, 53, 72, 73, 109, 133, 154, 160, 168, 231,
306, 308, 383, 387, 398, 426, 529, 543, 589, 593, 639, 706, 745, 862, 771,
950, 1126, 1128, 1129, 1131, 1187, 1207, 1214, 1233, 1452, 1471, 1775.
Bills introduced—26, 49, 98, 119, 159, 187, 213, 336, 389, 453, 747, 920.
Committee reports—354, 525, 737.

DAVIS

Motions and resolutions—58, 93, 94, 147, 152, 157, 171, 172, 174, 186,
231, 243, 244, 245, 266, 286, 288, 296, 312, 315, 316, 318, 319, 330, 332,
335, 352, 369, 396, 397, 435, 436, 437, 438, 354, 519, 520, 521, 543, 547,

DAVIS—Continued.

562, 585, 607, 608, 629, 630, 648, 677, 700, 702, 707, 717, 735, 883, 884, 885, 886, 930, 978, 979, 980, 1024, 1025, 1026, 1027, 1028, 1038, 1071, 1072, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1178, 1215, 1245, 1223, 1262, 1279, 1280, 1304, 1314, 1356, 1357, 1358, 1359, 1360, 1422, 1482, 1506, 1507, 1508, 1548, 1604, 1756, 1774, 1777.

Bills introduced—64, 123, 135, 136, 190, 336, 338, 492, 632, 633, 667.

Committee reports—93, 107, 118, 146, 151, 156, 157, 171, 172, 173, 243, 244, 265, 286, 312, 315, 316, 318, 329, 330, 395, 435, 436, 437, 438, 518, 519, 520, 560, 607, 608, 648, 699, 702, 734, 735, 736, 883, 884, 885, 886, 930, 978, 979, 980, 1024, 1025, 1026, 1027, 1028, 1071, 1072, 1162, 1161, 1160, 1159, 1158, 1157, 1156, 1155, 1154, 1190, 1223, 1245, 1262, 1279, 1305, 1356, 1357, 1358, 1359, 1360, 1482, 1506, 1507, 1508, 1526, 1768, 1773, 1774.

DUNCAN

Motions and resolutions—113, 343, 499, 714, 803, 1001, 1008, 1548.

Bills introduced—42, 50, 60, 159, 229, 422, 423, 530, 573, 632, 633.

Committee reports—705, 1625.

ELKEN

Motions and resolutions—334, 344, 462, 598, 707, 746, 828, 767, 927, 942, 943, 1194, 1441, 1471, 1564, 1641, 1761.

Bills introduced—61, 97, 120, 176, 269, 454.

Committee reports—570.

ELLINGSON

Motions and resolutions—761, 770, 1621.

Bills introduced—42, 188, 210.

Committee reports—

GUNDERSON

Motions and resolutions—22, 24, 39, 58, 109, 131, 133, 143, 147, 158, 228, 275, 308, 459, 412, 504, 505, 589, 654, 680, 701, 722, 724, 791, 853, 758, 767, 1198, 1200, 1202, 1203, 1239, 1282, 1392.

Bills introduced—41, 50, 97, 98, 124, 189, 213, 227, 492, 571, 708, 920, 921

Committee reports—143, 737.

GANSSELE

Motions and resolutions—331, 1045.

Bills introduced—

Committee reports—331.

GILBERT

Motions and resolutions—3, 21, 23, 48, 77, 78, 95, 124, 139, 166, 173, 217, 227, 266, 312, 370, 391, 445, 365, 647, 648, 690, 691, 745, 751, 752, 791, 805, 842, 844, 920, 973, 974, 975, 1042, 1128, 1214, 1217, 1218, 1219, 1220, 1221, 1313, 1341, 1465, 1505, 1567, 1731, 1768.

Bills introduced—25, 372.

Committee reports—173, 226, 245, 312, 444, 363, 646, 647, 690, 737, 738, 744, 842, 844, 973, 974, 975, 1217, 1218, 1219, 1220, 1279, 1341, 1465, 1505.

GIBBENS

Motions and resolutions—201, 267, 335, 411, 568, 578, 630, 631, 681, 863, 994, 1200, 1222, 1311.

Bills introduced—121, 159, 531.

Committee reports—144, 568, 703, 1222, 1239.

GARDEN

Motions and resolutions—47, 131, 144, 285, 331, 334, 370, 419, 448, 353, 569, 570, 640, 784, 785, 989, 1017, 1171, 1191, 1195, 1243, 1303, 1533, 1667, 1719, 1720.
 Bills introduced—122, 248, 249, 574.
 Committee reports—47, 144, 284, 318, 419, 523, 784, 989, 1017, 1171, 1191, 1239, 1243, 1244.

GRONVOLD

Motions and resolutions—252, 328, 473, 564, 703, 734, 840, 845, 846, 848, 849, 898, 977, 982, 1075, 1170, 1178, 1249, 1263, 1338, 1339, 1516.
 Bills introduced—42, 62, 97, 120, 187, 229, 371, 573, 574, 633.
 Committee reports—328, 473, 564, 694, 702, 734, 845, 846, 848, 898, 977, 982, 1075, 1170, 1249, 1263, 1338, 1339, 1516.

HOOKWAY

Motions and resolutions—459, 482, 498, 501, 513, 522, 539, 643, 712, 714, 734, 788, 810, 844, 845, 1038, 1092, 1093, 1340, 1369, 1633, 1634, 1766.
 Bills introduced—79, 211.
 Committee reports—513, 522, 733, 844, 845, 1092, 1093, 1340.

JOHNSON

Motions and resolutions—568, 655, 696, 742, 981, 988, 1074, 1125, 1175, 1281.
 Bills introduced—492.
 Committee reports—565, 655, 696, 741, 745, 981, 988, 1074, 1125, 1170, 1281.

JACOBSEN

Motions and resolutions—274, 344, 460, 588, 595, 597, 674, 824, 813, 994, 1041, 1042, 1127, 1185, 1542.
 Bills introduced—62, 63, 58, 81, 211, 373.
 Committee reports—1495.

KENNEDY

Motions and resolutions—168, 169, 182, 222, 223, 224, 264, 267, 487, 547, 643, 697, 698, 699, 843, 895, 904, 1035, 1215, 1223, 1224, 1239, 1240, 1247, 1526, 1764.
 Bills Introduced—41, 61, 134, 158, 228, 267, 268, 336, 389, 422, 454, 708, 789.
 Committee Reports—222, 223, 224, 263, 697, 698, 699, 843, 895, 904, 1215, 1233, 1224, 1239, 1247, 1764.
 Bills introduced—111, 189, 453.

KRETCHMAR

Motions and resolutions—676, 760, 998, 1040, 1283, 1294, 1295, 1553, 1554, 1584.
 Committee reports—

LA MOURE

Motions and resolutions—16, 44, 261, 304, 313, 314, 315, 329, 347, 358, 404, 554, 555, 587, 642, 817, 782, 784, 817, 835, 836, 837, 838, 839, 840, 841, 842, 896, 897, 929, 968, 969, 970, 971, 972, 1008, 1018, 1019, 1020, 1073, 1132, 1163, 1164, 1185, 1210, 1260, 1308, 1328, 1329, 1330, 1331,

LA MOURE—Continued.

1332, 1333, 1334, 1335, 1336, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1362, 1487, 1504, 1513, 1514, 1515, 1535, 1556, 1578, 1618, 1641, 1642, 1661, 1753, 1764, 1781.
 Bills introduced—25, 63, 73, 190, 209, 289, 290, 382.
 Committee reports—313, 314, 315, 329, 358, 553, 554, 782, 784, 834, 836, 837, 838, 839, 840, 841, 842, 896, 897, 929, 968, 969, 970, 971, 972, 1018, 1019, 1020, 1073, 1164, 1163, 1209, 1260, 1308, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1362, 1512, 1513, 1515, 1625, 1642, 1661, 1763.

LINDE

Motions and resolutions—27, 60, 253, 597, 704, 706, 707, 741, 783, 871, 1200, 1313, 1394, 1517, 1741, 1744.
 Bills introduced—136, 149, 290, 370, 371, 490, 529, 631.
 Committee reports—60, 444, 703, 704, 741, 783, 871, 1361, 1517.

MOVIUS

Motions and resolutions—59, 86, 108, 209, 474, 475, 509, 541, 898, 1337, 1382, 1757.
 Bills introduced—63, 123.
 Committee reports—195, 444, 474, 737, 898, 1337.

MARTIN

Motions and resolutions—17, 60, 325, 379, 396, 426, 427, 491, 515, 539, 571, 652, 699, 707, 711, 736, 829, 765, 918, 951, 1006, 1033, 1045, 1135, 1225, 1230, 1369, 1382, 1383, 1471, 1499, 1540, 1554, 1616, 1631.
 Bills introduced—79, 80, 112, 176, 320, 337, 372, 491, 1037.
 Committee reports—515, 699, 918.

McLEAN

Motions and resolutions—108, 205, 473, 475, 513, 551, 712, 733, 1246.
 Bills introduced—26, 62, 148, 490.
 Committee reports—205, 473, 475, 512, 551, 733, 1245, 1246, 1741.

McDONALD

Motions and resolutions—403.
 Bills introduced—111, 149, 175.

McDOWELL

Motions and resolutions—664, 855, 1000, 1035, 1036, 1208, 1540, 1558, 1574, 1619, 1667.
 Bills introduced—79, 209, 248, 249.
 Committee reports—1619.

OVERSON

Motions and resolutions—78, 94, 95, 129, 216, 227, 234, 236, 242, 505, 587, 639, 664, 665, 706, 798, 862, 772, 1092, 1302, 1303, 1314, 1384, 1431, 1432, 1454, 1535.
 Bills introduced—42, 111, 134, 135, 268, 269, 666, 920.
 Committee reports—242, 444, 480, 526, 737, 800, 919, 1454, 1733.

PIERCE

Motions and resolutions—19, 21, 22, 65, 77, 87, 107, 131, 158, 163, 196, 207, 208, 233, 236, 287, 297, 320, 332, 352, 379, 418, 479, 488, 539, 571, 588, 590, 646, 659, 684, 690, 713, 787, 828, 787, 890, 933, 975, 1039, 1126, 1190, 1233, 1284, 1311, 1368, 1423, 1488, 1503, 1504, 1543, 1570, 1775.
Bills introduced—41, 49, 61, 120, 190, 228, 530, 531, 665.
Committee reports—207, 208, 417, 479, 646, 658, 689, 737, 738, 390, 913, 975, 1368, 1525, 1625, 1773, 1774.

PUTNAM

Motions and resolutions—209, 527, 736, 1363, 1776.
Bills introduced—211, 709.
Committee reports—208, 703, 705, 735, 744, 800, 1128, 1206, 1363, 1763.

PLAIN

Motions and resolutions—20, 75, 77, 129, 247, 248, 257, 280, 344, 398, 421, 430, 363, 487, 675, 713, 714, 721, 722, 800, 804, 811, 847, 876, 917, 1254, 1269, 1462, 1546, 1549, 1568, 1662, 1747.
Bills introduced—62, 96, 97, 123, 136, 148, 291, 371.
Committee reports—75, 119, 147, 152, 162, 179, 213, 231, 251, 271, 286, 293, 321, 241, 376, 391, 425, 451, 456, 480, 363, 489, 494, 527, 536, 542, 582, 660, 715, 737, 743, 742, 744, 785, 794, 826, 786, 847, 869, 876, 917, 992, 1032, 1034, 1047, 1048, 1082, 1095, 1129, 1173, 1174, 1185, 1194, 1252, 1269, 1293, 1297, 1322, 1393, 1438, 1484, 1524, 1628, 1637, 1647, 1657, 1729, 1739, 1752, 1760, 1762, 1765, 1772, 1775, 1778, 1780.

RUZICKA

Motions and resolutions—
Bills introduced—
Committee reports—694, 703, 1241.

STEVENS

Motions and resolutions—39, 47, 74, 90, 95, 105, 106, 115, 131, 133, 143, 156, 168, 184, 203, 219, 240, 255, 259, 282, 311, 323, 327, 378, 385, 394, 432, 469, 356, 406, 511, 528, 551, 601, 646, 689, 714, 717, 726, 800, 831, 853, 859, 860, 778, 874, 1004, 1015, 1016, 1070, 1125, 1126, 1155, 1192, 1237, 1305, 1420, 1442, 1486, 1730, 1733, 1745.
Bills introduced—42, 43, 78, 134, 291, 338, 388, 422, 532, 573, 748.
Committee reports—74, 90, 106, 114, 130, 142, 155, 167, 182, 183, 202, 218, 239, 258, 281, 310, 326, 385, 431, 468, 355, 405, 510, 550, 600, 645, 688, 725, 830, 778, 874, 1015, 1069, 1155, 1237, 1328.

SYVERTSON

Motions and resolutions—476, 1021.
Bills introduced—667.
Committee reports—247, 248, 475, 1021.

STEEL OF STUTSMAN

Motions and resolutions—60, 77, 92, 119, 184, 185, 318, 353, 359, 360, 361, 362, 413, 414, 415, 606, 643, 656, 657, 658, 937, 939, 976, 977, 1017, 1018, 1035, 1165, 1166, 1167, 1502, 1575.
Bills introduced—96, 269.
Committee reports—76, 92, 119, 184, 317, 359, 360, 361, 362, 413, 414, 605, 606, 655, 656, 657, 976, 977, 1017, 1018, 1166, 1165, 1164.

SIMPSON

Motions and resolutions—17, 18, 20, 40, 48, 116, 190, 227, 241, 246, 417, 451, 460, 476, 477, 415, 416, 523, 547, 603, 630, 640, 653, 654, 655, 672, 695, 696, 751, 787, 792, 798, 862, 759; 772, 868, 922, 1009, 1128, 1139, 1147, 1162, 1163, 1184, 1206, 1242, 1243, 1259, 1278, 1295, 1297, 1298, 1302, 1303, 1305, 1313, 1323, 1325, 1341, 1381, 1492, 1526, 1534, 1540, 1541, 1559, 1563, 1631, 1632, 1750, 1770, 1773, 1774, 1776.

Bills introduced—26, 98, 134, 135, 186, 211, 228, 248, 454, 634, 748, 856.

Committee reports—241, 417, 444, 476, 415, 416, 522, 523, 525, 528, 603, 653, 654, 694, 695, 918, 1162, 1163, 1242, 1243, 1254, 1258, 1279, 1341.

STEELE OF RENVILLE—

Motions and resolutions—17, 18, 19, 98, 133, 140, 141, 146, 165, 169, 170, 171, 196, 205, 206, 209, 221, 222, 225, 246, 261, 262, 263, 275, 289, 316, 317, 335, 438, 439, 440, 444, 471, 472, 514, 515, 516, 517, 518, 521, 522, 538, 539, 544, 545, 552, 553, 593, 625, 626, 627, 628, 629, 649, 650, 651, 665, 679, 680, 687, 694, 701, 719, 737, 738, 739, 740, 743, 750, 789, 852, 757, 760, 779, 780, 781, 852, 865, 890, 891, 892, 893, 894, 965, 1022, 1023, 1024, 1076, 1077, 1078, 1079, 1091, 1094, 1129, 1140, 1172, 1177, 1178, 1258, 1260, 1261, 1264, 1265, 1266, 1267, 1268, 1270, 1271, 1272, 1280, 1282, 1326, 1339, 1419, 1508, 1509, 1510, 1511, 1512, 1517, 1519, 1523, 1527, 1528, 1529, 1530, 1531, 1552, 1569, 1576, 1584, 1736, 1765, 1768, 1770.

Bills introduced—43, 80, 95, 96, 188, 267, 289, 290, 490, 573, 631.

Committee reports—140, 146, 165, 169, 170, 204, 206, 221, 222, 224, 261, 262, 263, 289, 316, 317, 438, 439, 441, 470, 471, 472, 480, 513, 514, 515, 517, 518, 521, 551, 552, 553, 625, 626, 627, 628, 629, 649, 650, 651, 700, 701, 736, 737, 738, 739, 740, 779, 780, 781, 890, 891, 892, 893, 894, 965, 1022, 1023, 1024, 1076, 1077, 1078, 892, 893, 894, 965, 1022, 1023, 1024, 1076, 1077, 1078, 1079, 1090, 1091, 1094, 1171, 1176, 1177, 1178, 1258, 1260, 1261, 1264, 1265, 1266, 1267, 1268, 1270, 1269, 1271, 1272, 1278, 1279, 1280, 1339, 1465, 1508, 1509, 1510, 1511, 1512, 1517, 1518, 1526, 1527, 1528, 1529, 1530, 1531, 1736.

TALCOTT

Motions and resolutions—26, 45, 47, 48, 73, 102, 113, 165, 166, 175, 181, 182, 206, 238, 243, 301, 323, 324, 327, 334, 346, 419, 441, 451, 458, 467, 358, 489, 411, 508, 535, 547, 569, 578, 596, 599, 629, 641, 642, 665, 684, 685, 687, 693, 713, 717, 718, 721, 792, 793, 800, 858, 859, 864, 870, 872, 914, 957, 984, 986, 987, 990, 1045, 1061, 1068, 1125, 1126, 1133, 1134, 1136, 1153, 1178, 1188, 1190, 1191, 1193, 1195, 1197, 1200, 1221, 1222, 1272, 1281, 1292, 1299, 1302, 1322, 1324, 1390, 1442, 1472, 1473, 1474, 1517, 1536, 1649, 1550, 1584, 1609, 1632, 1734, 1744, 1762, 1765, 1769, 1771, 1779.

Bills introduced—64, 81, 122, 336, 422, 433, 453, 530, 572, 632.

Committee Reports—165, 205, 242, 319, 418, 440, 441, 444, 358, 524, 529, 693, 914, 918, 984, 987, 990, 1221, 1222, 1305, 1322, 1517, 1733.

TRIMBLE

Motions and resolutions—227, 313, 488, 528, 529, 706, 708, 746, 792, 756, 806, 848, 1235, 1283.

Bills introduced—51, 63, 121, 123, 176, 229, 531.

Committee reports—226, 246, 313, 482, 706, 927, 992.

TURNER

Motions and resolutions—387.

Bills introduced—98, 631.

Committee reports—365, 705, 1239.

THORESON

Motions and resolutions—397.
Bills introduced—80, 149, 421.
Committee reports—

WHITCHER

Motions and resolutions—324, 363, 562, 866, 1336, 1337.
Bills introduced—80, 97, 121, 122, 149, 176, 572, 667.
Committee reports—362, 562, 694, 966, 967, 1336, 1337.

WALTON

Motions and resolutions—487, 1140, 1617.
Bills introduced—43, 61, 148, 210, 389, 530.
Committee reports—703, 705.

WELCH

Motions and resolutions—23, 435, 451, 486, 548, 549, 604, 605, 631,
750, 828, 998, 999, 1001, 1002, 1041, 1200, 1283, 1284, 1299, 1302, 1303,
1322, 1411, 1471, 1617, 1775, 1777.
Bills introduced—49, 63, 210, 211, 229, 337, 372, 529, 531, 532, 573.
Committee reports—603, 604, 605, 919, 1283, 1321, 1532.

WALLIN

Motions and resolutions—993.
Bills introduced—40, 49, 62, 80, 122, 135, 389, 421, 667.
Committee reports—

WELO

Motions and resolutions—285, 347, 477, 482, 556, 557, 595, 644, 681,
747, 852, 682, 863, 852, 887, 943, 1021, 1036, 1131, 1170, 1216, 1311,
1310, 1338, 1395.
Bills introduced—78, 79, 121, 135, 188, 189, 371, 571.
Committee reports—285, 477, 481, 555, 556, 557, 887, 1021, 1169, 1216,
1338.

WILLIAMS

Motions and resolutions—480, 500, 711, 762, 769.
Bills introduced—158, 175, 389, 572.
Committee reports—331, 480, 641, 642, 737.

YOUNG

Motions and resolutions—
Bills introduced—148.
Committee reports—419.
Committee on cities and municipal corporations—
Bills introduced—96.
Committee on temperance—112, 338.
Judiciary committee—160, 531.
Committee on railroads—177.
Committee on elections and privileges—632, 666, 748.

GENERAL INDEX

ADJOURNMENT

In forty-five days, 21.
Report of committee, 118.
Resolution regarding final, 1774.

ANDERSON, MARTIN

Resolution regarding, 27.

AUDITING BOARD

Resolution to inquire, 39.
Report on, 58, 152, 157.
Committee, 257.
Report of committee, 1579.

AGRICULTURAL EDUCATION

Resolution regarding, 630.

ANTI-PASS BILL

Special committee to confer, 672.
Report of, 744.

APPOINTMENTS

Executive confirmed, 1038, 1604,
1605, 1720.

BOARD OF SCHOOL LANDS

Resolution to inquire, 39.
Report on, 57, 173.
Received from house, 332.

BILLS TO JOURNALS

Mailing of, 47, 93, 129, 227.
Bills, limit of time, 539, 777, 791.
Correction of journal, committee,
1486.

BURDICK, U. L.

Resolution regarding, 1762.

COMMITTEES

Standing, 55, 56.

COMMITTEE ROOMS

Committee for, 60.
Report of, 76, 119.

CAPITOL BUILDING

Committee to investigate, 75.
Appointment of, 77.
Report of committee, 365.
Statement of land grant, 434.
Action on committee report, 486.

CONSTITUTIONAL AMENDMENTS

Certificate from secretary of state,
91.

COAL LANDS

Resolution regarding leases, 488,
1229.

CANADIAN RECIPROCITY

Resolutions, 260, 711, 788, 810, 941,
1011, 1012.
Preamble regarding, 491.
Appointment of committee, 792, 793.

CCWAN, JOHN F.

Resolution regarding impeachment,
1253.
Judge, new appointment authorized,
1282.
Judge, new, 1303.
Special committee appointed, 1368.
Articles of impeachment filed, 1584.
Report of special committee, 1605.
Additional resolutions, house, 1755-
6-7.
Referred to special committee, 1757.
Report of special committee, 1773-4.

DAIRYMEN'S ASSOCIATION

Resolution for visiting committees,
394.
Appointment of committees, 403.
Report of, 745.

EMPLOYEES

Additional, 23, 24.
Salary, 95, 1369-1633, 1743.

EXECUTIVE SESSIONS

Of senate, held, 535, 792, 1038, 1299,
1604, 1720.

EASTGATE, ALF. E.

Addresses senate, 717.

FORT BERTHOLD RESERVATION

Resolution regarding, 1743.

GAME AND FISH BOARD

Investigation, resolution, 22.
Report on, 39, 72
Committee on, 133.
Extension of time, 147.
Report of committee, 1663.
Testimony, 1667.
Payment of witnesses, 1719.

GRONNA, A. J.

Elected U. S. senator, 88-90.
Telegram, 103.

GARDEN SEEDS

Resolution regarding, 108.

GRAIN

Federal inspection of, 287.

GEOLOGICAL SURVEY

Reports additional, 630.

GREAT NORTHERN RY. CO.

Resolution regarding, 1639.

HIGHWAY LAWS

Resolution regarding, 1011.

IRRIGATION

Resolution regarding, 94.

IMPEACHMENT

Cowan, John F., 1253.
Judge, new appointment authorized, 1282.
Judge, new, 1303.
Special committee, 1368.
Articles of impeachment, John F.
Cowan filed, 1584.
Report of special committee, 1605.
Additional resolutions, house, 1755-
6-7.

IMPEACHMENT—Continued.

Referred to special committee, 1757.
Report of special committee, 1773-
4.

JOHNSON, M. N.

Committee to memorialize, 27, 54.
Resolution regarding, 48.
Report of committee, 60.

JOINT RULES

Report of committee, 75.

JEWELL, M. H.

Resolution regarding, 548.

JOHNSON, HIRAM W.

Communication from, 755.

KILLDEER MOUNTAINS

Resolutions regarding, 1380-1558.

LEWIS, R. S.

Resolution regarding, 23.

LINCOLN'S BIRTHDAY

Resolution regarding, 77.
Committee, 166.

LARSON, W. E.

Resolution regarding, 78.

LOBBYISTS

Resolution regarding, 488.

LA MOURE, JUDSON

Resolution regarding, 1609.
Presentation to, 1610.

McCUMBER, P. J.

Election of U. S. senator, 88-89.
Telegram from, 103.

McVEY, F. L.

Invitation to, 228.

NAVIGABLE RIVERS

Resolution regarding, 1431-1500.

NATIONAL HEALTH BUREAU

Resolution regarding, 1487.

ORGANIZATION

Proceedings, 1-20.

POSTAGE

Resolution regarding, 108.

PANAMA EXPOSITION

Resolution, 168.
Adoption of, 181, 182.
Communication regarding, 755.
Commission authorized, 1487.

POSTAL RATES

Resolution, 1238.

RESOLUTIONS

Economy in expenditures, 21.
Early adjournment, 21.
Codes, annulation, 22.
Game and fish investigation, 22.
R. S. Lewis, 23.
Employes, additional, 23, 24.
Regarding Martin Anderson, 27.
State auditing board, 39.
University and school lands, 39.
Bills and journals, 47, 93, 129, 227.
Capitol building investigation, 75.
Canadian reciprocity, 260, 711, 788,
810, 941, 1011, 1012.
Garden seeds, 108.
Grain, federal inspection, 287.
Irrigation, 94.
Johnson, M. N., 27, 54, 48, 60.
Lincoln's birthday, 77.
Panama exposition, 168.
State treasurer's office, 109.
U. S. senators, popular election, 117,
387.
Visiting committees, state institu-
tions, 369.
Visiting committees, dairymen's as-
sociation, 394.
Coal land leases, 488.
Lobbyists, 488.
Death of M. H. Jewell, 548.
Geological survey reports, 630.
Agricultural education, 630.
Galloway bill, 664.
State institutions, special commit-
tees, 665.
Children's home, at Soldier's Home,
787.
Railroads, physical valuation, 853,
959.

RESOLUTIONS—Continued.

Highway laws, 1011.
Railway mail service, 1035.
Consideration drug permit bill, 1126.
Postal rates, 1238.
Cowan, John F., 1253.
Killdeer mountains, 1380-1558.
Navigable rivers, 1431-1500.
Journal, correction of, 1486.
Panama-Pacific exposition commis-
sion, 1487.
National health bureau, 1487.
LaMoure, Judson, 1609.
Report to state's attorney, treasur-
er's office, 1631.
Great Northern Ry. Co., 1639.
Fort Berthold Reservation, 1743.
Burdick, U. L., 1762.

RULES

Committee, report of, 47.

REVISED CODES

Resolution, regarding, 406.
Referred, 451.
Report of committee, 736, 1741.

RAILROADS

Physical valuation, 853, 959.

RAILWAY MAIL SERVICE

Resolution regarding, 1035.

SCHOOL LANDS

Statement regarding, 29-38.

STATE TREASURER'S OFFICE

Shortage, resolution regarding, 109.
Additional investigation, 133.
Extension of time, 274, 570.
Report of committee, 1095, 1471.
Second special committee, 1631.
Report to state's attorney, 1631.
Appointment special committee, 1781

STATE INSTITUTIONS

Resolution for visiting committee,
369.
Appointment of committee, 383.
Report of committee, 419, 449, 483,
526.
Special committee to visit, 665
Expenses authorized, 747, 1430.

SNUFF BILL

Telegram, regarding, 378.

STANDING ROCK INDIANS

Resolution from house, 445.
Referred, 451.

SULLOWAY BILL

Resolution regarding, 664.

SENATE CALENDAR

Authorized, 746.

SOLDIER'S HOME

Children's home in connection, 787.

TRUSTEES, PUBLIC PROPERTY

Estimate, capital maintenance, 499.

UNITED STATES SENATOR

Certificate regarding, 87.
Election of, 87-90.
Joint session, 104.
Certificate of election, 105.

UNITED STATES SENATORS.

Popular election of, 117, 133, 387, 885

WORST, J. H.

Invited to address assembly, 432.

WHITESTONE HILLS

Resolution from house, 433.