

TERRITORY OF DAKOTA.

JOURNAL OF THE COUNCIL

OF THE

EIGHTEENTH SESSION

OF THE

LEGISLATIVE ASSEMBLY,

JANUARY, 1889.

BISMARCK, DAK.:
TRIBUNE, PRINTERS AND BINDERS.
1889.

Fifteenth District.....John Miller, of Richland
 Sixteenth District.....Smith Stimmel, of Cass
 Seventeenth District.....Hugh McDonald, of Barnes
 Eighteenth District.....Germand A. Harstad, of Traill
 Nineteenth District.....George H. Walsh, of Grand Forks
 Twentieth District.....Roger Allen, of Walsh
 Twenty-first District.....Peter Cameron, of Pembina
 Twenty-second District...Samuel L. Glaspell, of Stutsman
 Twenty-third District.....Alexander Hughes, of Burleigh

The oath of office was then taken and subscribed by the members-elect, administered by His Excellency, Louis K. Church, Governor of the Territory of Dakota.

The election of a President of the Council being then in order

Mr. Miller nominated Mr. Smith Stimmel, of Cass county, and

Mr. Hughes nominated Mr. Frank J. Washabaugh, of Lawrence county, and a vote being taken,

Those voting for Mr. Stimmel were:

Messrs. Allen, Atkinson, Cameron, Cooper, Glaspell, Harstad, McDonald, Miller, Patten, Ryan, Soderberg, Stimmel, Walsh, Woolhiser and Van Osdel—15.

Those voting for Mr. Washabaugh were:

Messrs. Campbell, Crawford, Dollard, Ericson, Hallay, Hughes, Lowry and Poindexter—8.

Mr. Washabaugh voting for Mr. Ericson.

Mr. Hughes moved the election of Mr. Stimmel be made unanimous.

The motion prevailed and

Mr. Stimmel was declared duly elected.

Mr. Kingsbury appointed Messrs. Hughes and Soderberg a committee to escort the president-elect to the chair.

The oath of office was administered by his Excellency, Louis K. Church, Governor of the Territory.

The election of chief clerk being in order

Mr. Glaspell nominated Robert E. Wallace, of Stutsman.

There being no other nomination the roll was called.

Those voting for Mr. Wallace were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter,

Ryan, Soderberg, Walsh, Washabaugh, Woolhiser, Van Osdel and Mr. President—24.

Mr. Wallace having received a majority of all the votes cast was declared elected chief clerk.

Mr. Atkinson nominated Mr. S. H. Goodfellow, of Brookings county, for assistant clerk.

There being no other nominations
The roll was called.

Those voting for Mr. Goodfellow were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser, Van Osdel and Mr. President.

Mr. Goodfellow having received a majority of all the votes cast was declared elected assistant clerk.

Mr. Van Osdel nominated Mr. Eric Iverson, of Yankton county, as enrolling clerk.

There being no other nominations The roll was called.

Those voting for Mr. Iverson were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser, Van Osdel and Mr. President—24.

Mr. Iverson having received a majority of all the votes cast, was declared elected enrolling clerk.

Mr. Patten nominated Mr. W. W. Girton, of Miner county, for engrossing clerk.

There being no other nominations
The roll was called.

Those voting for Mr. Girton were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser, Van Osdel and Mr. President—24.

Mr. Girton having received a majority of all the votes cast, was declared elected engrossing clerk.

Mr. Miller nominated Mr. W. H. Ellis, of Dickey county, as sergeant-at-arms.

There being no other nominations
The roll was called.

Those voting for Mr. Ellis were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser, Van Osdel and Mr. President—24.

Mr. Ellis having received a majority of all the votes cast, was declared elected sergeant-at-arms.

Mr. Hughes nominated Rev. George Kline, of Burleigh county, for chaplain.

There being no other nominations
The roll was called.

Those voting for Rev. Kline were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser, Van Osdel and Mr. President—24.

Rev. Kline having received a majority of all the votes cast, was declared elected chaplain.

Mr. Walsh nominated Mr. Frank W. Hanscomb, of Grand Forks county, for messenger.

There being no other nominations
The roll was called.

Those voting for Mr. Hanscomb were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser, Van Osdel and Mr. President—24.

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

Mr. Van Osdel nominated Mr. Walter I. Himes, of Union county, for doorkeeper.

There being no other nominations
The roll was called.

Those voting for Mr. Himes were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad,

Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser, Van Osdel and Mr. President—24.

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

Mr. Allin nominated John Little, of Burleigh, for watchman.

Mr. Crawford nominated Mr. H. E. Dewey.

Mr. Hughes nominated Mr. S. G. Smith.

Mr. Lowry nominated Mr. T. W. Brisbane.

The roll being called

Those voting for Mr. Little were:

Messrs. Allin, Cameron, Glaspell, Harstad, McDonald, Miller, Patten, Poindexter and Walsh—9.

Those voting for Mr. Dewey were:

Messrs. Crawford and Halley—2.

Mr. Hughes voted for Mr. Smith.

Those voting for Mr. Brisbane were:

Messrs. Atkinson, Campbell, Cooper, Dollard, Ericson, Lowry, Ryan, Soderberg, Washabaugh, Woolhiser, Van Osdel and Mr. President—12.

No person having received a majority of all the votes cast, the president ordered the roll to be again called.

Mr. Crawford withdrew the name of Mr. Dewey.

The roll being called

Those voting for Mr. Little were:

Messrs. Allin, Cameron, Glaspell, Harstad, McDonald, Miller, Poindexter and Walsh—8.

Those voting for Mr. Brisbane were:

Messrs. Atkinson, Campbell, Cooper, Crawford, Dollard, Ericson, Halley, Hughes, Lowry, Patten, Ryan, Soderberg, Washabaugh, Woolhiser, Van Osdel and Mr. President—16.

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

Mr. Wallace, chief clerk,

Mr. Goodfellow, assistant clerk,

Mr. Ellis, sergeant-at-arms,

Mr. Himes, doorkeeper,

Mr. Brisbane, watchman,

then presented themselves and the oath was administered to them by Mr. President.

Mr. Washabaugh moved that the President appoint a committee of three to wait upon the Governor and inform his Excellency that the Council is now permanently organized and ready for the transaction of business, and is prepared to receive any communication which he may desire to make.

The motion prevailed, and

Mr. President appointed as such committee, Messrs. Washabaugh, Miller and Van Osdel.

Mr. Hughes offered the following resolution which was adopted:

Resolved, That the rules of the Seventeenth Legislative Session be adopted for the government of the Council until otherwise ordered.

Mr. Campbell moved

That the chief clerk be instructed to inform the House that the Council was duly organized.

The motion prevailed.

Mr. Hughes moved

That the Council do now adjourn until to-morrow at 2 o'clock p. m.

Which motion was agreed to, and

The President declared the Council adjourned until 2 o'clock to-morrow.

R. E. WALLACE,
Chief Clerk.

SECOND DAY.

BISMARCK, January 9, 1889.

The Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the chaplain.

The roll was called and all the members responded to their names.

The Journal of yesterday was read and approved.

Mr. Walsh moved

That the office of messenger be declared vacant.
 Which motion prevailed, and
 The President declared the office of messenger vacant.
 The following message was received from the House:

HOUSE OF REPRESENTATIVES. {
 January 9, 1889. }

MR. PRESIDENT:

I have the honor to inform the Council that the House of Representatives has been organized by the election and qualification of the following officers, viz.:

Hon. H. H. Keith, speaker.
 John G. Hamilton, chief clerk.
 E. R. Ruggles, assistant clerk.
 W. G. Eakins, bill clerk.
 H. C. Rorapaugh, sergeant-at-arms,
 Fred Snore, assistant sergeant-at-arms,
 T. G. Orr, enrolling and engrossing clerk,
 W. P. Moffett, assistant enrolling and engrossing clerk,
 Rev. C. S. Lane, chaplain,
 Joseph McDearmon, messenger,
 H. E. Ward, postmaster,
 M. Flick, watchman,
 R. E. Dowdell, doorkeeper,
 Wm. Gleason, janitor,

and is now ready for the transaction of business.

JOHN G. HAMILTON,
 Chief Clerk.

Mr. Washabaugh, chairman of the committee appointed to wait upon His Excellency, the Governor, reported the duty performed, and that His Excellency would meet the Council and House in joint session at 2:30 o'clock.

Mr. Washabaugh in the chair.

A committee from the House consisting of Messrs. White, Lampman and Greene, announced that the House was ready to receive the Council.

Mr. Hughes moved

That the Council do now proceed to the House,
 Which motion prevailed.

At 3 o'clock the two houses of the Legislative Assembly met in joint convention, when His Excellency delivered his message to the Assembly.

At 4:30 p. m. the Council returned to its chamber, the President in the chair.

The roll being called all members responded to their names.

Mr. Van Osdel moved

That the rules be suspended and the Council proceed to the election of a messenger.

The roll being called there were ayes, 16; nays, 8.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Cooper, Crawford, Ericson, Halley, Lowry, Patten, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolshier, Mr. President—16.

Those who voted in the negative were:

Messrs. Campbell, Dollard, Glaspell, Harstad, Hughes, McDonald, Miller, Poindexter—8.

And the rules were suspended.

Mr. Crawford moved

That the Council now proceed to the election of a messenger.

Which motion prevailed.

Mr. Van Osdel nominated Mr. Parshall.

Mr. Ryan nominated Mr. Kent.

There being no other nomination

The roll was called.

Those voting for Mr. Parshall were:

Messrs. Allin, Campbell, Cooper, Crawford, Dollard, Glaspell, Halley, Lowry, Miller, Hatten, Poindexter, Soderberg, Van Osdel, Washabaugh, Woolhiser and Mr. President—16.

Those voting for Mr. Kent were:

Messrs. Atkinson, Cameron, Ericson, Harstad, McDonald, Ryan and Walsh—7.

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

Mr. President announced the appointment of Mr. Alex Forrest as assistant sargeant-at-arms and Harry G. Ward as page.

Mr. Hughes introduced

Council Bill No. 1,

A Joint Resolution, requesting the secretary to furnish certain codes to the members of the Legislative Assembly,

Which was read the first time.

Mr. Hughes moved

That the rules be suspended and the bill be read a second and third time and put upon its final passage.

The roll being called there were ayes; 20; nays, 4.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Crawford, Dollard, Glaspell, Halley, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser, Mr. President—20.

Those who voted in the negative were:

Messrs. Cooper, Ericson, Harstad, Van Osdel—4.

So the rules were suspended and
Council Bill No. 1.

A Joint Resolution, requesting the secretary to furnish certain codes to the members of the Legislative Assembly.

Was read a second and third time.

Mr. Ericson moved to amend by adding, "and such books shall remain the property of the territory and be returned to the secretary at the close of the session."

The motion was lost and

The question being shall the bill pass, and

The roll being called

There were ayes, 17; nays, 7.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Glaspell, Halley, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser, Mr. President—17.

Those who voted in the negative were:

Messrs. Campbell, Cooper, Crawford, Dollard, Ericson, Harstad, Van Osdel—7.

So the bill passed and

The question being as to its title and being put

The title was agreed to.

Mr. President announced the Committee on Rules as follows:

Messrs. Miller, Hughes, Ericson, Patten and Cooper.

Mr. Cooper introduced the following resolution and moved its adoption.

Be it resolved by the Legislative Council of the Territory of Dakota: That there be appointed by the President of the Council a postmaster at a salary of four dollars per

day to attend to receiving and distributing the mail matter belonging to the members of this body.

Mr. Crawford moved

That the Council adjourn.

The motion prevailed and the President announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

THIRD DAY.

BISMARCK, Jan. 10, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names.

The journal of yesterday was read and approved.

INTRODUCTION OF BILLS.

Mr. Glaspell introduced—

Council Bill No. 2,

A bill for an act to repeal the gross earnings law.

Which was read the first time.

Mr. Hughes introduced—

Council Bill No. 3,

A bill for an act relating to marriage and the registration thereof

Which was read the first time.

Mr. Hughes introduced—

Council Bill No. 4,

A bill for an act fixing the penalty for willful neglect of officers to make reports required by law, and prescribing the duties of the Attorney General in relation thereto.

Which was read the first time.

Mr. Hughes introduced—

Council Bill No. 5,

A bill for an act in relation to the preliminary examination of persons accused of crime.

Which was read the first time.

Mr. Hughes introduced—

Council Bill No. 6,

A bill for an act to provide for the foreclosure of mortgages on real estate by action and to abolish other methods of foreclosure.

Which was read the first time.

Mr. Dollard introduced—

Council Bill No. 7,

A bill for an act to amend Section 1,100 of the Civil Code.

Which was read the first time.

Mr. Dollard introduced—

Council Bill No. 8,

A bill for an act to repeal Chapter 126 of the Session Laws of 1885.

Which was read the first time.

Mr. Dollard introduced

Council Bill No. 9,

A bill for an act to amend chapter 37 of the Criminal Code.

Which was read the first time.

Mr. Crawford introduced—

Council Bill No. 10.

A bill for an act extending the time for the payment of taxes for the year 1888, to June 1, 1889.

Which was read the first time.

Mr. Crawford introduced—

Council Bill No. 11,

A bill for an act providing that the counties of Stanley, Sterling Nowlin and others be detached from the Seventh Judicial District and attached to the Fifth Judicial District,

Which was read the first time.

Mr. Ericson introduced—

Council Bill No. 12,

A bill for an act providing for township organization.

Which was read the first time.

UNFINISHED BUSINESS.

Mr. Cooper called up the resolution providing for the appointment of a postmaster by the President.

Mr. President decided the resolution out of order as such resolution was not necessary.

Mr. President announced the following appointments:

Mr. L. D. Lyon, postmaster.

Mr. J. C. Cummings, janitor, and

Master John A. Rea, page.

Mr. W. W. Girton, engrossing clerk,

Mr. Alex. Forrest, assistant sergeant-at-arms.

Mr. A. J. Parshall, messenger, and

Mr. J. C. Cummings, janitor,

then presented themselves and the oath of office was administered to them by Mr. President.

By unanimous consent

Mr. Crawford introduced—

Council Bill No. 13,

A Joint Resolution and Memorial praying for the opening of a portion of the Sioux Indian reservation,

Which was read the first time.

Mr. Crawford moved

That the rules be suspended and that

Council Bill No. 13

Be read a second and third time.

And put upon its final passage.

The roll being called there were ayes, 23; nays, none;

These who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Glaspell, Halley, Harstad, Hughes, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President—23.

Absent and not voting, Mr. Lowry.

So the rules were suspended and

Council Bill No. 13,

A Joint Resolution and Memorial praying for the opening of a portion of the Sioux Indian reservation

Was read the second and third times and,

The question being, shall the bill pass,

The roll being called there were, ayes, 24; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President—24.

So the bill passed and,

The question being as to its title and being put,
Its title was agreed to.

Mr. Walsh moved

That the Governor's Message be made the special order for Saturday afternoon at 3 o'clock in Committee of the Whole.

Which motion prevailed.

Mr. Cooper, by unanimous consent, introduced—

Council Bill No. 14.

A Joint Resolution providing for the printing of 3,000 copies of the Governor's Message,

Which was read the first time.

Mr. Lowry in the chair

Mr. Crawford, by unanimous consent, introduced the following resolution and moved its adoption.

Resolved, That an attested copy of the memorial to Congress for the passage of the bill for the opening of a portion the of great Sioux Indian Reservation be made by the chief clerk and forwarded to the President of the United States, the Vice-President of the United States, the Speaker of the House of Representatives, the chairman of the committee on Indian affairs in each of the Houses of Congress, and to the delegate of the Territory in Congress.

Be it Resolved, by the Legislative Council of the Territory of Dakota:

That the chief clerk of this house be and he is hereby instructed and directed to make an attested copy of the joint resolution and memorial to Congress for the passage of the bill for the opening of a portion of the great Sioux Indian reservation, and forward the same, together with a copy of this resolution, to each of the following persons: The President of the United States, the Vice-President of the United States, the speaker of the House of Representatives of the United States, the chairman of the committee on Indian affairs in the Senate of the United States, the chairman of the committee on Indian affairs in the House of Representatives of the United States, and the delegate of the territory of Dakota to the Congress of the United States.

The motion prevailed

Mr. Hughes, by unanimous consent, introduced—

Council Bill No. 15,

A bill for an act to provide for a constitutional convention for that portion of the Territory of Dakota north of the seventh standard parallel,

Which was read the first time.

Mr. Crawford moved

That the Council do now adjourn.

The motion prevailed

And the chairman announced the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

FOURTH DAY.

BISMARCK, January 11, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names.

The Journal of yesterday was read and approved.

Mr. Miller, chairman of the Committee on rules, reported as follows:

BISMARCK, January 11, 1889.

MR. PRESIDENT:

Your Committee on Rules beg leave to report that they met pursuant to call and considered the standing rules adopted by the Seventeenth Legislative Assembly and in their opinion said rules should be amended as follows:

The Committee on Election to consist of seven members instead of five.

That an additional standing committee consisting of five members be appointed to be known as a Committee on Temperance. We recommend that said rules as thus amended be adopted by this Council.

JOHN MILLER,
Chairman.

Mr. Soderberg moved

That the report be adopted.

Which motion prevailed.

The rules adopted or amended are as follows:

RULES OF THE COUNCIL.

EIGHTEENTH SESSION.

ORDER OF DAILY BUSINESS.

After calling the Council to order, the following order shall govern:

1. Prayer by the Chaplain.
2. Calling the Roll.
3. Reading the Journal.
4. Presentation of Petitions and Communications.
5. Reports of Standing Committees.
6. Reports of Select Committees.
7. Motions and Resolutions.
8. Introduction of Bills, Joint Resolutions and Memorials.
9. Consideration of Messages from the House.
10. First Reading of Bills, Joint Resolutions and Memorials.
11. Second Reading of the same.
12. Third Reading of the same.
13. First Reading of House Bills.
14. Second Reading of House Bills, Joint Resolutions and Memorials.
15. Third Reading of the same.
16. Consideration of General Orders.
17. Unfinished Business.

RULES.

1. The President shall take the chair at 2 o'clock p. m., or the hour to which the Council was adjourned, and call the Council to order; and if a quorum be present he shall direct the Journal of the preceding day to be read, and mistakes or omissions, if any, corrected. He shall preserve order and decorum, and decide all questions of order, subject to an appeal to the Council.

2. Three members may have a call of the Council, and

compel the attendance of absent members, until the call be dispensed with by a majority of the members present.

3. Questions shall be put in this form: "As many as are of the opinion that (as the case may be) say 'Aye;'" and after the affirmative voice is expressed, "As many as are of the contrary opinion say 'No.'" If the President doubt, or a division be called for, the Council shall divide; those in the affirmative of the question shall rise from their seats, and afterwards those in the negative.

4. All motions, except to adjourn, postpone or commit, shall be reduced to writing, if required by any member of the Council. Any motion may be withdrawn by consent of the Council.

5. No member shall INTERRUPT THE BUSINESS of the Council, while the journals or public papers are being READ, or when any member is SPEAKING in debate.

6. Every member present when the question is put shall vote unless he shall, for special cause, be excused by a two-thirds vote of the Council present; but no member shall vote on any question in which he is directly or personally interested, or in any case where he was not present when the question was put.

7. When any member is about to speak in debate, or debate any matter in the Council, he shall rise from his seat and respectfully address himself to Mr. President, and stand in his place until recognized by the Chair, and shall confine himself to the question under debate, and avoid personalities and the implication of improper motive.

8. When a question is under debate no motion shall be received but

- 1st. To adjourn ;
- 2d. To lie on the table;
- 3d. For the previous question;
- 4th. To postpone to a day certain;
- 5th. To commit or amend; and
- 6th. To postpone indefinitely.

Which several motions shall have precedence in the order in which they are named; and no motion to postpone to a day certain, to commit, to postpone indefinitely, having been decided, shall be entertained on the same day and at the same stage of the bill or proposition.

9. When two members rise, the President shall name

the member to speak, but in all cases the member who shall first rise and address the Chair shall speak first.

10. If any member in speaking, or otherwise, transgress the rules of the Council, the presiding officer shall, or any member may, CALL TO ORDER, and when a member shall be called to order by the President, or a member of the Council, he shall sit down, and shall not proceed without leave of the Council.

11. Every QUESTION OF ORDER shall be decided by the President, subject to an APPEAL to the Council, and the President may call for a sense of the Council on any question of order.

12. If any member be called to order by another member for words spoken, the EXCEPTIONAL WORDS shall immediately be taken down in writing, that the Council may be better able to judge of the matter.

13. A motion to adjourn, and to lay on the table, shall be decided without debate.

14. Any member may call for a division of the question, which shall be divided if it comprehends propositions in substance so distinct, that on being taken away a substantive proposition shall remain for the decision of the Council. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost, shall preclude neither amendments nor motions to strike out and insert.

15. No motion shall be DEBATED until the same shall be seconded and stated by the President.

16. When the READING of a paper is called for, and the same is OBJECTED to by any member, it shall be determined by the Council.

17. The UNFINISHED BUSINESS in which the Council was engaged at the last preceding adjournment, shall have the preference in the special order of the day.

18. Every bill and joint resolution shall be introduced on the report of a committee, or on a call for bills and joint resolutions, or by a motion for leave.

19. Every bill shall receive three several readings in the Council previous to its passage; and bills shall be dispatched in order as they are introduced, unless where the Council shall direct otherwise, but no bill shall have its

SECOND and THIRD readings on the same day without a suspension of this rule.

20. The first and second reading of every bill introduced in the Council shall be by its title, unless the reading at length is called for.

21. The first reading of a bill shall be for information, and the bill shall be presented and go to its second reading without further question.

22. Upon the second reading of a bill or joint resolution, the President shall state that it is ready for commitment, and shall refer it to its appropriate committee unless the Council shall, upon motion, decide to refer the same to a select or other standing committee, or to a committee of the whole Council; if to a committee of the whole Council then it shall come up for consideration under the general order of the next day, unless otherwise ordered by the Council.

23. No bill or resolution requiring the concurrence of both Houses, shall be committed or amended until it shall have been twice read. Nor shall any such bill or resolution have its third reading and be put upon its final passage until at least one day after the same has been reported back to the Council by the committee to which the same had been referred; provided, that any bill or resolution may have its third reading and be put upon its final passage on the day the same is reported back, when so ordered by a majority of the members of the Council.

24. On the third reading of every bill or resolution, it shall be at length, and any amendment may be received, and it may be recommitted at any time previous to its final passage.

25. In filling blanks the largest sum and longest time shall be first put.

26. When a motion or question has been decided in the affirmative or negative, any member having voted with the majority, may move a reconsideration on the same or the following day; but when a motion to reconsider shall be laid on the table, a motion to reconsider can not again be made.

27. Before acting on Executive business, the Council Chamber shall be cleared by direction of the President of all persons except members, the Chief Clerk and Sergeant-at-Arms to be sworn.

28. No standing rule or order of the Council shall be reconsidered or suspended, except by a vote of two-thirds of the members present; and no motion to suspend the rules and pass a bill shall be entertained except by unanimous consent unless the bill shall have been first printed and considered by a committee.

29. The rules of parliamentary practice comprised in Cushing's Manual shall govern the Council in all cases to which they are applicable; and in which they are not inconsistent with the standing rules and order of the Council, and the joint rules of the Council and House of Representatives.

30. When the ayes and noes shall be called for by two of the members present, each member called upon shall, unless for special reason he be excused by the Council, declare, openly and without debate, his assent or dissent to the question. In taking the ayes and noes upon the call of the House, the names of the members shall be taken alphabetically, except that the President's name shall be called last, as "Mr. President."

31. On the passage of all bills and joint resolutions, the ayes and noes shall be taken.

32. All bills and joint resolutions, after the first and before the second reading, shall be printed, unless otherwise ordered by the Council.

33. On questions of sustaining the Chair, when his decision is appealed to the Council, the President cannot vote.

34. A majority of all the members of the Council, voting for a resolution to remove the President, shall be sufficient to vacate the chair; and the majority of the votes cast, if a quorum be present, shall be sufficient to sustain an appeal from his decision.

35. In case of the absence of the President, from sickness or other cause, the Council may elect a President *PRO TEM.* to perform his duty during such absence.

36. There shall be appointed by the Chair the following standing committees.

1. Judiciary—7 members.
2. Education—5 members.
3. Elections—7 members.
4. Appropriations—7 members.
5. Railroads—7 members.

6. Revenue—7 members.
7. Territorial Affairs—5 members.
8. Federal Relations—5 members.
9. Counties—7 members.
10. City and Municipal Corporations—7 members.
11. Public Buildings—5 members.
12. Public Printing—7 members.
13. Mines and Minerals—5 members.
14. Agriculture—5 members.
15. Engrossed and Enrolled Bills—5 members.
16. Insurance—7 members.
17. Banks and Banking—5 members.
18. Public Health—5 members.
19. Warehouse and Grain Grading—7 members.
20. Incorporations—5 members.
21. Military Affairs—5 members.
22. Charitable and Penal Institutions—7 members.
23. Immigration—5 members.
24. Highway, Bridges and Ferries—5 members.
25. Rules—5 members.
26. Temperance—5 members.

And the committee report the following as an additional standing committee, viz: Committee on Apportionment, consisting of one member from each Council district.

37. The Chair cannot change a committee after it has been once formed, without the consent of the Council.

38. A quorum for the transaction of business shall consist of a majority of the members elected to the Council.

39. No person shall be admitted within the bar of the Council but the Executive, members of the House, Territorial officers, Judges of the Supreme and District Courts, members of Congress, those who have been members of Congress and the Legislative Assembly, and all Federal officials of the Territory.

Mr. Washabaugh moved

That the vote by which Council Bill No. 13 passed be reconsidered,

Which motion prevailed.

Mr. Washabaugh offered the following amendment and moved its adoption, adding after the word "settlement" in the 13th line the following, to-wit: And respectfully recommend that House Bill No. 11,643 be amended so as to make the White River the entire southern boundary of the dis-

tract proposed to be opened in Dakota, believing as we do this natural boundary to be better for both Indians and whites.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

MR. PRESIDENT :

I have the honor to transmit herewith
House Bill No. 5,

Being a memorial for the passage of the pending bill for the opening to settlement of a portion of the Sioux Indian Reservation in Dakota,

Which the House has passed under a suspension of the rules, and your concurrence therein is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Crawford moved
That the rules be suspended and
Council Bill No. 13
Put upon its final passage.

Which motion prevailed.

Mr. Hughes moved

That further reading of Council Bill No. 13 be dispensed with.

The motion prevailed and

The question being shall the bill pass,

The roll being called there were ayes, 24; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President—24.

So the bill passed,

And the question being as to its title and being put
Its title was agreed to.

INTRODUCTION OF BILLS.

Mr. Stimmel introduced—

Council Bill No. 16,

A bill for an act to amend Section 1, Chapter 1 of Title 1 of the Probate Code.

Which was read the first time.

Mr. Campbell introduced—

Council Bill No. 17,

A bill for an act to amend Section 1 of Chapter 34 of the Laws of 1887, entitled "Building and Loan Associations."

Which was read the first time.

Mr. Campbell introduced—

Council Bill No. 18,

A bill for an act to fix the salaries of Judges of Probate Courts.

Which was read the first time.

Mr. Campbell introduced—

Council bill No. 19,

A bill for an act to amend Chapter 50, Laws of the Seventeenth Legislative Assembly relating to fees and salaries of Register of Deeds and County Treasurer.

Which was read the first time.

Mr. Campbell introduced—

Council Bill No. 20,

A bill for an act defining a subdivision of the Seventh Judicial District and fixing the terms of court therein.

Which was read the first time.

Mr. Campbell introduced—

Council Bill No. 21,

A bill for an act repealing Chapter 66 of the Laws of 1885, creating the office of Commissioner of Immigration.

Which was read the first time.

Mr. Van Osdel introduced—

Council Bill No. 22,

A bill for an act for appointment by the President of the Council and Speaker of the House of a joint committee to investigate the condition of the Territorial Hospital for the Insane at Yankton.

Which was read the first time.

Mr. Crawford introduced—

Council Bill No. 23,

A bill for an act regulating the enforcing of attorney fee claims in written contracts.

Which was read the first time.

Mr. Crawford introduced—

Council Bill No. 24,

A bill for an act amending Section 104, Chapter 28, of the Political Code, in relation to embezzlement by County Treasurers.

Which was read the first time.

Mr. Crawford introduced—

Council Bill No. 25,

A Bill for an act amending Section 272, Code of Civil Procedure, in reference to compulsory referees.

Which was read the first time.

Mr. Crawford introduced—

Council Bill No. 26,

A bill for an act extending the time for return of an execution to ninety days and providing for its renewal.

Which was read the first time.

Mr. Crawford introduced—

Council Bill No. 27,

A bill for an act relating to costs in justification of surities.

Which was read the first time.

Mr. Crawford introduced—

Council Bill No. 28,

A bill for an act amending Section No. 475, Code of Civil Procedure—Notice to take depositions out of the Territory.

Which was read the first time.

Mr. Crawford introduced—

Council Bill No. 29,

A bill for an act providing for giving notice to owners of land before issuance of tax deed.

Which was read the first time.

Mr. Dollard introduced—

Council Bill No. 30,

A bill for an act entitled an act to amend Article 7 of Chapter 12, of the Code of Civil Procedure, relating to referees.

Which was read the first time.

Mr. Dollard introduced—

Council Bill No. 31,

A bill for an act to amend Chapter 43 of the Session Laws of 1885, relating to the practice of denistry.

Which was read the first time.

Mr. Dollard introduced—

Council Bill No. 32,

A bill for an act entitled "An Act to Amend Chapter 69 of the Session Laws of 1885, Relating to Insurance,"

Which was read the first time.

Mr. Dollard introduced—

Council Bill No. 33,

A bill for an act entitled "An Act to Repeal Chapter 84 of the Session Laws of 1885, Providing for Struck Juries."

Which was read the first time.

Mr. Dollard introduced—

Council Bill No. 34,

A bill for an act to repeal Chapter 124 of the Session Laws of 1887, creating the office of Public Examiner, etc.,

Which was read the first time.

Mr. Dollard introduced—

Council Bill No. 35,

A bill for an act entitled "An Act to Repeal Chapter 153 of the Session Laws of 1887, Relating to Traveling Expenses of Justices of the Supreme Court,"

Which was read the first time.

Mr. Dollard introduced—

Council Bill No. 36,

A bill for an act entitled "An Act to Amend Chapter 28 of the Political Code, Relating to Revenue,"

Which was read the first time.

Mr. Dollard introduced—

Council Bill No. 37,

A bill for an act to amend Chapter 47 of the Session Laws of 1887, relating to education,

Which was read the first time.

Mr. Ryan introduced—

Council Bill No. 38,

A bill for an act to amend Section 1, Article 19, Session Laws of 1887, "how incorporated towns may become cities."

Which was read the first time.

Mr. McDonald introduced—

Council Bill No. 39,

A bill for an act to limit attorneys' fees in mortgage foreclosures.

Which was read the first time.

Mr. McDonald introduced—

Council Bill No. 40,

A bill for an act to amend Section 14, Chapter 118, of the General Laws of 1881.

Which was read the first time.

Mr. Poindexter introduced—

Council Bill No. 41,

A bill for an act to amend Section 2 of Chapter 116 of the Laws of the Seventeenth General Assembly, entitled "an act in relation to the office of notaries public."

Which was read the first time.

Mr. Poindexter introduced—

Council Bill No. 42,

A bill for an act to repeal Chapter 153 of the Laws of the Seventeenth General Assembly, it being an act entitled an act to provide an allowance to the Justices of the Supreme Court of the territory of Dakota to defray their traveling expenses, etc.

Which was read the first time.

Mr. Poindexter introduced—

Council Bill No. 43,

A bill for an act to repeal Chapter 48 of the Special Laws of the Sixteenth General Assembly, being an act to provide for payment of clerical work in the Executive office, and other acts amendatory thereto.

Which was read the first time.

Mr. Allin introduced—

Council Bill No. 44,

A bill for an act providing for an extension of time for the payment of taxes of 1888.

Which was read the first time.

Mr. Allin introduced—

Council Bill No. 45,

A bill for an act regulating the time of making assessments and collection of taxes, and amending Chapter 28, Political Code, Chapter 20 and Chapter 49, Session Laws of 1879, and Chapter 18, Session Laws of 1881,

Which was read the first time.

Mr. Stimmel introduced—

Council Bill No. 46,

A bill for an act to amend Sections 36, 46, 47, 48, 49, 50, 51, 52 and 53 of Article 1, Chapter 1, Title 1, of Part 3 of the Civil Code, entitled: "Contract of Civil Marriage,"

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 3,

A bill for an act relating to marriage and the registration thereof

Was read the second time and referred to the Committee on Judiciary.

Council Bill No. 4,

A bill for an act fixing the penalty for willful neglect of officers to make reports required by law and prescribing the duties of the Attorney General in relation thereto

Was read the second time and referred to the Committee on Judiciary.

Council Bill No. 5.

A bill for an act in relation to preliminary examination of persons accused of crime

Was read the second time and referred to the Committee on Judiciary.

Council Bill No. 6.

A bill for an act to provide for the foreclosure of mortgage on real estate by action, and to abolish other methods

Was read the second time and referred to the Committee on Judiciary.

Council Bill No. 7,

A bill for an act to amend section 1,100 of the Civil Code.

Was read the second time and referred to the Committee on Judiciary.

Mr. Eric Iverson, enrolling clerk, then presented himself and the oath of office was administered to him by the President.

STANDING COMMITTEES.

The President announced the appointment of standing committees as follows:

JUDICIARY—Glaspell, Hughes, Washabaugh, Ericson, Woolhiser, Miller, Cooper.

EDUCATION—Dollard, Washabaugh, Allin, Woolhiser, Campbell, Cameron, Poindexter.

ELECTIONS—Van Osdel, Campbell, McDonald, Miller, Atkinson, Cooper, Woolhiser.

APPROPRIATIONS—McDonald, Van Osdel, Miller, Allin, Lowry, Dollard, Cameron.

RAILROADS—Miller, Patten, Cooper, Ericson, Ryan, Soderberg, Allin.

REVENUE—Cooper, Atkinson, Campbell, Poindexter, Woolhiser, Patten, Glaspell.

TERRITORIAL AFFAIRS—Washabaugh, Walsh, Cameron, Halley, Crawford.

FEDERAL RELATIONS—Hughes, Dollard, Cameron, Ryan, Van Osdel.

COUNTIES—Crawford, Halley, McDonald, Washabaugh, Woolhiser, Glaspell, Dollard.

CITIES AND MUNICIPAL CORPORATIONS—Walsh, Campbell, McDonald, Washabaugh, Halley, Cooper, Van Osdel.

PUBLIC BUILDINGS—Woolhiser, Poindexter, Ryan, Ericson, Crawford.

PUBLIC PRINTING—Atkinson, Crawford, Woolhiser, Soderberg, Lowry, Van Osdel, Allin.

MINES AND MINERALS—Halley, Hughes, Harstad, Cameron, Campbell.

AGRICULTURE—Soderberg, Allin, Woolhiser, Atkinson, Van Osdel.

ENGROSSED AND ENROLLED BILLS—Patten, Cooper, Soderberg, Atkinson, Harstad.

INSURANCE—Campbell, Crawford, Cameron, Woolhiser, Poindexter, Soderberg, McDonald.

BANKS AND BANKING—Ericson, Atkinson, Cooper, Allin, Halley.

PUBLIC HEALTH—Allin, Harstad, Poindexter, Campbell, Halley.

WAREHOUSE AND GRAIN GRADING—Patten, Soderberg, Atkinson, McDonald, Allin, Walsh, Lowry.

INCORPORATIONS—Poindexter, Woolhiser, Hughes, McDonald, Patten.

MILITARY AFFAIRS—Ryan, Walsh, Hughes, Halley, McDonald.

CHARITABLE AND PENAL INSTITUTIONS—Lowry, Harstad, Campbell, Walsh, Crawford, Woolhiser, Dollard.

IMMIGRATION—Cameron, Patten, Harstad, Washabaugh, Miller.

HIGHWAYS, BRIDGDS AND FERRIES—Harstad, Glaspell, Ericson, Poindexter, Ryan.

RULES—Miller, Hughes, Cooper, Patten, Ericson.

The President announced that the committee on temperance would be appointed to-morrow.

Mr. McDonald was excused until Monday.

Mr. Van Osdel moved

That the Council do now adjourn.

Which motion prevailed

And the President announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

FIFTH DAY.

BISMARCK, Jan. 12, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names.

The journal of yesterday was read, corrected and approved.

Mr. Hughes moved

That the rules be amended by making the number of members seven instead of five on the Committee on Education,

Which motion prevailed, and

The rules were so amended.

Mr. Patten offered the following resolution:

Resolved, That it is necessary that clerks be at once appointed for the following named committees:

Railroads,

Appropriations,

Revenue,

Judiciary,

Warehouse and Grain Grading,
Engrossed and Enrolled Bills, and

That one assistant enrolling and engrossing clerk be also appointed and that the salaries of such clerks be and they are hereby fixed at \$5 per day.

Mr. Cooper moved
That the resolution be adopted.

Mr. Glaspell moved
To amend the resolution by striking out the word "judiciary."

Mr. President decided the amendment unnecessary as that portion of the resolution was not in order and the word "judiciary" should be stricken out.

The question being upon the resolution as amended and being put

The resolution was adopted.

Mr. Glaspell then nominated Mr. Myron P. Skeels as clerk of the Committee on Judiciary.

There being no other nominations, and
The roll being called

Those voting for Mr. Skeels were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Poindexter, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser, Van Osdel.
Mr. President—23.

Absent and not voting, Mr. Patten.

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

Resolved, That a Committee on Joint Rules be appointed by the President of the Council and Speaker of the House, consisting of two members of the Council and three of the House.

Which motion prevailed and
The resolution was adopted.

Mr. Crawford offered the following resolution:

Resolved, That the Chief Clerk of the Council be instructed to order 100 copies of the printed bills introduced in the Council for the use of the members, and that he ascertain the price that is being charged for the printing done for the Council, and what contract, if any, has been made for the same.

Mr. Ericson moved
That the resolution be referred to the Committee on Public Printing.

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Stimmel introduced—
Council Bill No. 47,

A bill for an act to authorize Courts by their judgment to cancel encumbrances upon and to establish and convey title to real property in certain cases.

Which was read the first time.

Mr. Ericson introduced—
Council Bill No. 48,

A bill for an act exempting honorably discharged soldiers and sailors of the United States, who served in the rebellion, from jury duty and the payment of poll tax.

Which was read the first time.

Mr. Lowry introduced—
Council Bill No. 49,

A bill for an act to amend an act entitled, "An act to provide for the establishment of a board of railroad commissioners, defining their duties, and to regulate the receiving and transportation of freights on railroads in this territory, approved March 6th, 1885."

Which was read the first time.

Mr. Patten introduced—
Council Bill No. 50,

A bill for an act entitled, "An act to provide for the levy and collection of taxes upon the property of railroad companies in this Territory."

Which was read the first time.

Mr. Patten introduced—
Council Bill No. 51,

A bill for an act authorizing the Territorial Auditor to cover unexpended balances into the treasury, and for other purposes.

Which was read the first time.

Mr. Lowry introduced—
Council Bill No. 52,

A bill for an act to prescribe the highest rate of interest on money in the Territory of Dakota.

Which was read the first time.

Mr. Lowry introduced—
Council Bill No. 53.

A bill for an act to authorize a building, loan corporation or association to extend their business beyond the boundaries of the Territory of Dakota; to limit their capital stock; to define their powers and for other purposes.

Which was read the first time.

Mr. Patten introduced—
Council Bill No. 54,

A bill for an act entitled, "An Act for the assessment of railroad and telegraph lines when in more than one county."

Which was read the first time.

Mr. Patten introduced—
Council Bill No. 55,

A bill for an act to provide for the assessment, levy and collection of taxes upon the property of railroad companies in this Territory.

Which was read the first time.

Mr. Crawford introduced—
Council Bill No. 56,

A bill for an act for the providing for the destruction of noxious weeds.

Which was read the first time.

Mr. Crawford introduced—
Council Bill No. 57,

A bill for an act providing for exemption of land on account of fire guard from taxation.

Which was read the first time.

Mr. Crawford introduced—
Council Bill No. 58,

A bill for an act providing for the exemption from taxation of lands on account of trees planted along section lines and public highways.

Which was read the first time.

Mr. Crawford introduced (by request)—
Council Bill No. 59,

A bill for an act to provide for the keeping of certain transfer and plat books by county auditors.

Which was read the first time.

Mr. Hughes introduced—
Council Bill No. 60,

A bill for an act to secure more fully the independence

of elections, to enforce the secrecy of the ballot, to punish offense against a fair election and to provide for the printing and distribution of ballots at public expense.

Which was read the first time.

Mr. Cameron introduced—

Council Bill No. 61,

A bill for an act to include Towner county within the boundaries of the Eighth Judicial District and fixing the time for holding court therein.

Which was read the first time.

Mr. Poindexter introduced—

Council Bill No. 62,

A bill for an act to repeal Chapter 60 of the General Laws of the Seventeenth Legislative Assembly entitled, "An act to prohibit the destruction of beaver in the Territory of Dakota.

Which was read the first time.

Mr. Dollard introduced—

Council Bill No. 63,

A bill for an act to deduct the value of mortgages thereon, from the assessed value of property, to tax such mortgages, and for other purposes.

Which was read the first time.

Mr. Crawford introduced—

Council Bill No. 64,

A bill for an act providing for abolishing the herd law by local option and limiting the vote to owners of agricultural lands.

Which was read the first time.

Mr. Poindexter introduced—

Council Bill No. 65,

A bill for an act to amend Section 2, Chapter 58, of the General Laws of the Seventeenth Legislative Assembly, entitled, "An act for the protection of game."

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 66,

A bill for an act authorizing the refunding of outstanding county bonds.

Which was read the first time.

Mr. Atkinson introduced—

Council Bill No. 67,

A bill for an act to provide funds for the erection of

chemical, mechanical and veterinary laboratories, for repair and for making other permanent improvements for the Agricultural College of Dakota at Brookings.

Which was read the first time.

Mr. Atkinson introduced—

Council Bill No. 68,

A bill for an act to appropriate funds for the maintenance of the Dakota Agricultural College and Experimental Station for the current years 1889 and 1890.

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 2,

A bill for an act to repeal the gross earnings law.

Was read the second time and

Referred to the Committee on Revenue.

Council Bill No. 8,

A bill for an act to repeal Chapter 126 of the Session Laws of 1885.

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 9,

A bill for an act to amend chapter 37 of the Criminal Code.

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 10.

A bill for an act extending the time for the payment of taxes for the year 1888, to June 1, 1889.

Was read the second time and

Referred to the Committee on Revenue.

Council Bill No. 11,

A bill for an act providing that the counties of Stanley, Sterling, Nowlin and others be detached from the Seventh Judicial District and attached to the Fifth Judicial District.

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 12,

A bill for an act providing for township organization.

Was read the second time and

Referred to the Committee on Counties.

Council Bill No. 14.

A Joint Resolution providing for the printing of 3,000 copies of the Governor's Message.

Was read the second time and

Referred to the Committee on Public Printing.

Council Bill No. 16,

A bill for an act to amend Section 1, Chapter 1 of Title 1 of the Probate Code.

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 17,

A bill for an act to amend Section 1 of Chapter 34 of the Laws of 1887, entitled, "Building and Loan Associations."

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 18,

A bill for an act to fix the salaries of Judges of Probate Courts.

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 19,

A bill for an act to amend Chapter 50, Laws of the Seventeenth Legislative Assembly relating to fees and salaries of Register of Deeds and County Treasurer.

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 20,

A bill for an act defining a subdivision of the Seventh Judicial District and fixing the terms of court therein.

Was read the second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 21,

A bill for an act repealing Chapter 66 of the Laws of 1885, creating the office of Commissioner of Immigration.

Was read the second time and

Referred to the Committee on Immigration.

Council Bill No. 22,

A bill for an act for appointment by the President of the Council and Speaker of the House of a joint committee to investigate the condition of the Territorial Hospital for the Insane at Yankton.

Was read the second time and

Referred to the Committee on Charitable and Penal Institutions.

Council Bill No. 23,

A bill for an act regulating the enforcing of attorney fee claims in written contracts.

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 24,

A bill for an act amending Section 104, Chapter 28, of the Political Code, in relation to embezzlement by county treasurers.

Was read the second time and

Referred to the Committee on Revenue.

Council Bill No. 25,

A bill for an act amending Section 272, Code of Civil Procedure, in reference to compulsory referees.

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 26,

A bill for an act extending the time for return of an execution to ninety days and providing for its renewal.

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 27,

A bill for an act relating to costs in justification of sureties.

Was read the second time and

Referred to the Committee on Revenue.

Council Bill No. 28,

A bill for an act amending Section No. 475, Code of Civil Procedure—Notice to take depositions out of the Territory.

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 29,

A bill for an act providing for giving notice to owners of land before issuance of tax deed.

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 30,

A bill for an act entitled, "An Act to amend Article 7 of Chapter 12, of the Code of Civil Procedure, relating to referees."

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 31,

A bill for an act to amend Chapter 43 of the Session Laws of 1885, relating to the practice of dentistry.

Was read the second time and

Referred to the Committee on Public Health.

Council Bill No. 32,

A bill for an act entitled, "An Act to Amend Chapter 69 of the Session Laws of 1885, Relating to Insurance."

Was read the second time and

Referred to the Committee on Insurance.

Council Bill No. 33,

A Bill for an act entitled, "An Act to Repeal Chapter 84 of the Session Laws of 1885, providing for Struck Juries."

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 34,

A bill for an act to repeal Chapter 124 of the Session Laws of 1887, creating the office of Public Examiner, etc.

Was read the second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 35,

A bill for an act entitled, "An Act to Repeal Chapter 153 of the Session Laws of 1887, relating to Traveling Expenses of Justices of the Supreme Court."

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 36.

A bill for an act entitled, "An Act to Amend Chapter 28 of the Political Code, Relating to Revenue."

Was read the second time and

Referred to the Committee on Revenue.

Council Bill No. 37,

A bill for an act to amend Chapter 47 of the Session Laws of 1887, relating to Education.

Was read the second time and

Referred to the Committee on Education.

Council Bill No. 38,

A bill for an act to amend Section 1, Article 19, Session Laws of 1887, "How Incorporated Towns may Become Cities."

Was read the second time and

Referred to the Committee on Cities and Municipal Corporations.

Council Bill No. 39,

A bill for an act to limit attorneys' fees in mortgage foreclosures.

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 40,

A bill for an act to amend Section 14, Chapter 118, of the General Laws of 1881.

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 41,

A bill for an act to amend Section 2 of Chapter 116 of the Laws of the Seventeenth General Assembly, entitled "An Act in relation to the office of notaries public."

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 42,

A bill for an act to repeal Chapter 153 of the Laws of the Seventeenth General Assembly, it being an act entitled, "An Act to provide an allowance to the Justices of the Supreme Court of the Territory of Dakota to defray their traveling expenses, etc."

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 43,

A bill for an act to repeal Chapter 48 of the Special Laws of the Sixteenth General Assembly, being an act to provide for payment of clerical work in the Executive office, and other acts amendatory thereto.

Was read the second time and

Referred to the Committee on Revenue.

Council Bill No. 44,

A bill for an act providing for an extension of time for the payment of taxes of 1888.

Was read the second time and

Referred to the Committee on Revenue.

Council Bill No. 45,

A bill for an act regulating the time of making assessments and collection of taxes, and amending Chapter 28, Political Code, Chapter 20 and Chapter 49, Session Laws of 1879, and Chapter 18, Session Laws of 1881.

Was read the second time and

Referred to the Committee on Revenue.

Council Bill No. 46.

A bill for an act to amend Sections 36, 46, 47, 48, 49, 50, 51, 52 and 53 of Article 1, Chapter 1, of Title 1, Part 3 of the Civil Code entitled, "A Contract of Marriage."

Was read the second time and

Referred to the Committee on Judiciary.

Mr. Miller moved

That Council Bill No. 2 be recalled from the Committee on Revenue and referred to the Committee on Railroads.

Mr. Glaspell moved.

To amend by substituting the "Judiciary" for "Railroad Committee."

Mr. Cooper moved

That the amendment be laid upon the table,
Which motion prevailed.

Mr. Cooper moved

That the motion be laid upon the table.

Mr. Poindexter made the point of order that the amendment having been laid upon the table it carried the original motion.

The President decided the point well taken.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 12, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 28,

A bill for an act to include Turner county within the boundaries of the Fourth judicial district and fixing the time for holding court therein,

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

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
January 11, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith Joint Resolution providing for the appointment of a Joint Committee of the Council and House to report a proper bill for the extension

of the payment of the taxes of 1888, which has passed the House under a suspension of the rules and your favorable consideration thereof is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

CONSIDERATION OF GENERAL ORDERS:

Mr. Hughes moved

That the consideration of the Governor's message be deferred and made a special order for Tuesday next at 3 o'clock.

Which motion prevailed.

Mr. President announced the appointment of the following clerks:

Mr. E. C. Torrey, Clerk of Committee on Railroads.

Mr. D. P. R. Strong, Clerk of Committee on Revenue.

Mr. John A. Stanley, Clerk of Committee on Warehouse and Grain Grading.

Mr. E. T. Cressey, Clerk of Committee on Appropriations.

Mr. H. E. Dewey, Second Assistant Clerk of Committee on Enrolled and Engrossed Bills.

Mr. E. T. Torrey,

Mr. D. P. R. Strong,

Mr. E. T. Cressey,

Mr. M. P. Skeels,

Mr. L. D. Lyon and

Mr. H. E. Dewey

Then presented themselves and the oath of office was administered to them by Mr. President.

FIRST READING OF HOUSE BILLS.

House Bill No. 5,

Joint Resolution, being a memorial for the passage of the pending bill for the opening to settlement of a portion of the Sioux Indian reservation in Dakota,

Was read the first time.

Mr. Ericson moved

That the rules be suspended and House Bill No. 28 be read the first, second and third times and put on its final passage,

Which motion prevailed, and

House Bill No. 28,

A bill for an act entitled, "An act to include Turner county within the boundaries of the Fourth Judicial District and fixing the time of holding court therein,

Was read the first, second and third times and

The question being shall the bill pass,

The roll being called there were, ayes, 24; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President—24.

So the bill passd, and

The question being as to its title and being put

Its title was agreed to.

MESSAGE FROM THE SECRETARY.

The following message was received from the Secretary of the territory:

TERRITORY OF DAKOTA, SECRETARY'S OFFICE, }
BISMARCK, D. T., January 12, 1889. }

To the President of the Council:

SIR: I have the honor to notify you that the papers in the Legislative contest case, George B. Winship vs. George H. Walsh, are on file in this office.

Very respectfully,

M. L. McCORMACK,

Secretary of Dakota.

Mr. Van Osdel moved

That the Council do now adjourn.

The motion prevailed and the President announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

SEVENTH DAY.

BISMARCK, January 14, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names.

The Journal of Saturday was read and approved.

PETITIONS AND COMMUNICATIONS.

Mr. Dollard presented the following communication:

To the Council and House of Representatives of the Territory of Dakota:

The South Dakota Educational Association in annual session assembled at Redfield, D. T., December 26-28, respectfully submit for your careful consideration the following resolution:

Resolved, That this body ask the present legislature to authorize and provide by law for the appointment of a commission of able and experienced men to prepare a uniform code of laws to govern all the common schools with separate chapters for cities and villages, and to submit the same to the first state legislature of South Dakota for enactment.

Upon motion the secretary was authorized to transmit a copy of this resolution to each house of the Dakota legislature.

W. H. DEMPSTER,
Cor. Sec. S. D. E. A.

REPORT OF STANDING COMMITTEES.

Mr. Miller, chairman of the committee on rules, submitted the following report:

Resolved, The House of Representatives concurring that a joint committee of six members consisting of three from the Council and a like number from the House be appointed for the purpose of examining and reporting on the advisability of the acceptance of the Compiled Laws of 1887.

Mr. Cameron was excused from attendance for a few days on account of sickness in his family.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. McDonald introduced—

Council Bill No. 69,

A bill for an act to locate and establish the North Dakota Territorial Agricultural College at Valley City, Dak.

Which was read the first time.

Mr. Lowry introduced—

Council Bill No. 70,

A bill for an act to amend Section 3 of Chapter 140 of the Laws of 1887, relating to the manner of assessing bank stock,

Which was read the first time.

Mr. Van Osdel introduced—

Council Bill No. 71,

A bill for an act to repeal Chapter 169 of the Session Laws of 1887,

Which was read the first time.

Mr. Crawford introduced—

Council Bill No. 72,

A bill for an Act entitled "An act to revise and amend Article 2 of Chapter 3 of Title 2 of Part 3 of Division 2 of the Civil Code, entitled 'Insurance Corporations.'"

Which was read the first time.

Mr. Crawford introduced—

Council Bill No. 73,

A bill for an act entiled "An act to provide when laws shall go into force and effect,"

Which was read the first time.

Mr. Crawford introduced—

Council Bill No. 74,

A bill for an act entitled "An act to amend Section 215 of the Code of Civil Procedure, relating to discharge an attachment."

Which was read the first time.

Mr. Crawford introduced—

Council Bill No. 75,

A bill for an act amending Section 56, Chapter 28, Political Code (Section 1612 of Compiled Laws) in relation to liens upon real estate for taxes due upon personal property,

Which was read the first time.

Mr. Van Osdel introduced—

Council Bill No. 76,

A bill for an act to amend Section 70 of Chapter 28 of the Political Code entitled "Revenue,"

Which was read the first time.

Mr. Lowry introduced—

Council Bill No. 77,

A bill for an act to amend Chapter 28 of the Political Code of 1877,

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 78,

A bill for an act entitled "An act to legalize certain instruments and the record thereof,"

Which was read the first time.

Mr. Walsh introduced, (by request)—

Council Bill No. 79,

A bill for an act entitled "An act to amend Chapter 647 of the Code of Civil Procedure,"

Which was read the first time.

Mr. Hughes introduced—

Council Bill No. 80,

A bill for an act to attach the county of Hettinger to the county of Stark for judicial purposes,

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 81,

A bill for an act entitled "An act providing for the issuing of marriage licenses and the recording of the same,"

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 82,

A bill for an act entitled "An act to authorize the discharge of *lis pendens*,"

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 83,

A bill for an act entitled, "An act prescribing the mode of making assessment, and the levy and collection of taxes, and for other purposes relating thereto,"

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 84,

A bill for an act entitled, "An act authorizing foreign executors, administrators and guardians to assign and satisfy judgments and mortgages,"

Which was read the first time.

SECOND READING OF COUNCIL BILLS.**Council Bill No. 47,**

A bill for an act to authorize Courts by their judgment to cancel encumbrances upon and to establish and convey title to real property in certain cases,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 48,

A bill for an act exempting honorably discharged soldiers and sailors of the United States, who served in the rebellion, from jury duty and the payment of poll tax.

Was read the second time and

Referred to the Committee on Revenue.

Council Bill No. 49,

A bill for an act to amend an act entitled "An act to provide for the establishment of a board of railroad commissioners, defining their duties, and to regulate the receiving and transportation of freights on railroads in this territory, approved March 6th, 1885,"

Was read the second time and

Referred to the Committee on Railroads.

Council Bill No. 50,

A bill for an act entitled "An act to provide for the levy and collection of taxes upon the property of railroad companies in this Territory,"

Was read the second time and

Referred to the Committee on Revenue.

Council Bill No. 51,

A bill for an act authorizing the Territorial Auditor to cover unexpended balances into the treasury, and for other purposes,

Was read the second time and
 Referred to the Committee on Revenue.

Council Bill No. 52,

A bill for an act to prescribe the highest rate of interest
 on money in the Territory of Dakota,

Was read the second time and
 Referred to the Committee on Banks and Banking.

Council Bill No. 53,

A bill for an act to authorize a building, loan corporation
 or association to extend their business beyond the bound-
 aries of the Territory of Dakota; to limit their capital
 stock; to define their powers and for other purposes,

Was read the second time and
 Referred to the Committee on Incorporations.

Council Bill No. 54,

A bill for an act entitled "An act for the assessment of
 railroad and telegraph lines when in more than one
 county,"

Was read the second time and
 Referred to the Committee on Revenue.

Council Bill No. 55,

A bill for an act to provide for the assessment, levy and
 collection of taxes upon the property of railroad companies
 in this Territory,

Was read the second time and
 Referred to the Committee on Revenue.

Council Bill No. 56,

A bill for an act for the providing for the destruction of
 noxious weeds,

Was read the second time and
 Referred to the Committee on Agriculture,

Council Bill No. 57,

A bill for an act providing for exemption of land on
 account of fire guard from taxation,

Was read the second time and
 Referred to the Committee on Revenue.

Council Bill No. 58,

A bill for an act providing for the exemption from taxa-
 tion of lands on account of trees planted along section
 lines and public highways,

Was read the second time and
 Referred to the Committee on Revenue.

Council Bill No. 59,

A bill for an act to provide for the keeping of certain transfer and plat books by county auditors,

Was read the second time and

Referred to the Committee on Counties.

Council Bill No. 61,

A bill for an act to include Towner county within the boundaries of the Eighth Judicial District and fixing the time for holding court therein,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 62,

A bill for an act to repeal Chapter 60 of the General Laws of the Seventeenth Legislative Assembly entitled "An act to prohibit the destruction of beaver in the Territory of Dakota,"

Was read the second time and

Referred to the Committee on Agriculture.

Council Bill No. 63,

A bill for an act to deduct the value of mortgages thereon, from the assessed value of property, to tax such mortgages, and for other purposes,

Was read the second time and

Referred to the Committee on Revenue.

Council Bill No. 64,

A bill for an act providing for abolishing the herd law by local option and limiting the vote to owners of agricultural lands.

Was read the second time and

Referred to the Committee on Agriculture.

Council Bill No. 65,

A bill for an act to amend Section 2, Chapter 58, of the General Laws of the Seventeenth Legislative Assembly, entitled "An act for the protection of game,"

Was read the second time and

Referred to the Committee on Agriculture.

Council Bill No. 66,

A bill for an act authorizing the refunding of outstanding county bonds,

Was read the second time and

Referred to the Committee on Revenue.

Council Bill No. 67,

A bill for an act to provide funds for the erection of

chemical, mechanical and veterinary laboratories, for repair and for making other permanent improvements for the Agricultural College of Dakota at Brookings,

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 68,

A bill for an act to appropriate funds for the maintenance of the Dakota Agricultural College and Experimental Station for the current years 1889 and 1890,

Was read the second time and

Referred to the Committee on Appropriations.

FIRST READING OF HOUSE BILLS.

House Bill No. 25,

Joint Resolution providing for the appointment of a joint committee to report a bill for the extension of taxes,

Was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 5,

Joint Resolution, being a memorial for the passage of the pending bill for the opening of the Sioux Indian Reservation in Dakota,

Was read the second time and

Referred to the Committee on Territorial Affairs.

Mr. Ericson moved

That Council Bill No. 49,

Be recalled from the Committee on Railroads and referred to the Committee on Judiciary.

Which motion prevailed and

Council Bill No. 49 was so referred.

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

Resolved, That one hundred extra copies of Council Bill No. 60 be printed.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 12, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 36,
A Joint Resolution providing for certain printing,
Which has passed the House and your concurrence
therein is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Campbell moved
That the rules be suspended, and
House Bill No. 36
Be read the first and second time,
Which motion prevailed and
House Bill No. 36,
A Joint Resolution, providing for certain printing,
Was read the first and second time, and
Referred to the Committee on Public Printing.

Mr. Washabaugh moved that
Council Bill No. 20
Be recalled from the Committee on Territorial Affairs
and referred to the Committee on Judiciary,

There being no objection,
Mr. President ordered that
Council Bill No. 20 be so referred.

Mr. Crawford moved that
Council Bill No. 27
Be recalled from the Committee on Revenue and re-
ferred to the Committee on Judiciary.

There being no objections,
Mr. President ordered that
Council Bill No. 27 be so referred.

Mr. President announced the appointment of Mr. Ed. T.
Ewan assistant enrolling and engrossing clerk.

Mr. Ewan then presented himself and the oath of office
was administered to him by Mr. President.

Mr. Poindexter moved
That the Council do now adjourn.
Which motion prevailed, and

Mr. President announced that the Council stood ad-
journed.

R. E. WALLACE,
Chief Clerk.

EIGHTH DAY.

BISMARCK, January 15, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names except Mr. Cameron, who was excused.

The Journal of yesterday was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 15, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 1,

A bill for an act authorizing counties to issue bonds to purchase seed wheat for settlers,

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

J. G. HAMILTON,
Chief Clerk.

PETITIONS AND COMMUNICATIONS.

Mr. Stimmel presented the following, which was referred to the Committee on Agriculture :

To the Council of Dakota now in Session at Bismarck:

The undersigned, commissioners of the county of Bottineau, D. T., hereby respectfully call your attention to the needs of the people of said county, in the matter of seed wheat and earnestly urge the passage of a law enabling such action to be taken, whereby the necessary provision

may be made for the procuring of seed for the present season. Adopted at a meeting of the board of commissioners of said county at Bottineau, D. T., January 9, 1889.

S. D. DANA, Chairman.
 JAMES CUDHIE,
 EZRA TURNER,
 L. P. LEMAY,
 GEORGE MICHIE.

Attest:

M. O. TIBBITS,
 County Clerk.

Mr. Walsh presented the following which was referred to the Committee of the Whole.

BISMARCK, Jan. 16, 1889.

MR. PRESIDENT:

On behalf of the Chamber of Commerce of the city of Grand Forks and the Board of Regents of the University of North Dakota, I take pleasure in extending to the Executive and Territorial officers and to the members and officers of the Council and House of the Legislative Assembly to visit the city of Grand Forks and to inspect the University of North Dakota, on Saturday, the 19th inst.

GEORGE H. WALSH.

Mr. Glaspell presented the following which was referred to the Committee on Agriculture:

To the Legislative Assembly of the Territory of Dakota:

We, the undersigned commissioners of Foster county, beg leave to call the attention of your honorable body to the following memorial, and would ask an early and favorable consideration of the same.

F. G. BARLOW,
 THOS. N. PUTNAM,
 A. O. EELDER.

We, the citizens' committee appointed to present the wants of the destitute farmers of this county, report as follows:

WHEREAS, It is a well known fact that many farmers of this and adjoining counties, on account of the frost destroying their crops the past season, are without grain to seed their land the coming season of 1889, and believing that such aid should come from a public source;

Therefore, We most respectfully request the honorable board of commissioners of Foster county to present this matter to the Legislature of the Territory, requesting such

body to pass an act about as follows: Allowing Foster and other counties to issue warrants, drawn upon a special seed grain fund of the county, and bearing interest not to exceed ten (10) per cent. per annum, for the purpose of purchasing seed grain for such farmers residing in the county as have no seed, and have no means of procuring the same, and giving the county a lien upon the growing crops for the cost and interest of such seed, and also allowing the board of commissioners to place the cost of such seed on the tax roll against the lands, that the seed may be furnished for, and collected as other taxes are collected, provided the crop is not sufficient to reimburse the county for such cost and interest.

H. A. SOLIDAY,
GEO. H. ESTABROOK,
HYSON SLATER.

REPORTS OF STANDING COMMITTEES.

The following reports were submitted:

MR. PRESIDENT:

Your Committee on Judiciary have had the following bills under advisement and respectfully report the same back with the following recommendation, viz:

Council Bill No. 11,

A bill for an act providing that the counties of Stanley, Sterling, Nowlin and others be detached from the Seventh Judicial District and attached to the Fifth Judicial District, And recommend that it pass.

Also,

Council Bill No. 5,

A bill for an act in relation to preliminary examination of persons accused of crime,

And recommend the following amendment. After the the word "witness," in line 8 of the printed bill the words, "other than the complaining witness," and as amended that it pass.

Also,

Council Bill No. 39,

A bill for an act to limit attorneys' fees in mortgage foreclosures.

And recommend that it do not pass.

S. L. GLASPELL,
Chairman.

MR. PRESIDENT:

Your Committee on Penal and Charitable Institutions to which was referred

Council Bill No. 22,

A bill for an act for appointment by the President of the Council and Speaker of the House of a joint committee to investigate the condition of the Territorial Hospital for the Insane at Yankton,

Having had the same under careful consideration hereby return the same with the recommendation that it be amended as follows:

1. That at the end of the fourth line of Section 3, therein after the word "Legislature," the following words be added: "That said committee may adjourn from time to time as they may deem necessary."

2. That the first line of Paragraph 3 of Section 3 in said bill be changed by adding after the word "expenses" in said line, the word, "and per diem."

We further recommend that said bill as thus amended be passed.

ROBERT LOWRY,
Chairman.

MR. PRESIDENT:

Your Committee on Public Printing, to whom was referred

Council Bill No. 14,

A joint resolution providing for the printing of 3,000 copies of the Governor's message,

Have had the same under consideration, and beg leave to report the same back with the following recommendations:

1. That the number of copies of the Governor's Message provided for be reduced to 1,000, to be published in the English language only.

2. That 400 of such copies be furnished to the members of the Council and 600 copies to the members of the House.

I. ATKINSON,
Chairman.

Mr. Hughes moved

That the communication in relation to a visit to the University at Grand Forks be made special order for 4 o'clock this afternoon.

Which motion prevailed.

INTRODUCTION OF COUNCIL BILLS, JOINT RESOLUTIONS AND
MEMORIALS.

Mr. Atkinson introduced—

Council Bill No. 85,

A bill for an act relating to fees for discharging mortgages of record,

Which was read the first time.

Mr. Lowry introduced—

Council Bill No. 86,

Joint Resolution, providing postage stamps for members of the Eighteenth Legislative Assembly,

Which was read the first time.

Mr. Stimmel introduced—

Council Bill No. 87,

A bill for an act to provide for more efficient collection of personal property taxes,

Which was read the first time.

Mr. Stimmel introduced—

Council Bill No. 88,

A bill for an act to provide for deposit of public funds,

Which was read the first time.

Mr. Stimmel introduced—

Council Bill No. 89,

A bill for an act to provide for the levy and collection of poll taxes by incorporated cities,

Which was read the first time.

Mr. Woolhiser introduced—

Council Bill No. 90,

A bill for an act to repeal an act entitled "An act to provide for the construction and maintenance of artesian wells and the assessment and collection of taxes therefor."

Which was read the first time.

Mr. Washabaugh introduced—

Council Bill No. 91,

A bill for an act entitled "An act to prevent the spread of infections or contagious diseases among cattle, horses, mules, etc., and to provide for the summary destruction of such animals and to repeal Chapter 32 of the Session Laws of 1887 creating the office of veterinary surgeon, etc.,

Which was read the first time.

Mr. Hughes introduced—

Council Bill No. 92,

A bill for an act to prohibit the issuance of county warrants in excess of 85 per cent. of the tax levy for the current year unless there be funds in the treasury to pay the same; requiring said commissioners to give bonds, making them liable thereon for warrants issued in excess of the limits and limiting their compensation to forty days in each year. and for other purposes,

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 93,

A bill for an act defining the boundaries of the Eighth judicial district and to provide for a judicial subdivision therein,

Which was read the first time.

Mr. Crawford introduced—

Council Bill No. 94,

A bill for an act to amend Section 4 of Chapter 121 of Laws of 1887,

Which was read the first time.

Mr. Halley introduced—

Council Bill No. 95,

A bill for an act entitled "An act to provide funds for the maintenance of the School of Mines at Rapid City, Dakota, for the ensuing two years,"

Which was read the first time.

Mr. Van Osdel introduced—

Council Bill No. 96,

A Joint Resolution for the relief of Viola Thompson, Katherine Lee and Rannie Vognild,

Which was read the first time.

The Committee on Rules introduced—

Council Bill No. 97,

Joint Resolution for a joint committee to examine and report on the advisabilty of accepting the Compiled Laws of 1887,

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 69,

A bill for an act to locate and establish the North Dakota Territorial Agricultural College at Valley City, Dak.

Was read the second time and
 Referred to the Committee on Appropriations.
 Council Bill No. 70,

A bill for an act to amend Section 3 of Chapter 140 of the Laws of 1887, relating to the manner of assessing bank stock,

Was read the second time and
 Referred to the Committee on Revenue.

Council Bill No. 71,

A bill for an act to repeal Chapter 169 of the Session Laws of 1887,

Was read the second time and
 Referred to the Committee on Judiciary.

Council Bill No. 72,

A bill for an act entitled "An act to revise and amend Article 2 of Chapter 3 of Title 2 of Part 3 of Division 2 of the Civil Code, entitled 'Insurance Corporations,'"

Was read the second time and
 Referred to the Committee on Insurance.

Council Bill No. 73,

A bill for an act entitled "An act to provide when laws shall go into force and effect."

Was read the second time and
 Referred to the Committee on Judiciary.

Council Bill No. 74,

A bill for an act entitled "An act to amend Section 215 of the Code of Civil Procedure, relating to discharge on attachment."

Was read the second time and
 Referred to the Committee on Judiciary.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
 January 5, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
 House Bill No. 6,

A bill for an act entitled, "An act to Repeal Chapter 84 of the General Laws of 1885,"

Also,

House Bill No. 8,

A bill for an act increasing the term of residence before beginning a suit for divorce,

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

Also,

Council Joint Resolution and Memorial praying for the opening of a portion of the Sioux Indian reservation,

Which the House has passed.

JOHN G. HAMILTON,
Chief Clerk.

SPECIAL ORDERS.

The Council then resolved itself into a Committee of the Whole for the consideration of the Governor's message—the special order for the day.

Mr. Washabaugh in the chair.

When the committee rose the Chairman made the following report and moved its adoption.

MR. PRESIDENT:

Your Committee of the Whole have had under consideration the Governor's message and recommend the reference of the topics treated as follows:

Condition of the Territory, to the Committee on Territorial Affairs.

Finances of the Territory, to the Committee on Revenue.

Assessment and taxation, to the Committee on Revenue.

Redemption of bonds, to the Committee on Revenue.

Appropriations, to the Committee on Appropriations.

Financial credit, to the Committee on Revenue.

Reports, to the Committee on Territorial Affairs.

Public institutions, to the Committee on Charitable and Penal Institutions.

Amending existing laws, to the Committee on Judiciary.

Compiled laws, a select committee.

Constitutional convention fund, to the Committee on Revenue.

Restoring citizenship, to the Committee on Judiciary.

Assistant Counsel, to the Committee on Judiciary.

County Commissioners, to the Committee on Counties.

Stock Companies, to the Committee on Incorporations.

Insurance Companies, to the Committee on Insurance.

Railroad Commissioners, to the Committee on Railroads.

Unorganized Counties, to the Committee on Counties.
 Election Laws, to the Committee on Elections.
 Caucuses and Primary Elections, to the Committee on Elections.
 County Treasurers, to the Committee on Territorial Affairs.
 Public Education, to the Committee on Education.
 Militia, to the Committee on Military Affairs.
 Taxation, to the Committee on Revenue.
 Payment of Taxes semi-annually, to the Committee on Revenue.
 Taxation of Railroads, to the Committee on Revenue.
 Taxation of Railroad Lands, to the Committee on Revenue.
 Restraining Tax Sales, to the Committee on Judiciary.
 Sales for Unpaid Taxes, to the Committee on Revenue.
 Communications, to the Committee on Federal Relations.
 Pardons, to the Committee on Charitable and Penal Institutions.
 Conclusion, to the Committee on Federal Relations.

FRANK J. WASHABAUGH,
 Chairman.

Which motion prevailed, and
 The report as read was adopted.

Mr. Campbell requested that the Council consent to a change of committees between Mr. Allin and himself. Mr. Allin to change from the Committee on appropriations to the Committee on Insurance and himself from the Committee on Insurance to the Committee on Appropriations.

Mr. Crawford moved
 That the request be granted,
 Which motion prevailed, and
 Mr. President announced the committees changed accordingly.

Mr. Crawford moved that
 Council Bill No. 69,
 Be recalled from the Committee on Appropriations and referred to the Committee on Education,
 Which motion prevailed, and
 Mr. President announced
 Council Bill No. 69,
 Referred to the Committee on Education.

Mr. Lowry moved

That the rules be suspended and Council Bill No. 86 be read the second and third times and put on its final passage,

Which motion prevailed and
Council Bill No. 86.

Joint Resolution providing postage stamps for members of the Eighteenth Legislative Assembly,

Was read the second and third times and
The question being shall the bill pass

The roll being called there were ayes, 2; nays, 21:

Those who voted in the affirmative were:

Messrs. Lowry and Poindexter.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, McDonald, Miller, Patten, Ryan, Soderberg, Van Osdel Walsh, Washabaugh, Woolshier, Mr. President.

Mr. Cameron being absent.

So the bill was lost.

Mr. Walsh gave notice

That on to-morrow he would move a reconsideration of the vote by which Council Bill No. 86 was lost.

Mr. McDonald moved

That the rules be suspended and
House Bill No. 1 be read the first and second times
Which motion prevailed.

House Bill No. 1,

A bill for an act authorizing counties to issue bonds to provide seed wheat for settlers,

Was read the first and second times.

Mr. McDonald moved

That House Bill No. 1 be referred to a special committee of seven.

Which motion prevailed, and

Mr. President appointed as such committee

Messrs. McDonald, Harstad, Allin, Walsh, Campbell, Ericson, Glaspell, and

House Bill No. 1 was so referred.

SECOND READING OF HOUSE BILLS.

House Bill No. 25,

Joint Resolution providing for the appointment of a joint committee to report a bill for the extention of taxes,

Was read the second time, and
Referred to the Committee on revenue.

Mr. Hughes moved
That the rules be suspended and
Council Bill No. 97

Be read the second and third times and put on its final
passage.

Which motion prevailed and
Council Bill No. 97,

A Joint Resolution for a joint committee to examine
and report on the advisability of accepting the Compiled
Laws of 1887

Was read the second and third times and
The question being shall the bill pass.

The roll being called there were ayes, 22; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford,
Dollard, Ericson, Glaspell, Halley, Harstad, Hughes,
Lowry, McDonald, Miller, Patten, Poindexter, Ryan,
Soderberg, Van Osdel, Walsh, Woolhiser, Mr. President.

Mr. Washabaugh voting in the negative.

Mr. Cameron, being absent and not voting.

So the bill passed, and the question being as to its title,
and being put,

Its title was agreed to.

Mr. Walsh moved

That the special order for the Grand Forks University
matter be laid over until to-morrow at 3 o'clock.

Which motion prevailed.

Mr. Van Osdel moved

That the contest case, Winship vs. Walsh, now before
the Committee on Elections, be laid before the Committee
of the Whole.

Which motion prevailed.

Mr. Miller moved

That when the Council adjourns it adjourn to meet at 10
o'clock a. m. to-morrow.

Which motion prevailed.

Mr. Crawford moved

That the Council do now adjourn.

Which motion prevailed and

Mr. President announced that the Council stood ad-
journed until 10 o'clock to-morrow.

R. E. WALLACE,
Chief Clerk.

NINTH DAY.

BISMARCK, January 16, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names, except

Mr. Cameron, who was excused.

Mr. Hughes moved

That the contest case Winship vs. Walsh be taken up.

Which motion prevailed.

Mr. Walsh requested that he be excused during the hearing of this case.

The request was granted.

Mr. Hughes moved

That the Council now proceed to the consideration of the contest of George B. Winship vs. George H. Walsh for a seat in this body from the Nineteenth Legislative District; that each be allowed to appear by counsel, and that the contestant be permitted to open and close in accordance with the rules of practice in courts.

Which motion prevailed.

Messrs. Bangs & Bangs and Bosard & Corliss appeared for the contestant, and

Messrs. Ward & Wilder for the contestee.

Case opened by Mr. Bosard for contestant.

Depositions of H. B. Tucker, George Sullivan, John F. Stevens, N. Gayne and James Elton were introduced by contestant and read in evidence.

Mr. Hughes moved

That the further consideration of this case be continued at 4 o'clock p. m.,

Which motion prevailed.

Mr. Washabaugh moved

That the council do now take a recess until 2 o'clock p. m.

Which motion prevailed, and

Mr. President announced the Council at recess until 2 o'clock.

Council called to order at 2 o'clock by Mr. President in the chair.

Mr. J. H. Stanley then presented himself and the oath of office was administered to him by Mr. President.

The Journal of yesterday was read and approved.

Mr. Crawford moved

That all petitions in reference to seed wheat be recalled from the Committee on Agriculture and referred to the Special Committee to which House Bill No. 1 was referred.

Which motion prevailed.

PETITIONS AND COMMUNICATIONS.

Mr. Walsh presented the following petitions:

To the Legislature of Dakota Territory:

The undersigned, barbers by trade, and residents of Grafton, Walsh County, Dakota Territory, do hereby respectfully petition your honorable body, that suitable laws be passed by you looking towards the stringent closing of barber shops throughout the Territory of Dakota on the Sabbath day,

And your petitioners will ever pray.

GEORGE DIXON.
CHARLES T. HARLE,
TONY SNAREZ.

Dated, Grafton, D. T., January 12, 1889.

To the Legislature of Dakota Territory:

The undersigned, barbers by trade, and residents of Grand Forks, Grand Forks County, Dakota Territory, do hereby respectfully petition your honorable body that suitable laws be passed by you looking towards the stringent closing of barber shops throughout the Territory of Dakota on the Sabbath day,

And your petitioners will ever pray.

J. H. AUSTIN,
A. D. SWENSON,
FRED JACOBSON,
B. K. WALKER,
HARVEY HOWELL,
RICHARD GREEN,
JOHN L. ANDERSON,
E. J. DENSMORE,
CHARLES VAN DYKE,
JAMES WILEY.

Dated, Grand Forks, D. T., January 14, 1889.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Rules recommend that the rules be amended by striking out the words, "and the bill shall be presented and" and insert in lieu thereof the words, "The President shall announce the committee to which it will be referred and the bill shall"

JOHN MILLER,
Chairman.

Mr. Cooper moved
That the report be adopted.
Which motion was lost.

MR. PRESIDENT:

Your Committee on Public Printing, to whom was referred

House Bill No. 36,

A Joint Resolution, providing for certain printing,

Do hereby report that we have had the matter under consideration and do hereby return the same with the recommendation that it be amended as follows:

That after the word "memorials," found in the 7th line from the top in said bill, there be added and inserted the words, "as follows, to-wit: One hundred and fifty copies of all bills, joint resolutions and memorials."

We recommend that said bill as thus amended be passed.

I. ATKINSON,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Walsh moved
That the vote by which Council Bill No. 86 was lost be reconsidered.
Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 16, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
Joint Resolution No. 66,
Joint Resolution relative to a provision by the Territorial Auditor of rooms for the committees of the Eighteenth Legislative Assembly, and the furnishing, heating and lighting the same,
Which the House has passed, and your concurrence therein is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Crawford introduced—
Council Bill No. 98,
A bill for an act locating a house for disabled soldiers and sailors at Pierre,
Which was read the first time.

Mr. Walsh introduced—
Council Bill No. 99,
A bill for an act entitled "An act to provide for the insurance of crops against loss or damage by hail,"
Which was read the first time.

Mr. Allin introduced—
Council Bill No. 100,
A bill for an act to amend Chapter 112, Session Laws of 1883,
Which was read the first time.

Mr. Allin introduced—
Council Bill No. 101,
A bill for an act prohibiting the recording and filing of

deeds and other instruments of title until taxes are paid,
Which was read the first time.

Mr. Allin introduced—

Council Bill No. 102,

A bill for an act requiring clerks to advise county auditor of officers elected, etc.

Which was read the first time.

Mr. Van Osdel introduced—

Council Bill No. 103,

A bill for an act to amend Chapter 51 of the Session Laws of 1887, entitled "An act providing for certain legal printing and fixing the compensation therefor,"

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 104,

A bill for an act, entitled "An act to change the name of Amund Amundson to Amund A. Boe,"

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 60,

A bill for an act to secure more fully the independence of elections, to enforce the secrecy of the ballot, to punish offense against a fair election and to provide for the printing and distribution of ballots at public expense,

Was read the second time and

Referred to the Committee on Elections.

Mr. Hughes moved

That the printed copy of Council Bill No. 60 be substituted for the original.

Which motion prevailed.

Council Bill No. 75,

A bill for an act amending Section 56, Chapter 28, Political Code (Section 1612 of Compiled Laws) in relation to liens upon real estate for taxes due upon personal property,

Was read the second time and

Referred to the Committee on Revenue.

Council Bill No. 76,

A bill for an act to amend Section 70 of Chapter 28 of the Political Code entitled "Revenue,"

Was read the second time and

Referred to the Committee on Revenue.

Council Bill No. 77,

A bill for an act to amend Chapter 28 of the Political Code of 1877,

Was read the second time and
Referred to the Committee on Revenue.

Council Bill No. 78,

A bill for an act entitled "An act to legalize certain instruments and the record thereof,"

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 79,

A bill for an act entitled "An act to amend Chapter 647 of the Code of Civil Procedure,"

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 80,

A bill for an act to attach the county of Hettinger to the county of Stark for judicial purposes,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 81,

A bill for an act entitled "An act providing for the issuing of marriage licenses and the recording of the same,"

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 85,

A bill for an act relating to fees for discharging mortgage of record,

Was read the second time and
Referred to the Committee on Judiciary.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 5,

A bill for an act in relation to the preliminary examination of persons accused of crime,

Was read the third time.

The question being as to the report of the Committee on Judiciary,

That report was adopted and

The bill was so amended.

The question being shall the bill pass,

The roll being called, there were ayes 23; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Mr. Cameron being absent.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 16, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 65,

A joint resolution providing for the appointment of certain committees,

Which the House has passed, and your concurrence is respectfully requested.

JOHN G. HAMILTON,

Chief Clerk.

The hour for the special order of the day having arrived, the Council resolved itself into a Committee of the Whole, with

Mr. Van Osdel in the chair.

When the committee rose the Chairman made the following report:

MR. PRESIDENT:

The Committee of the Whole, to whom was referred the communication from the citizens of Grand Forks, inviting the members of the Legislature to visit the University of North Dakota, located at that place, have had the same under consideration, and report the same back to the House with the recommendation that the invitation be accepted.

A. L. VAN OSDEL,

Chairman.

Mr. Crawford moved

That the report be adopted, and

The roll being called there were ayes, 18; nays, 5.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Crawford, Dollard, Ericson, Glaspell, Halley, Hughes, Lowry, McDonald, Miller, Poindexter, Ryan, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Cooper, Harstad, Patten, Soderberg, Van Osdel.

Mr. Cameron being absent.

So the motion prevailed and

The report was adopted.

Council Bill No. 11,

A bill providing that the counties of Stanly, Sterling, Nowlin, and others be detached from the Seventh Judicial District and attached to the Fifth Judicial District,

Was read the third time.

Mr. Campbell moved that further consideration of Council Bill No. 11 be deferred until to-morrow.

Which motion prevailed.

Council Bill No. 14.

A Joint Resolution providing for the printing of 3,000 copies of the Governor's Message,

Was read the third time and

The question being as to the report of the Committee, Mr. Hughes moved

To amend by making the number to be printed 1,500 copies and adding after the words "600 for the House of Representatives," "and 500 copies for the Executive office,"

Which motion prevailed and

The report was so amended, and

The question being upon the report as amended,

The report was adopted.

The question being shall the bill pass as amended

The roll being called there were, ayes, 21; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Cameron, Van Osdel, Walsh.

So the bill passed, and

The question being as to its title,

Mr. Ericson moved

That the title be amended by striking out "3,000" and inserting in lieu therefor "1,500."

Which motion prevailed, and
Its title as amended was agreed to.

Council Bill No. 22,

A bill for an act for appointment by the President of the Council and Speaker of the House of a joint committee to investigate the condition of the Territorial Hospital for the Insane at Yankton,

Was read the third time, and

The question being upon the report of the Committee on Charitable and Penal Institutions,

The report was adopted.

Mr. Poindexter moved

That Council Bill No. 22 be recommitted to the Committee on Charitable and Penal Institutions with instructions to prepare an amendment requiring the Committee to report to this Legislature.

Which motion prevailed, and

Council Bill No. 22 was recommitted.

Mr. McDonald asked unanimous consent to make a report from the Special Committee to whom was referred House Bill No. 1.

There being no objections,

The Committee submitted the following report:

MR. PRESIDENT:

The Special Committee to which was referred House Bill No. 1,

A bill for an act authorizing counties to issue bonds to provide seed wheat for settlers,

Having had the same under consideration hereby return the same with the recommendation that it be amended as follows:

Section 1. That the word "May" be changed to "April" in line 14. To strike out all on line 18 after the words, "not to exceed," and before the words "such bond." On line twenty-one insert the following words: "not to exceed \$2,000 for each 100 votes cast at the last general election, provided, that the total amount of bonds issued by any county under the provisions of this act shall be negotiated by the County Treasurer at not less than par value."

Strike out all of Section 6.

That Section 8 be amended by inserting the words "150" in lieu of "200" on line twenty-three.

In Section 9, in line 6, of the written bill strike out the words "and handling added," and insert in lieu thereof the words "and all other expenses necessarily attendant upon the carrying out of the provisions of this act."

Add after Section 9 the words, "the amount of such indebtedness shall become due and payable by each person receiving such aid, on November 1, 1889, together with interest on such amount from the date of the issue of such bonds, at the rate of 7 per cent. per annum. That such amount, if not paid on November 1, 1889, shall be entered upon the tax list of such county for the year 1889, as a tax on the land upon which such seed wheat was sown, to be collected as other taxes are, and the sum so entered and levied shall be a first lien upon the crops of grain raised each year by the persons receiving said seed grain and also upon the real estate owned by such person until the said tax is fully paid.

That Section 11 be amended by inserting the word "May" in lieu of "June" on line two.

That Section 13 be amended by substituting the word "March" in lieu of "April" on lines twenty and twenty-four.

We would recommend that all Sections after Section No. 5 be renumbered.

We further recommend that the bill as thus amended be passed.

HUGH McDONALD,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 16, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 13,

A bill for an act to amend Sections 14 and 47 of Chapter 27 of the Political Code, relating to the qualifications of voters,

Also,

House Bill No. 20,

A bill for an act to amend Section 6, Chapter 121, of the laws of 1887,

Also,

House Bill No. 29,

A bill for an act to repeal Article 5, Chapter 2, and Sections 721 and 733 inclusive of Chapter 35 of the Code of Civil Procedure, relating to arrest and bail,

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

JOHN G. HAMILTON,
Chief Clerk.

The hour for special order having arrived,

Mr. President announced

That the hearing of the contest case Winship vs. Walsh would be resumed.

Depositions of H. P. Rucker, H. A. Foss and David Davison were read in evidence by the contestant.

Mr. Ward moved

That the testimony of David Davison be stricken out.

Mr. President announced

The appointment of Mr. David W. Jackson as 1st Assistant Enrolling and Engrossing Clerk.

Mr. Jackson then presented himself and the oath of office was administered to him by Mr. President.

Mr. Miller moved

That the Council do now adjourn until 10 o'clock to-morrow,

Which motion prevailed and

Mr. President announced

That the Council stood adjourned until 10 o'clock a. m. to-morrow.

R. E. WALLACE,
Chief Clerk.

TENTH DAY.

BISMARCK, January 17, 1889.

The Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the chaplain.

The roll was called and all the members responded to their names, except

Messrs. Cameron and Walsh, who were excused.

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

Resolved, That the contest now under consideration by the Council be conducted in the following manner: The contestant shall present the testimony taken in support of his case. Contestee shall then offer his testimony in defence, after which the contestant shall submit his evidence in rebuttal. The case shall then be discussed by counsel in the usual order.

Which motion prevailed.

Mr. President ordered that the contest case Winship vs. Walsh be now taken up.

Mr. Washabaugh moved

That the counsel for contestant read the testimony in full.

Which motion prevailed.

The counsel for the contestant then read the depositions of Ed. Lund, O. Seather, Ole Hoel, A. Currie, A. C. Mather, H. M. Wheeler, F. M. Ardell, W. J. Anderson, Samuel J. Lewis, E. M. Sweiggin, Alex Scott and Edward Cooly, which were offered in evidence by the contestant.

Contestant also offered in evidence Exhibit "C" Poll-Book of Third Ward of the city of Grand Forks of the general election of 1888; also Exhibit "D," a small book containing a list of the voters of the Third Ward of the city of Grand Forks at the election of 1888.

Mr. Crawford moved

That the Council now take a recess until 2 o'clock and that the consideration of the contest case be resumed at 3:30 o'clock this afternoon.

Which motion prevailed, and

Mr. President announced that the Council was at recess until 2 o'clock this afternoon.

Council was called to order at 2 o'clock by Mr. President in the chair.

The Journal of yesterday was read, corrected and approved.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 16, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
Council Bill No. 97,

A Joint Resolution for a joint committee to examine and report on the advisability of accepting the Compiled Daws of 1887,

Which the House has passed under a suspension of the rules, and to inform you that

The Speaker of the House has appointed Messrs. Newman, Greene and Mallory as the House members of said joint committee.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
January 17, 1889. }

MR. PRESIDENT:

I have the honor to report that

The Speaker of the House has appointed Messrs. Ryan, Allen and Wellcome as members of a Joint Committee on Rules,

And respectfully request that you appoint a like number from Council to complete the Joint Committee on Rules.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
January 17, 1889. }

MR. PRESIDENT:

I have the honor to present herewith
Council Bill No. 14,

A Joint Resolution for the printing of 1,500 copies of the Governor's message,

Which the House passed under a suspension of the rules.

Also,

Joint Resolution No. 50,

A Joint Resolution providing for the furnishing of certain newspapers to members,

Which the House has passed, and your concurrence therein is respectfully requested.

Also,

House Bill No. 52,

A bill for an act to amend an act entitled "An act to Define the Sixth Judicial District of the Territory of Dakota; to sub-divide the same; to fix the terms of court therein, and to attach the county of Pierce to the county McHenry for Judicial purposes.

Which has passed the House under a suspension of the rules, and your favorable consideration thereof is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

PETITIONS AND COMMUNICATIONS.

Mr. Glaspell presented the following communication which was

Referred to the Committee on Agriculture.

LEEDS, Jan. 16, 1889.

To Representative Glaspell, Bismarck, Dak.

DEAR SIR: We the undersigned farmers of Scandia township, Benson county, being frozen out the past season and unable to buy seed wheat for the coming season, do hereby petition you as our Representative to present our situation before the proper authorities for considera-

tion in case any provision is made by the authorities for such emergencies.

Name.	Acres.
E. J. Fuller.....	15
John Berg.....	30
F. L. Engstrom.....	50
H. P. Burlingham.....	25
David Howey.....	25
A. Hanson.....	100
Andrew Golberg.....	125
Ole Goldberg.....	75
F. M. Howey.....	100
E. E. Jones.....	60
O. R. Nestor.....	50
E. L. Huberd.....	25
Martin Hansen.....	50
A. Rytterager.....	50
Ole Johnson.....	60
Warren Hines.....	50
E. L. Beatty.....	100

Also the following which was

Referred to the Committee on Judiciary:

To the Hon. S. L. Glaspell and Members of the Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of McHenry county, Territory of Dakota, do hereby respectfully petition and ask that you use all honorable means in you vested, to cause a new Judicial sub-division to be formed out of the counties of McHenry, Pierce and Church, to be known as the Ninth sub-division of the Sixth Judicial District, and that the terms of court for said sub-division be held at Towner, in McHenry county, Dakota. We ask this to be done on the ground that McHenry county is the senior county in the now existing Tenth Subdivision of the Sixth Judicial District, composed of Ward, Renville, Mountraille, Flannery, Buford, McHenry and Wynn. And further on the ground that McHenry county has by far the largest assessed valuation of any of the above named counties and has thereby a greater proportion of court expenses to pay and ought of right have the term of court held in McHenry county.

Wherefore we pray you to cause the new sub-division to be created, that thereby taxation and representation shall have its proper benefits to be derived therefrom

GEN. H. SOULE, County Treasurer,
And others.

 REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Penal and Charitable Institutions, to whom was referred a second time

Council Bill No. 22,

A joint resolution to investigate the condition of the Territorial Hospital for Insane at Yankton,

Do respectfully report that they have had the same a second time under consideration, and in their opinion said bill should be amended as follows:

1. By striking out Section (3) three from said bill.
2. That Section 4 of said bill be numbered Section 3, and read as follows:

SEC. 3. Said Committee shall make a full report of all their proceedings, including all testimony taken and expenses incurred, to the Legislative Assembly on or before the first day of November, 1889. The expenses of said committee shall be paid by the Territorial Treasurer upon a warrant drawn upon him by the Territorial Auditor, who shall issue the same on a certificate signed by the President of the Council and Speaker of the House of Representatives certifying to the correctness of the expenses incurred under this act.

SEC. 4. This act shall take effect immediately.

We recommend that the bill as thus amended be passed.

ROBERT LOWRY,
Chairman.

MOTIONS AND RESOLUTIONS.

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

Be it Resolved, By the Legislative Council of the Territory of Dakota, That there be appointed by the President of the Council a clerk to the Committee on Education, at a salary of four dollars per day during such employment, and when not employed by said committee said clerk shall be employed at any other official clerical duty, under the direction of the Chief Clerk of this Council,

Which motion prevailed, and

The resolution was adopted.

Mr. President announced the appointment of Mr. John T. Mather as clerk of the Committee on Education.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Campbell introduced—

Council Bill No. 105.

A bill for an act to amend Section 658 of the Civil Code of the Territory, relating to acknowledgment of instruments,

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 106,

A bill for an act entitled "An act making appropriation for the current expenses of the University of North Dakota,"

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 107,

A bill for an act entitled "An act to provide funds for the construction of a dormitory and gymnasium and other purposes of the University of North Dakota,"

Which was read the first time.

Mr. Dollard introduced—

Council Bill No. 108,

A bill for an act entitled "An act to change the name of the religions corporation incorporated under the title of The First Bohemian Presbyterian Church of Dakota,

Which was read the first time.

Mr. Dollard introduced—

Council Bill 109,

A bill for an act providing for the exemption from taxation of fifty dollars in valuation of every quarter section of land in this Territory for each acre of trees grown or growing thereon, not to exceed ten acres,

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 82,

A bill for an act entitled "An act to authorize the discharge of *lis pendens*,"

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 84,

A bill for an act entitled, "An act authorizing foreign executors, administrators and guardians to assign and satisfy judgments and mortgages,"

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 87,

A bill for an act to provide for more efficient collection
of personal property taxes,

Was read the second time and
Referred to the Committee on Revenue.

Council Bill No. 88,

A bill for an act to provide for deposit of public funds.

Was read the second time and
Referred to the Committee on Revenue.

Council Bill No. 89,

A bill for an act to provide for the levy and collection of
poll taxes by incorporated cities,

Was read the second time and
Referred to the Committee on Revenue.

Council Bill No. 90,

A bill for an act to repeal an act entitled "An act to pro-
vide for the construction and maintenance of artesian
wells and the assessment and collection of taxes therefor,"

Was read the second time and
Referred to the Committee on Revenue.

Council Bill No. 91,

A bill for an act entitled "An act to prevent the spread
of infectious or contagious diseases among cattle, horses,
mules, etc., and to provide for the summary destruction of
such animals and to repeal Chapter 32 of the Session Laws
of 1887 creating the office of veterinary surgeon," etc.,

Was read the second time and
Referred to the Committee on Public Health.

Council Bill No. 92,

A bill for an act to prohibit the issuance of county war-
rants in excess of 85 per cent. of the tax levy for the current
year unless there be funds in the treasury to pay the same;
requiring said commissioners to give bonds, making them
liable thereon for warrants issued in excess of the limits
and limiting their compensation to forty days in each year,
and for other purposes,

Was read the second time, and
Referred to the Committee on Revenue.

Council Bill No. 93,

A bill for an act defining the boundaries of the Eighth

judicial district and to provide for a judicial sub-division therein,

Was read the second time.

Mr. Walsh moved

That the rules be suspended and Council Bill No. 93 be read the third time and put upon its final passage.

Which motion prevailed and
Council Bill No. 93.

A bill for an act defining the boundaries of the Eighth Judicial District and to provide for a judicial sub-division therein,

Was read the third time and

The question being shall the bill pass,

The roll being called, there were ayes 23; nays none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser and Mr. President,

Mr. Cameron being absent.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 94,

A bill for an act to amend Section 4 of Chapter 121 of Laws of 1887,

Was read the second time and

Referred to the Committee on Public Health.

Council Bill No. 95,

A bill for an act entitled "An act to provide funds for the maintenance of the School of Mines at Rapid City, Dakota, for the ensuing two years,"

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 96,

A Joint Resolution for the relief of Viola Thompson, Katherine Lee and Rannie Vognild,

Was read the second time, and

Referred to the Committee on Appropriations.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 11,

A bill providing that the counties of Stanley, Sterling,

Nowlin and others be detached from the Seventh Judicial District and attached to the Fifth Judicial District,

Was read the third time.

Mr. Ryan moved

That Council Bill No. 11 be amended by striking out the word "Presho" in first line.

Which motion prevailed and

Council Bill No. 11 was so amended.

The question being shall the bill pass,

The roll being called there were ayes, 23; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser.

Mr. President.

Mr. Cameron being absent.

So the bill passed and,

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 39,

A bill for an act to limit attorneys' fees in mortgage foreclosures,

Was read the third time.

Mr. Hughes moved

That Council Bill No. 39 be recommitted to the Committee on Judiciary.

Mr. McDonald moved

To amend by striking out "judiciary" and inserting "Committee of the Whole,"

Which motion was lost.

The question being upon the original motion,

The motion prevailed and

Council Bill No. 39 was recommitted to the Committee on Judiciary.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 17, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith,

House Bill No. 33.

A bill for an act to amend Article 7 of Chapter 12 of the Code of Civil Procedure,

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

JOHN G. HAMILTON,
Chief Clerk.

The hour for special order having arrived

Mr. Washabaugh moved

That the Council proceed with the regular order until 4 o'clock.

Which motion prevailed.

Council Bill No. 86,

A Joint Resolution providing postage stamps for members of the Eighteenth Legislative Assembly,

Was read the third time.

Mr. Crawford moved.

To amend by striking out "\$15" and inserting "\$10" in lieu thereof.

Mr. Allen moved

To amend by reducing from "\$10" to "\$5,"

Which motion was lost.

Mr. Harstad moved

To amend by substituting \$1 for \$10.

Which motion was lost.

The question being upon the amendment,

The amendment prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 14; nays, 8.

Those who voted in the affirmative were:

Messrs. Campbell, Cooper, Crawford, Glaspell, Halley, Hughes, Lowry, McDonald, Miller, Poindexter, Ryan, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Dollard, Ericson, Harstad, Patten, Soderberg, Van Osdel.

Absent and not voting:

Messrs. Cameron and Walsh.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

FIRST READING OF HOUSE BILLS.

House Bill No. 6,

A bill for an act entitled, "An act to repeal Chapter 84 of the General Laws of 1885,"

Was read the first time.

House Bill No. 8,

A bill for an act increasing the time of residence required before bringing a suit for divorce,

Was read the first time.

House Bill No. 13,

A bill for an act to amend Sections 14 and 47 of Chapter 27, of the Political Code, relating to the qualification of voters,

Was read the first time.

House Bill No. 20,

A bill for an act to amend Section 6 of Chapter 121 of the laws of 1887,

Was read the first time.

House Bill No. 29.

A bill for an act to repeal Article 1, Chapter 2, and Sections 721 to 733 inclusive of Chapter 35 of the Code of Civil Procedure relating to arrest and bail,

Was read the first time.

House Bill No. 65,

A Joint Resolution providing for the appointment of certain committees,

Was read the first time.

House Bill No. 66,

A Joint Resolution relative to a provision by the Territorial Auditor of rooms for the committees of the Eighteenth Legislative Assembly, and the furnishing heating and lighting of the same,

Was read the first time.

THIRD READING OF HOUSE BILLS.

House Bill No. 1,

A bill for an act authorizing counties to issue bonds to provide seed wheat for settlers,

Was read the third time, and

The question being as to the report of the Special Committee,

The report was adopted and the bill was so amended.

The following amendments were offered to

House Bill No. 1,

By Mr. Allin:

Section 13 to read as follows:

SEC. 13. The Board of County Commissioners of any county having funds in its treasury, not otherwise appropriated, may at the time, and subject to all the conditions and limitations in this act contained, appropriate any portion thereof, not exceeding the sum of twenty-five thousand dollars for the purposes specified in this act.

That Section 13 of said act be numbered Section 14.

By Mr. Crawford:

That Section 1 of said bill be amended by prefixing to the first word of said Section 1 of said bill the words, "Whenever one-third of the adult persons of any county actually engaged in the business of farming, shall petition the Board of County Commissioners of such county, asking that said Board proceed under the provision of this act."

By Mr. Miller:

1. All persons wishing to avail themselves of the benefit of this act shall file with the County Auditor of the county where said applicant resides on or before the 1st day of April, A. D. one thousand, eight hundred and eighty-nine (1889), an application duly sworn to before said County Auditor, which application shall be attested by at least two (2) witnesses. Said application shall contain a true statement of the number of acres the applicant has plowed, or prepared for seeding, how many acres the applicant intends to have plowed and prepared for seeding before seeding time; how many bushels are necessary and what kind of wheat to seed the ground so prepared, as aforesaid. That said applicant's crop was in the year one thousand, eight hundred and eighty-eight entirely destroyed by drouth, frost, hail or fire, or if only partially destroyed, how many bushels the applicant harvested in the year one thousand, eight hundred and eighty-eight, and each kind of grain. Also what amount of seed grain said applicant desires to borrow of said county. That the applicant has not procured and is unable to procure the necessary seed grain. Also that the applicant desires the same for seed grain and for no other purpose, and that the applicant will not sell or dispose or use the same or any part thereof. Said application shall also contain a true and full description of all real and personal property owned by the applicant, and whether encumbered or otherwise, and also the Govern-

ment subdivision or subdivisions upon which the party intends to sow said seed.

2. Said applications shall be filed in said County Auditor's office and be open to public inspection, and no applicant shall be entitled to or receive any of the benefits of this act unless on or before the first day of April, one thousand, eight hundred and eighty-nine, the applicant shall have made and filed with the County Auditor of the county in which the applicant resides, the application as required and in the manner and form mentioned in section — of this act.

By Mr. Glaspell:

That Section 2 of the printed bill be amended by adding in line 2 of said section after the word "bidder" the words "by the county treasurer," and by striking out from line 8 of said section the words "county commissioners" and inserting in lieu thereof the words "county treasurer."

Mr. Van Osdel moved

That the rules be suspended and Council Bill No. 22 put upon its final passage.

Which motion prevailed and
Council Bill No. 22,

A Joint Resolution for appointment by the President of the Council and the Speaker of the House of a joint committee to investigate the condition of the Territorial Hospital for the Insane at Yankton,

Was read the third time, and

The question being upon the report of the Committee on Charitable and Penal Institutions,

The report was adopted and the bill so amended.

The question being shall the bill pass,

The roll being called there were ayes 22, nays none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Cameron and McDonald,

So the bill passed, and

The question being as to its title and, being put,

Its title was agreed to.

The hour for the special order having arrived

Mr. President announced the Council would resume the hearing of the contest case.

Mr. Crawford moved

That the contestant be allowed to introduce whatever testimony he has to offer tending to prove the allegations made in his notice of contest provided the same was taken within the fifteen days after time for answering expired as provided by law.

Which motion prevailed.

The contestee then offered and read in evidence the deposition of J. B. Wineman, Frank Ephraim, Daniel Zoolsbaugh, W. D. Russell, Martin A. Walsh, Philip McLaughlin, Julius Nelson and O. R. Sherwood.

Mr. Washabagh moved

That the Council now adjourn until 10 o'clock to-morrow,

Which motion prevailed, and

Mr. President announced that the Council stood adjourned until 10 o'clock a. m. to-morrow.

R. E. WALLACE,
Chief Clerk.

ELEVENTH DAY.

BISMARCK, January 18, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names, except

Messrsr. Cameron and Walsh who were excused.

Mr. Soderberg moved

That the Council now resume the hearing of the contest case of Winship vs. Walsh

Which motion prevailed.

Mr. Van Osdel in the chair.

The contestee offered and read in evidence the depositions of James Ryan, David W. Johnson, Frank Alguire, E.

H. Chilton, S. H. Erwin, R. B. Griffith, John H. Hill, Hugh P. Ryan, John W. Scott, George Salisberg, Richard Tadden, and Michael Callahan.

Contestee also offered in evidence

Poll Book of Rye Precinct,

Poll Book of Gilby Precinct,

Poll Book of Inkster Precinct,

Poll Book of Fifth Ward of the City of Grand Forks,

Certified copy of the vote of Grand Forks County,

Copy of Indictment of the Judge of Election of the Third Ward of the City of Grand Forks, and .

Copy of Indictment of John Steele.

Contestant offered depositions in rebuttal.

Objected to by contestee as the depositions are not in rebuttal.

Contestee waived objections as to the reading of the depositions.

Contestant offered and read in evidence as rebuttal testimony the deposition of Mr. Fishman.

Mr. Poindexter moved

That counsel for contestant be allowed to read such portion of the evidence as he may choose, without interruption,

Which motion prevailed.

Contestant then read the depositions of M. Waagard, Edward O'Connor and W. F. Case.

Counsel for contestant and contestee reported they would require not to exceed one hour each for their arguments.

Mr. Hughes moved

That the Council take a recess until 1:30 o'clock,

Which motion prevailed, and

The chairman announced that the Council was at recess until 1:30 o'clock this afternoon.

The Council was called to order at 1:30 o'clock by Mr. President in the chair.

Mr. President announced that the Council would now resume the consideration of the contest case, Winship vs. Walsh.

The opening argument was made by Mr. Bosard, counsel for the contestant.

Mr. Van Osdel in the Chair.

Mr. Ward followed as counsel for the contestee.

Mr. President in the Chair.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 18, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith,
Council Bill No. 1,

A Joint Resolution, requesting the secretary to furnish certain codes for the members of the Legislative Assembly, Which the House has amended by striking out "one copy of Levisse's Code, and one copy each of all Session Laws published since,"

And your concurrence therein is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

The time allowed counsel for contestee having expired, Mr. Washabaugh moved

That the time allowed the counsel for the contestant and contestee be extended twenty minutes.

Which motion prevailed, and

The counsel for contestee continued his argument.

The closing argument was made by Mr. Bangs for the contestant.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 18, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
Council Bill No. 22,

A Joint Resolution for appointment by the President of the Council and Speaker of the House of a joint committee to investigate the condition of the Territorial Hospital for the Insane at Yankton,

Which the House has passed.

And to inform you that the Speaker of the House has appointed Messrs. Fletcher, Burnham and Hunter as such committee on the part of the House.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
January 18, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 3,

A bill for an act amending Chapter 13 of the Laws of
the Seventeenth Legislative Assembly,

Also,

A substitute for
House Bill No. 12,

A bill to amend an act entitled "An act relating to the
office of notary public,"

Also,

House Bill No. 21.

A bill for an act to amend Section 70 of Chapter 29 of
the Political Code relating to highways, bridges, ferries
and road supervisors,

Also,

House bill No. 27,

A bill for an act to fix the compensation of assessors,

Also,

House Bill No. 30,

A bill for an act to amend Sections 6, 7 and 8 of Chapter
49 of the General Laws of 1879,

Which the House has passed, and your favorable consid-
eration thereof is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

Mr. President announced the appointment of Messrs.
Washabaugh and Campbell as the members of the Joint
Committee on the part of the Council to visit and investi-
gate the condition of the Insane Asylum at Yankton.

Mr. Lowry moved

That the Council now go into Executive Session,
Which motion prevailed.

The Council spent some time in Executive Session.

After the doors were opened

Mr. Cooper asked unanimous consent to make a report
from the Committee on Education.

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

Resolved, That we find on the issues joined in this contest for the contestee, George H. Walsh, and against the contestant, George B. Winship, and the said George H. Walsh having received the highest number of votes for the office of Councilman for the Nineteenth Legislative District of the Territory of Dakota, is hereby declared to be entitled to a seat in this body as the member from said district.

The roll being called there were ayes, 15; nays, 7;

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Cooper, Dollard, Glaspell, Halley, Hughes, McDonald, Miller, Patten, Poindexter, Ryan, Van Osdel, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Atkinson, Crawford, Ericson, Harstad, Lowry, Soderberg,, Woolshier.

Absent and not voting:

Messrs. Cameron, Walsh.

So the motion prevailed.

Mr. Hughes moved

That the Council now adjourn.

Which motion prevailed and

Mr. President announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

TWELFTH DAY.

BISMARCK, January 19, 1889.

Council met pursuant to adjournment, and was called to order by Mr. Van Osdel in the chair.

Mr. Cooper moved

That no quorum being present the Council now adjourn.

Which motion prevailed and

The Chairman announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

FOURTEENTH DAY.

BISMARCK, January 21, 1889.

The Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the chaplain.

The roll was called and all the members responded to their names, except

Messrs. Cameron, Harstad, Lowry, and Washabaugh, who were excused upon motion of Mr. Hughes.

Mr. Van Osdel moved

That the reading of the Journals of Thursday, Friday and Saturday be dispensed with.

Which motion prevailed.

Mr. Ericson moved

That a committee of two be appointed by the President to examine and report upon the correctness of the Journals of Thursday, Friday and Saturday.

Which motion prevailed, and

Mr. President appointed as such committee Messrs. Ericson and Crawford.

REPORTS OF STANDING COMMITTEES.

The following reports were received from standing committees:

MR. PRESIDENT:

Your committee on public health having had under consideration

Council Bill No. 31,

A bill for an act to amend Chapter 43 of the Session Laws of 1885, relating to the practice of dentistry.

Recommend that the said bill be amended by providing that Section 9 of said Chapter 43 be amended so as to read as follows:

SEC. 9. Any person who shall knowingly and falsely claim, or pretend to have or own a certificate of license, diploma or degree granted by any society, or who shall falsely and with intent to deceive the public, claim or pretend to be a graduate from any incorporated dental college, not being such graduate, or shall fail to cause his or her certificate of license, diploma or degree to be registered with the register of deeds of any county before he or she engages in the practice of dentistry therein, shall be deemed guilty of a misdemeanor, and shall be liable to the same penalty as provided in Section 6 of this act,

And that the bill as so amended do pass.

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT:

The Committee on Revenue to which was referred
House Bill No. 25,

A Joint Resolution providing for the appointment of a joint committee to report a bill for the extension of taxes,

Report the same with the recommendation that it do pass.

M. H. COOPER,
Chairman.

MOTIONS AND RESOLUTIONS.

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

Resolved, That all bills in possession of the Committee on Revenue relative to the extension of taxes be recalled and referred to the joint committee to be appointed.

Which motion prevailed.

Mr. Glaspell moved

That the rules be suspended and House Bill No. 25 be taken up, read the third time and put on its final passage.

Which motion prevailed, and

House Bill No. 25,

Joint Resolution providing for the appointment of a joint committee to report a bill for the extension of taxes,

Was read the third time, and

The question being shall the bill pass,

The roll being called there were, ayes, 18; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford,

Dollard, Ericson, Glaspell, Halley, Hughes, McDonald, Miller, Poindexter, Soderberg, Van Osdel, Walsh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Cameron, Harstad, Lowry, Patten, Ryan and Washabaugh.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Mr. President then announced Messrs. Allin, Walsh and Crawford as such committee on the part of the Council.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Stimmel introduced—

Council Bill No. 110,

A bill for an act to provide for the protection and regulation of primary elections.

Which was read the first time.

Mr. Stimmel introduced—

Council Bill No. 111.

A bill for an act to amend Section 2, Chapter 52 of the Session Laws of 1879, relating to the advisability of a certain class of testimony in certain cases,

Which was read the first time.

Mr. Stimmel introduced—

Council Bill No. 112,

A bill for an act to secure more fully the independence of electors at public elections, to enforce the secrecy of the ballot, and to provide for the printing and distribution of ballots at public expense,

Which was read the first time.

Mr. Cooper introduced—

Council Bill No. 113,

A bill for an act to establish a public school law for Dakota,

Which was read the first time.

Mr. Miller introduced—

Council Bill No. 114,

A bill for an act entitled "An act providing for and regulating the foreclosure of chattle mortgages."

Which was read the first time.

Mr. McDonald introduced—

Council Bill No. 115,

A bill for an act to provide for an agricultural college fund for North Dakota, and providing for the erection and construction of an agricultural college at Valley City, Dakota.

Which was read the first time.

Mr. Van Osdel introduced—

Council Bill No. 116,

A bill for an act to provide for Normal departments in private institutions of learning,

Which was read the first time.

Mr. Van Osdel introduced—

Council Bill No. 117,

A bill for an act relating to publishing notices of mortgages and probate sale,

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 118,

A bill for an act entitled "An act providing for the election of general of the militia."

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 119,

A bill for an act entitled "An act amending Section 7 of Article 16 of Chapter 73 of the acts of the Seventeenth Legislative Assembly, relating to the incorporation of cities,"

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 120,

A bill for an act entitled "An act to provide security to the public against error, omission and defects in abstracts of title to real estate."

Which was read the first time.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Walsh moved

That the House amendments to Council Bill No. 1 be concurred in.

Which motion was lost.

Mr. Walsh moved

That a committee of three be appointed by Mr. President to confer with a like committee from the House on Council Bill No. 1,

Which motion prevailed and
 Mr. President announced Messrs. Walsh, Hughes and
 Poindexter as such committee.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 83,

A bill for an act entitled "An act prescribing the mode
 of making assessment, and the levy and collection of taxes,
 and for other purposes relating thereto,"

Was read the second time and
 Referred to the Committee on Revenue.

Council Bill No. 98,

A bill for an act to establish and locate a soldiers and
 sailors' home in the territory of Dakota.

Was read the second time and
 Referred to the Committee on Public Buildings.

Council Bill No. 99,

A bill for an act entitled "An act to provide for the in-
 surance of crops against loss or damage by hail,"

Was read the second time and
 Referred to the Committee on Insurance.

Council Bill No. 100,

A bill for an act to amend Chapter 112, Session Laws of
 1883,

Was read the second time and
 Referred to the Committee on Counties.

Council Bill No. 101,

A bill for an act prohibiting the recording and filing of
 deeds and other instruments of title until taxes are paid,

Was read the second time and
 Referred to the Committee on Revenue.

Council Bill No. 102,

A bill for an act requiring clerks to advise county audi-
 tor of officers elected, etc.

Was read the second time and
 Referred to the Committee on Elections.

Council Bill No. 103,

A bill for an act to amend Chapter 51 of the Session
 Laws of 1887, entitled "An act providing for certain legal
 printing and fixing the compensation therefor,"

Was read the second time and
 Referred to the Committee on Judiciary

Council Bill No. 104.

A bill for an act, entitled "An act to change the name of Amund Amundson to Amund A. Boe,"

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 105.

A bill for an act to amend Section 658 of the Civil Code of the Territory, relating to acknowledgment of instruments,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 106.

A bill for an act entitled "An act making appropriation for the current expenses of the University of North Dakota,"

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 107.

A bill for an act entitled "An act to provide funds for the construction of a dormitory and gymnasium and other purposes of the University of North Dakota,"

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 108.

A bill for an act entitled "An act to change the name of the religions corporation incorporated under the title of The First Bohemian Presbyterian Church of Dakota,"

Was read the second time, and

Referred to the Committee on Incorporations.

Council Bill 109.

A bill for an act providing for the exemption from taxation of fifty dollars in valuation of every quarter section of land in this Territory for each acre of trees grown or growing thereon, not to exceed ten acres,

Was read the second time and

Referred to the Committee on Revenue.

FIRST READING OF HOUSE BILLS.

House Bill No. 3.

A bill for an act amending Chapter 13 of the Laws of the Seventeenth Legislative Assembly,

Was read the first time.

House Bill No. 12.

A bill to amend an act entitled "An act relating to the office of notary public."

Was read the first time.

House Bill No. 21,

A bill for an act to amend Section 70 of Chapter 29 of the Political Code relating to highways, bridges, ferries and road supervisors.

Was read the first time.

House Bill No. 27,

A bill for an act to fix the compensation of assessors.

Was read the first time.

House Bill No. 30,

A bill for an act to amend Sections 6, 7 and 8 of Chapter 49 of the General Laws of 1879.

Was read the first time.

House Bill No. 33.

A bill for an act to amend Article 7 of Chapter 12 of the Code of Civil Procedure.

Was read the first time.

House Bill No. 50,

A Joint Resolution providing for the furnishing of certain newspapers to members.

Was read the first time.

House Bill No. 52,

A bill for an act to amend an act entitled "An act to define the Sixth Judicial District of the Territory of Dakota, to subdivide the same, to fix the terms of court therein, and to attach the county of Pierce to the county of McHenry for judicial purposes,"

Was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 6.

A bill for an act entitled "An act to Repeal Chapter 84 of the General Laws of 1885,"

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 8,

A bill for an act increasing the term of residence required before beginning a suit for divorce,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 13,

A bill for an act to amend Sections 14 and 47, of Chapter 27, of the Political Code, relating to the qualification of voters,

Was read the second time and
Referred to the Committee on Elections.

House Bill No. 20,

A bill for an act to amend Section 6, Chapter 121, of the laws of 1887,

Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 29,

A bill for an act to repeal Article 1, Chapter 11, and Sections 721 to 733 inclusive of Chapter 35 of the Code of Civil Procedure, relating to arrest and bail,

Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 65,

Joint Resolution providing for the appointment of certain committees,

Was read the second time and
Referred to the Committee on Territorial Affairs.

House Bill No. 66.

Joint Resolution relative to a provision by the Territorial Auditor of rooms for the committees of the Eighteenth Legislative Assembly, and the furnishing, heating and lighting the same,

Was read the second time, and
Referred to the Committee on Public Buildings.

THIRD READING OF HOUSE BILLS.

House Bill No. 36,

A Joint Resolution providing for certain printing,

Was read the third time and

The question being upon the report of the Committee on Public Printing,

The report was adopted.

Mr. Van Osdel moved

That House Bill No. 36 be recommitted to the Committee on Public Printing.

Which motion was lost, and

The question being shall the bill pass

The roll being called there were ayes, 16; nays, 3.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Cooper, Crawford, Dollard, Ericson, Halley, Hughes, McDonald, Miller, Patten, Poin-dexter, Ryan, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Glaspell, Soderberg, Van Osdel.

Absent and not voting:

Messrs. Allin, Cameron, Harstad, Lowry and Washa-baugh.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

House Bill No. 1,

A bill for an act authorizing counties to issue bonds to provide seed wheat for settlers.

Mr. Hughes moved

That the consideration of House Bill No. 1 be made special order for 3 o'clock to-morrow.

Which motion prevailed.

Mr. Campbell moved

That Council Bill No. 17

Be recalled from the Committee on Judiciary and re-ferred to the Committee on Incorporations.

Which motion prevailed, and

Council Bill No. 17

Was referred to the Committee on Incorporations.

Mr. Patten asked unanimous consent to make a report.

There being no objections, Mr. Patten made the follow-ing report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report Council Bills Nos, 13, 14 and 97

As properly engrossed and enrolled.

J. H. PATTEN,
Chairman.

Mr. Van Osdel moved

That Council Bill No. 103

Be recalled from the Committee on Judiciary and be re-ferred to the Committee on Public Printing.

Which motion was lost.

Mr. President announced

That he had placed his signature to Council Bills Nos. 13, 14 and 97.

Mr. President announced the Committee on Temperance as follows:

Messrs. Harstad, Crawford, Allin, Atkinson Soderberg.

Mr. Ericson moved

That the Council do now adjourn

Which motion prevailed, and

Mr. President announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

FIFTEENTH DAY.

BISMARCK, January 22, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names except Mr. Cameron, who was excused.

The Journal of yesterday was read and approved.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
January 22, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 24,

A bill for an act to amend Section 38 of Chapter 28 of the Political Code, as amended by Chapter 143, Laws of 1887,

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

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
January 22, 1889. }

MR. PRESIDENT:

I have the honor to inform you that the Speaker of the House has appointed Messrs. White, Newman and Wellcome as House members of the Conference Committee on Council Bill No. 1,

A Joint Resolution requesting the Secretary to furnish certain codes for members of the Legislative Assembly.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
January 22, 1889. }

MR. PRESIDENT:

I have the honor to inform you that the Speaker of the House has appointed Messrs. Burnham, Mallory and Patridge as House members of a Joint Committee to report a bill for the extension of taxes, as provided in House Bill No. 25.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Lowry asked unanimous consent to be recorded as voting "no" on the resolution passed on Friday last declaring Mr. Walsh entitled to the seat in this Council as member from the 19th Legislative District.

The request was granted, and

The Chief Clerk instructed to change the Journal of the 18th inst. accordingly,

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT :

Your Committee on Engrossed and Enrolled Bills report Council Bill No, 22,

As properly engrossed and enrolled.

J. H. PATTEN,
Chairman.

MR. PRESIDENT :

The Committee on Insurance to whom was referred Council Bill No. 99,

A bill for an act entitled "An act to provide for the insurance of crops against loss or damage by hail."

Have had the same under consideration and herewith re-

turn the same with the recommendation that it do not pass.

ROGER ALLIN,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary have had under advisement,

Council Bills No. 7, 8, 49, 27, 104, 79 and 85, and respectfully recommend that

Council Bill No. 7, .

A bill for an act to amend Section 1,100 of the Civil Code,

Be reported back and referred to the committee on Banks and Banking, for the reason that the Committee to which we recommend this bill be sent, have already had committed to them bills of a similar nature.

Also recommend that

Council Bill No. 8,

A bill for an act to repeal Chapter 126 of the Session Laws of 1885,

And Council Bill No. 49,

A bill for an act to amend an act entitled "An act to provide for the establishment of a board of railroad commissioners, defining their duties, and to regulate the receiving and transportation of freight on railroads in this territory, approved March 6, 1885,

Be reported back and referred to the Committee on Railroads, for the reason that the Committee to which we recommend these bills be sent, have already had committed to them bills of a similar nature.

Also,

Council Bill No. 27,

A bill for an act relating to costs in justification of sureties.

That it be amended by adding to Section 1, after the word "justification," the following: "The cost of said justification shall be returned by such officer with his report of the same, and shall be taxed by the Court in which the action is pending as other costs are taxed," and as amended that it pass.

Also,

Council Bill No. 104,

A bill for an act entitled "An act to change the name of Amund Amundson to Amund A. Boe,"

Be reported back with the recommendation that it do not pass, for the reason that it is in conflict with Section 1 of the Act of Congress of July 30, 1886, prohibiting special legislation, and especially such as the bill under consideration, changing the name of a person.

Also,

Council Bill No. 85,

A bill for an act relating to fees for discharging mortgages of record.

And recommend that the same be passed.

Also,

Council Bill No. 79.

A bill for an act entitled "An act to amend Chapter 647 of the Code of Civil Procedure,"

And recommend that it do not pass.

S. L. GLASPELL,
Chairman.

MR. PRESIDENT:

Your Committee on Insurance, to whom was referred Council Bill No. 32,

A bill for an act entitled "An act to amend Chapter 69 of the Session Laws of 1885, relating to Insurance,"

Have had the same under consideration and herewith return the same with a recommendation that there be substituted for section two (2) of said bill, to-wit:

SEC. 2. Whenever a total loss covered by an insurance policy shall have been sustained the insurance company liable therefor shall pay the full amount of the policy thereon, and the liability of said company shall not be discharged by rebuilding the buildings destroyed unless by written consent of the insured.

And with this amendment recommend that the bill do pass.

ROGER ALLIN,
Chairman.

MR. PRESIDENT:

Your Committee on Counties, to whom was referred Council Bill No. 12,

A bill for an act providing for township organization.

Beg leave to report that we have had the same under consideration, and we herewith return the same with the recommendation that it pass.

COE I. CRAWFORD,
Chairman.

MR. PRESIDENT:

Your Committee on Counties, to whom was referred Council Bill No. 59,

A bill for an act to provide for the keeping of certain transfer and plat books by county auditors,

Beg leave to report that they have had the same under consideration and herewith return same with recommendation that it do not pass.

COE I. CRAWFORD,
Chairman.

REPORTS OF SPECIAL COMMITTEES.

MR. PRESIDENT:

Your committee to which was referred the Council Journals of January 17th, 18th and 19th report that they have examined the same and find them correct.

E. C. ERICSON,
COE I. CRAWFORD.

MR. PRESIDENT:

Your special joint committee to whom was referred the matter of presenting a bill for the extension of time for the payment of the taxes for the year 1888, beg leave to report that they have had the same under consideration, and they hereby recommend the passage of

Council Bill No. 44,

With the following amendment:

That Section 1 of said bill be amended by striking out the word "July" in the 7th line of said section and inserting in lieu thereof the word "June."

That said bill amended as above be passed.

ROGER ALLIN,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS

Mr. Stimmel introduced (by request)—

Council Bill No. 121,

A bill for an act to fix the compensation of judges of Probate Court and to provide a fund to reimburse the county for the same and to provide clerks for Probate Courts,

Which was read the first time.

Mr. Glaspell introduced—

Council Bill No. 122,

A bill for an act to provide for a system of territorial accounts,

Which was read the first time.

Mr. Poindexter introduced—
Council Bill No. 123,

A bill for an act to amend Section 1 of Chapter 63 of the Laws of the Sixteenth Legislative Assembly, entitled "An act establishing Territorial and County Boards of Health and providing for the protection of the health of persons and animals,"

Which was read the first time.

Mr. Dollard introduced—
Council Bill No. 124,

A bill for an act entitled. "An act to provide for the relocation of county seats in counties where the same are not located on the line of a railroad and there are no public buildings thereat, or the same are not constructed of brick or stone,

Which was read the first time.

Mr. Hughes introduced—
Council Bill No. 125,

A bill for an act to authorize the Attorney General to appoint an Assistant Attorney General,

Which was read the first time.

Mr. Hughes introduced—
Council Bill No. 126,

A bill for an act to require non-resident and foreign corporation plaintiffs to give security for costs, and to repeal Sections 397 and 400 of the Code of Civil Procedure, relating to security for costs,

Which was read the first time.

Mr. Hughes introduced—
Council Bill No. 127,

A bill for an act to amend section 579 of the Penal Code of the Territory of Dakota,

Which was read the first time.

Mr. Hughes introduced—
Council Bill No. 128,

A bill for an act to make persons holding unrecorded conveyances bound by decrees entered in actions to foreclose liens,

Which was read the first time.

Mr. Hughes introduced—
Council Bill No. 129,

A bill for an act to provide for the appointment of Trustees for the several public institutions of the Territory of

Dakota and to define their terms of office, duties and compensation.

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 110,

A bill for an act to provide for the protection and regulation of primary elections.

Was read the second time and

Referred to the Committee on Elections.

Council Bill No. 111,

A bill for an act to amend Section 2, Chapter 52 of the Session Laws of 1879, relating to the admisibility of a certain class of testimony in certain cases.

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 113,

A bill for an act to establish a public school law for Dakota,

Was read the second time and

Referred to the Committee on Education.

Council Bill No. 114,

A bill for an act entitled "An act providing for and regulating the foreclosure of chattel mortgages,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 115,

A bill for an act to provide for an agricultural college fund for North Dakota, and providing for the erection and construction of an agricultural college at Valley City, Dakota,

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 116,

A bill for an act to provide for normal departments in private institutions of learning,

Was read the second time and

Referred to the Committee on Education.

Council Bill No. 117,

A bill for an act relating to publishing notices of mortgages and probate sale,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 118,

A bill for an act entitled "An act providing for the election of general of the militia,"

Was read the second time and

Referred to the Committee on Military Affairs.

Council Bill No. 119,

A bill for an act entitled "An act amending Section 7 of Article 16 of Chapter 73 of the acts of the Seventeenth Legislative Assembly, relating to the incorporation of cities,"

Was read the second time and

Referred to the Committee on Cities and Municipal Corporations.

Council Bill No. 120,

A bill for an act entitled "An act to provide security to the public against error, omission and defects in abstracts of title in real estate,"

Was read the second time and

Referred to the Committee on Judiciary.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 31,

A bill for an act to amend Chapter 43 of the Session Laws of 1885, relating to the practice of dentistry,

Was read the third time, and

The question being upon the report of the Committee on Public Health,

The report was adopted, and

The question being shall the bill pass,

The roll being called, there were ayes 23; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Mr. Cameron being absent.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Walsh asked unanimous consent to make a report.

There being no objection,

Mr. Walsh made the following report:

MR. PRESIDENT:

The Conference Committee, to whom was referred
Council Joint Resolution No. 1,

Providing for furnishing Codes. etc., for use of the members of the Legislature,

Have had the same under consideration and recommend that the House amendments, striking out one copy of Levissee's Code, be concurred in. and that the House recede from its amendment striking out the provisions providing for the Session Laws, and further, that the bill be amended so as to include all sessions since 1877, which the Secretary may have.

GEO. H. WALSH,
Chairman.

Mr. Walsh moved,

That the report of the Conference Committee be adopted,
Which motion prevailed.

Mr. President announced,

That he had signed Council bill No 22.

SPECIAL ORDERS.

The hour for the special order of the day having arrived, the Council took up the consideration of
House Bill No. 1,

A bill for an act authorizing counties to issue bonds to provide seed wheat for settlers.

Mr. Miller offered the following amendment and moved its adoption:

1. All persons wishing to avail themselves of the benefit of this act shall file with the county auditor of the county where said applicant resides on or before the 1st day of April, A. D. one thousand, eight hundred and eighty-nine (1889), an application duly sworn to before said county auditor, which application shall be attested by at least two (2) witnesses. Said application shall contain a true statement of the number of acres the applicant has plowed, or prepared for seeding, how many acres the applicant intends to have plowed and prepared for seeding before seeding time; how many bushels are necessary and what kind of wheat to seed the ground so prepared, as aforesaid. That said applicant's crop was in the year one thousand, eight hundred and eighty-eight entirely destroyed by drouth, frost, hail or fire, or if only partially destroyed, how many bushels the applicant harvested in the year one thousand,

eight hundred and eighty-eight, and each kind of grain. Also what amount of seed grain said applicant desires to borrow of said county. That the applicant has not procured and is unable to procure the necessary seed grain. Also that the applicant desires the same for seed grain and for no other purpose, and that the applicant will not sell or dispose or use the same or any part thereof. Said application shall also contain a true and full description of all real and personal property owned by the applicant, and whether encumbered or otherwise, and also the government subdivision or subdivision upon which the party intends to sow said seed.

2. Said applications shall be filed in said county auditor's office and be open to public inspection, and no applicant shall be entitled to or receive any of the benefits of this act unless on or before the first day of April, one thousand, eight hundred and eighty-nine, the applicant shall have made and filed with the county auditor of the county in which the applicant resides, the application as required and in the manner and form mentioned in Section — of this act.

Which motion prevailed.

Mr. Crawford offered the following amendment and moved its adoption:

That Section 1 of said bill be amended by prefixing to the first word of said Section 1 of said bill the words, "Whenever one-third of the adult persons of any county actually engaged in the business of farming, shall petition the Board of County Commissioners of such county, asking that said Board proceed under the provision of this act."

Mr. Hughes moved

To strike out the words "one-third of the adult persons of" and insert in lieu thereof "a number of voters equal to one-third of the vote at the last general election in."

Which motion prevailed and

The question being upon the adoption of the amendment offered by Mr. Crawford,

The amendment was adopted.

Mr. Ericson offered the following amendment and moved its adoption:

Strike out "drouth, hail or fire" wherever occurring in bill.

Which motion prevailed.

Mr. Glaspell offered the following amendment and moved its adoption:

That Section 2 of the printed bill be amended by adding in line 2 of said section after the word "bidder" the words "by the county treasurer," and by striking out from line 8 of said section the words "county commissioners" and inserting in lieu thereof the words "county treasurer."

Which motion was lost.

Mr. Allin offered the following amendment and moved its adoption:

That Section 13 read as follows:

SEC. 13. The Board of County Commissioners of any county having funds in its treasury, not otherwise appropriated, may at the time, and subject to all the conditions and limitations in this act contained, appropriate any portion thereof, not exceeding the sum of twenty-five thousand dollars for the purpose specified in this act.

That Section 13 of said act be numbered Section 14.

Which motion prevailed.

Mr. Hughes offered the following amendment and moved its adoption.

That section three be amended by adding after the word "deposited," at the end of line 1, the words "by the purchaser thereof."

Which motion prevailed.

Mr. Ericson offered the following amendment and moved its adoption:

Amend Section 13 by striking out the words "and the words its passage inserted after the word after."

Which motion prevailed.

Mr. Dollard offered the following amendment and moved its adoption:

Amend Section 12 so as to add thereto: "Provided, That nothing in this act shall apply to any county south of the Seventh standard parallel,"

Which motion was lost.

Mr. Washabaugh moved

That House Bill No. 1

Be engrossed before being put upon its final passage.

Which motion prevailed.

Mr. Miller in the chair.

EXECUTIVE COMMUNICATION.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
January 22, 1889. }

To the Legislature:

I respectfully call your attention to the condition of the Territorial Treasury and herewith submit a communication from the Treasurer. The Governor, Auditor, Treasurer and Attorney General, or a majority of them, comprise the Territorial Board of Equalization, and are required to convene on the second Monday in August of each year for the purpose of adjusting the Territorial tax levy. The Board in August, 1886, fixed the rate of territorial tax at two and four-tenths mills on an assessed valuation of one hundred and thirty-two million dollars. The revenue to be derived therefrom was for the expense of government for 1887. This rate was the lowest ever levied, and including the amount or share of Territorial tax received from railroads, produced a revenue for 1887 of \$363,645.34, which amount was \$81,411.95 less than the running expenses of the government for the year previous to the making of such levy, which expenses amounted to \$445,057.49 to November 30, 1885. The tax levy for Territorial purposes is limited to three mills on the dollar, and the Board of Equalization in 1886 had a margin of six-tenths mills, and the tax rate could and should have been at least sufficient to raise an amount of revenue equal to the cost of government for the previous year, and especially in view of the fact that large deficiencies were accruing and did accrue to the extent of \$53,805.16, which the Legislature (then within five months of its session) partly provided for. The accruing of this deficiency must have been known to the Board of Equalization, and should have been provided for in such levy; and also, provision should have been made for the increased expenditure incidental to the approaching session of the Legislature, and reasonable provision should have been made for appropriations.

The deficiency for militia purposes up to and previous to March 5, 1887, was \$14,432.16 in excess of the amount appropriated by law and which has never been legalized. The amount reported in the treasury (general fund) November 30, 1886, was \$227,169.87. Between November 30, 1886, and January 1, 1887, there was paid \$19,931.80 of warrants, reducing said surplus to \$207,238.07. The expense of the Legislative Session of 1887 was \$23,512.20. This with the deficiencies of \$53,805.16 left an available

balance of \$129,920.71 after all obligations were provided for and discharged.

The inadequate law of 1886, together with the expenditures authorized by the Legislature of 1887, produced a deficiency in the Territorial revenue as is shown by the following table:

Appropriations for the two years ending	
March 12, 1889	\$1,414,037 45
Authorized expenditures on account of stand-	
ing appropriations, etc.....	151,214 59
Interest on bonded indebtedness	94,094 21
Total authorized expenditures for two years...	\$1,659,346 28

RECEIPTS FOR 1887.

Cash on hand March 12, 1887	\$ 191,452 01
Railroad tax.....	42,795 58
From counties.....	273,853 41
All other sources	18,593 72
Net proceeds from bonds	532,584 60

RECEIPTS FOR 1888.

Railroad tax	\$ 38,803 77
Telegraph tax.....	1,259 39
From counties.....	411,361 03
All other sources.....	26,184 26

Total receipts for the period, including cash on hand.....\$1,536,851 77

The above circumstances have necessitated the using of such surplus as may have been on hand, and consequently the cost of the government is in excess of its revenue. At the last session of the Legislature through the action of the Governor, appropriations amounting to upwards of \$400,000 were prevented. The present Executive assumed the duties of his office February 17, 1887,—three weeks before the Legislature adjourned—and the present Territorial officers assumed the duties of their respective offices after March 11, 1887. There is no occasion, however, for any apprehension regarding the Territorial finances. A very reasonable increase of the tax rate will be sufficient for a healthy surplus. I would suggest to your Honorable body the propriety of appointing a Joint Committee of the Council and House to confer with the Treasurer and the Ex-

ecutive for the purpose of taking into consideration and providing for proper legislation.

Respectfully, LOUIS K. CHURCH,
Governor.

TERRITORY OF DAKOTA, }
TREASURER'S OFFICE, }
Bismarck, January 22, 1889. }

Hon. Louis K. Church, Governor:

DEAR SIR: I respectfully submit for your consideration the accompanying statement of the condition of the treasury on January 1, 1889, showing a deficit in the General Fund of \$23,002.12, and cash on hand amounting to \$123,002.12. On January 1, 1888, there was in the General Fund \$65,368.65, and in November of that year a deficit of about \$65,000. As there were other funds then that could temporarily be used to meet this deficiency, the inconvenience to the Territory was not serious, and I deemed it best to use these idle funds rather than allow warrants drawn against the General Fund to go unpaid, or, to resort to temporary loans, either of which would have been an expense of the Territory. On January 1st, 1889, the General Fund was overdrawn \$23,237.98, or had to its credit nearly \$90,000 less than a year previous, and as this year its receipts will be no greater than last year's, it is evident that with the same disbursements, the General Fund on November 1st, 1889, would be overdrawn over \$100,000. Before that time the funds which in 1888 gave relief will be entirely exhausted, and means will have to be devised by the Legislature for the replenishment of the General Fund. It is also proper here to state that our receipts this year from all sources will not exceed \$450,000, that our disbursements will not be less than \$600,000, and consequently the present limit of three mills tax for Territorial purposes is too low.

Very respectfully,
JOHN D. LAWLER,
Treasurer.

STATEMENT.

Balances January 1, 1889.

	Dr.	Cr.
General Fund.....	\$23,237 98	
Bond Interest Fund.....	719 13	
Dakota University.....		\$ 46 33
Madison Normal School.....		547 80

	Cr.	Dr.
North Dakota University.....	\$	930 99
Dakota Hospital.....		27,697 96
North Dakota Hospital.....		8,901 90
Agricultural College.....		742 48
Reform School.....		156 00
Deaf Mute School.....		69 60
Spearfish Normal School.....		136 00
Bismarck Penitentiary.....		7,000 00
Railroad Commission.....		52 71
Stock Indemnity Fund.....		20 04
School of Mines.....		176 91
School Fund.....		480 51
Cash.....	23,002 12	
Total.....	\$46,959 23	\$46,959 23

Mr. President in the chair.

Mr. Crawford moved

That the Council do now adjourn.

Which motion prevailed, and

Mr. President announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

SIXTEENTH DAY.

BISMARCK, January 23, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names.

The Journal was partially read when

Mr. Walsh moved

That the further reading of the Journal be dispensed with.
Which motion prevailed.

EXECUTIVE COMMUNICATION.

A sealed communication from His Excellency, the Governor, having been received

Mr. Lowry moved that the Council do now go into Executive session,

Which motion prevailed.

The Chambers were cleared, the doors closed, and

The Council spent some time in executive session.

The doors were opened

Mr. Miller in the Chair.

PETITIONS AND COMMUNICATIONS.

The following petitions were received and referred to committees as follows:

To the Legislative Assembly of the Territory of Dakota:

We, the undersigned barbers of the city of Fargo, Dak., do respectfully petition your honorable body to pass the Council Bill introduced by the Hon. George H. Walsh, relating to the closing of barber shops on Sunday throughout the Territory.

E. A. FITZGERALD,
And 14 others of Fargo.

Which was referred to the Committee on Temperance.

Hon. Smith Stimmel, Bismarck, D. T.

DEAR SIR: As secretary of the Farmers' Institute, held at Casselton, Dak., January 16 and 17, 1889, I was instructed to forward to you the following resolutions, passed as expressing the sentiments and wishes of the members present. Hoping they will receive your careful consideration:

WHEREAS, We, a considerable number of the representative farmers of the Red River valley, for the two days last past, have been assembled in various sessions in the capacity of a Farmer's Institute at its inaugural meeting, for the purpose of mutual edification, and

WHEREAS, We have not only been greatly profited and instructed in listening to the lectures delivered and illustrated by the several speakers, and in the interesting social intercourse we have been permitted to enjoy, but also have become, if possible, more fully convinced that the Farmers' Institute should become a permanent institution in Dakota, supported by an appropriation from the public funds, therefore be it

Resolved: As the sense of the citizens here assembled, that we respectfully request the members of the Legislature now in session at Bismarck, to take the proper steps to at once place the Farmers' Institute work among the leading interests receiving their attention, submitting the immediate supervision of the institute to the charge and direction of the Territorial Agricultural Board, and, further, to make appropriation of at least \$5,000 per annum for the support of the work so earnestly desired and so obviously and urgently demanded; and be it further

Resolved, That we believe it to be to the best interests of our people that an experimental farm, at as early a date as practicable, should be established at some central point in the Red River Valley, and placed upon a footing that will insure success, by appropriating sufficient funds to place the farm on a self-supporting basis. We emphatically suggest the Red River Valley for the plain reason that the experiments made elsewhere and upon soil different from that peculiar to our valley, would not apply here.

Yours truly,

W. W. CORBETT.

Which was referred to the Committee on Agriculture.

To the Legislative Assembly of the Territory of Dakota:

Your petitioners respectfully represent:

That Jacob Lee and Christopher Thompson were killed by falling walls in October, 1888, without any fault or neglect of their own, while in due performance of their duties as employes in the construction of the Dakota Hospital for the insane, at Yankton, Dakota. That they leave families dependent upon them for support;

That in June, 1886, Mrs. Rannie Voguild, while in due performance of her duties as an employe of said hospital, and with no fault or neglect on her part, was injured by the permanent loss of the use of her right hand, by a defective ironing machine;

That all these persons, with their families, were and are highly respectable and worthy people, of limited means,

Wherefore petitioners respectfully request that your honorable body may by due legislative enactment make requisite provision for relief.

And your petitioners will ever pray, etc.

WM. F. ELDRIDGE

and 154 others.

Which was referred to the Committee on Appropriations.

To the Council and House of Representatives of the Territory of Dakota in Legislature Assembled:

Your petitioners, the citizens and taxpayers of Union County, Dakota, would respectfully petition and request:

1. That you repeal Chapter 99 of the Session Laws of 1883, known as the Gross Earnings Law. We believe said law to be in conflict with the organic act and the Constitution of the United States, and we further believe that the object and design of the Statute in question is to relieve certain classes of property from bearing a just and fair share of the burden of taxation, to the great injury and at the expense of other classes.

2. That you repeal Chapter 43 of the Session Laws of 1883, and re-enact Chapter 15 of the Political Code. We ask this change for the furtherance of justice and with regard to economy.

3. That you enact a law providing for bonds for costs in criminal actions.

And your petitioners, as in duty bound, will ever pray.

W. F. STECKMAN,

And 249 others of Union county,

Which was referred to the Committee on Railroads.

To the Legislature of the Territory of Dakota:

The undersigned petitioners, residents of the County of Brookings and taxpayers therein, ask your honorable body to make no change in the present Militia Laws of the Territory that will discontinue the annual encampment prescribed therein as recommended. And we further ask that the present appropriation be continued, if not increased.

P. C. MURPHY,

And 204 others.

Which was referred to the Committee on Military Affairs.

To the Honorable Members of the Legislative Assembly of the Territory of Dakota, Bismarck, Dakota:

We, the undersigned citizens of Dakota Territory over twenty-one years of age, petition your honorable body to enact a law granting the elective franchise to the women of Dakota, on the same terms as to men.

We ask this as a matter of expediency, believing her to be, as a class, as sober, as moral and as capable as he. We ask it as a matter of justice, because she submits to the laws and pays her proportion of the tax; because it will better harmonize with the age in which we live, and promote sobriety, peace, morality, education and prosperity.

EMMA A. CRANMER,

And 46 others, of Ipswich.

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of Dakota Territory, over twenty-one years of age, petition your honorable body to enact a strict prohibitory liquor law containing adequate provisions for its enforcement and also providing very heavy fines, penalties, and forfeitures for its violation, and for such your petitioners will ever pray.

MRS. JESSIE PAXTON,

And 254 others of Roscoe.

Which was referred to the Committee on Temperance.

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of Dakota Territory, over twenty-one years of age, petition your honorable body to

enact a strict prohibitory liquor law containing adequate provisions for its enforcement and also providing heavy fines, penalties and forfeitures for its violation, and for such your petitioners will ever pray.

L. M. WYLIE,
And 934 others of Drayton,

Which was referred to the Committee on Temperance.

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of Dakota Territory, over twenty-one years of age, petition your honorable body to enact a strict prohibitory liquor law containing adequate provisions for its enforcement and also providing very heavy fines, penalties and forfeitures for its violation, and for such your petitioners will ever pray.

EMMA A. CRANMER,
And 60 others of Ipswich.

Which was referred to the Committee on Temperance.

To the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of Dakota Territory, over twenty-one years of age, petition your honorable body to enact a strict prohibitory liquor law containing adequate provisions for its enforcement and also providing very heavy fines, penalties and forfeitures for its violation, and for such your petitioners will ever pray.

FANNIE E. PROBERT,
And 154 others, of Hamilton.

Which was referred to the Committee on Temperance.

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of Dakota Territory, over twenty-one years of age, petition your honorable body to enact a strict prohibitory liquor law containing adequate provisions for its enforcement and also providing very heavy fines, penalties and forfeitures for its violation, and for such your petitioners will ever pray.

MRS. A. FOLSOM,
And 273 others of Britton,

Which was referred to the Committee on Temperance.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 23, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
Council Bill No. 1,

A Joint Resolution requesting the secretary to furnish
certain Codes for the members of the Legislative Assembly,

And to inform the Council that the House has adopted
the report of the Conference Committee and passed the bill
in accordance with the recommendation of said Conference
Committee.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
January 23, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 37,

A bill for an act to provide for payment of lost or de-
stroyed interest coupons, due July 1, 1886, on Dakota Mad-
ison Normal School bonds,

Which the House has passed and your favorable consid-
eration thereof is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

REPORTS OF STANDING COMMITTEES.

The following reports were received from standing com-
mittees:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled bills report
House Bill No. 1,

As properly engrossed, except as to inserting the num-
bers of the sections.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

Your Committee on Public Buildings having had under
consideration

Joint Resolution No. 66,

Relative to a provision by the Territorial Auditor of

rooms for the committees of the Eighteenth Legislative Assembly and the furnishing heating and lighting of the same,

Herewith return the same with the recommendation that the same do pass.

J. A. WOOLHISER,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary have had under advisement

Council Bills Nos. 4, 6 and 18, and respectfully report as follows:

Council Bill No. 4,

A bill for an act fixing the penalty for willful neglect of officers to make reports required by law, and prescribing the duties of the Attorney General in relation thereto,

Recommend that section 1 in lines 4 and 5 of the printed bill be amended by striking out the words "not less than twenty dollars nor more than five hundred dollars," and substituting the words "one hundred dollars." and, as amended, that it pass.

Also,

Council Bill No. 6.

A bill for an act to provide for the foreclosure of mortgages on real estate by action, and to abolish other methods of foreclosure,

Recommend that section 12 in line 14 of the printed bill be amended by striking out all of said section after the words "earlier sale," and, as amended, that it pass.

Also,

Council Bill No. 18.

A bill for an act to fix the salaries of Judges of Probate Courts,

And recommend that it do not pass.

S. L. GLASPELL,
Chairman.

MR. PRESIDENT:

Your Committee on Agriculture, to whom was referred Council Bill No. 65,

A bill for an act to amend Section 2, Chapter 58, of the General Laws of the Seventeenth Legislative Assembly,

Have had the same under consideration, and herewith return the same with recommendation that it do not pass.

Also,
Council Bill No. 56,

A bill for an act to provide for the destruction of noxious weeds,

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

That the words "natural and artificial" in Section 1, line 8, be stricken out and the words "or corporations" be substituted.

Also add the words "Russian Thistle" to Section 1, in line 13.

And as so amended we recommend that the said bill do pass.

Also,
Council Bill No. 62,

A bill for an act to repeal Chapter 60 of the General Laws of the Seventeenth Legislative Assembly, entitled "An act to prohibit the destruction of beaver in the Territory of Dakota,"

Have had the same under consideration and herewith return the same with recommendation that it do pass.

Also,
Council Bill No. 64,

A bill for an act providing for abolishing the herd law by local option and limiting the vote to owners of agricultural lands,

Have had the same under consideration and herewith return the same with recommendation that it do not pass.

C. A. SODERBERG,
Chairman.

MR. PRESIDENT:

Your Committee on Public Buildings to whom was referred

Council Bill No. 98,

A bill for an act to establish and locate a soldiers and sailors' home in the territory of Dakota,

Beg leave to report that they have had the same under consideration and recommend that the same be amended as follows:

1. That Section 1 and also Section 2 in said act be amended by striking therefrom in lines 2 and 3 of Section 1, and in line 5 in Section 5 the words, "Home for dis-

abled, infirm, decrepit and needy soldiers," and insert in lieu thereof the words, "Soldiers' Home of Dakota."

2. That Section 1 of said bill be further amended by inserting in the sixth line thereof, after the word "value" the words, "known as the Park Hotel, together with the block of land on which the same is situated and 5 acres of land adjoining said block, the same being a part of the public park of the City of Pierre."

3. That Section 3 of said bill be amended by adding thereto the words: "Provided, That in case of a division of the Territory of Dakota, said property granted by the city of Pierre as aforesaid, shall be the exclusive property of that portion in which it is located." We recommend that said bill as thus amended be passed.

J. A. WOOLHISER,
Chairman.

MR. PRESIDENT:

Your Committee on Revenue, to which was referred
Council Bill No. 2,

A bill for an act to repeal the gross earnings law, relative to the levy and collection of taxes on railroad property,

Recommend that said bill be amended by adding to Section 1 (one),

"And all acts and parts of acts by said enumerated acts repealed, are hereby expressly revived and re-enacted; provided, however, that this act shall in no wise affect the levy and collection of taxes upon the property of railroad companies in this territory for the year 1888 (eighteen hundred and eighty-eight)."

Recommend that the bill as amended do pass.

Also,
Council Bill No. 90,

A bill for an act to repeal an act entitled "An act to provide for the construction and maintenance of artesian wells and the assessment and collection of taxes therefor,"

Report the same with the recommendation that it do pass.

M. H. COOPER,
Chairman,

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
 January 23, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
 House Bill No. 15

A bill for an act providing for an extension of the time
 for the payment of taxes for the year 1888,

Which the House has passed, and your favorable con-
 sideration thereof is respectfully requested.

Also,
 House Bill No. 99,

A Joint Resolution providing for the appointment and
 compensation of minor offices of the Eighteenth Legisla-
 tive Assembly,

Which the House has passed and your concurrence there-
 in is respectfully requested.

JOHN G. HAMILTON,
 Chief Clerk.

HOUSE OF REPRESENTATIVES, }
 January 23, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith,
 House Bill No. 113,

A Joint Resolution calling upon the Executive for a re-
 port regarding salaries, expenditures, etc., for clerical
 assistance in his office,

Which the House has passed, and your concurrence
 therein is respectfully requested.

JOHN G. HAMILTON,
 Chief Clerk.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Hughes introduced—
 Council Bill No. 130,

A bill for an act to appropriate funds to pay the North-
 west Grain and Fuel company for electric lights placed in
 the capitol building,

Which was read the first time.

Mr. Hughes introduced—
 Council Bill No. 131,

A bill for an act to amend Chapter 28 of the Code of
 Civil Procedure, relating to the foreclosure of mortgages,

Which was read the first time.

Mr. Cooper introduced (by request)—

Council Bill No. 132,

A bill for an act to amend Sections 1 and 2, Chapter 32, of the Session Laws of 1887, entitled "An act to suppress and prevent the spread of contagious and infectious diseases among domestic animals,"

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 112,

A bill for an act to secure more fully the independence of electors at public elections, to enforce the secrecy of the ballot, and to provide for the printing and distribution of ballots at public expense,

Was read the second time and

Referred to the Committee on Elections.

Council Bill No. 121,

A bill for an act to fix the compensation of judges of Probate Court and to provide a fund to reimburse the county for the same and to provide clerks for Probate Courts,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 122,

A bill for an act to provide for a system of territorial accounts,

Was read the second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 123,

A bill for an act to amend Section 1 of Chapter 63 of the Laws of the Sixteenth Legislative Assembly, entitled "An act establishing Territorial and County Boards of Health and providing for the protection of the health of persons and animals,"

Was read the second time and

Referred to the Committee on Public Health.

Council Bill No. 124,

A bill for an act entitled, "An act to provide for the relocation of county seats in counties where the same are not located on the line of a railroad and there are no public buildings thereat, or the same are not constructed of brick or stone,"

Was read the second time and

Referred to the Committee on Counties.

Council Bill No. 125,

A bill for an act to authorize the Attorney General to appoint an Assistant Attorney General,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 126,

A bill for an act to require non-resident and foreign corporation plaintiffs to give security for costs, and to repeal Sections 397 and 400 of the Code of Civil Procedure, relating to security for costs,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 127,

A bill for an act to amend section 579 of the Penal Code of the Territory of Dakota,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 128,

A bill for an act to make persons holding unrecorded conveyances bound by decrees entered in actions to foreclose liens,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 129,

A bill for an act to provide for the appointment of Trustees for the several public institutions of the Territory of Dakota and to define their terms of office, duties and compensation,

Was read the second time and

Referred to the Committee on Territorial Affairs.

Mr. President announced

That he had signed House Bill No. 36.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 10.

A bill for an act extending the time for the payment of taxes for the year 1888, to June 1, 1889,

Was on motion of Mr. Crawford, indefinitely postponed.

Council Bill No. 12,

A bill for an act providing for township organizations,

Was read the third time, and

The question being shall the bill pass,

The roll being called there were, ayes, 23; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Washabaugh, Woolhiser, Mr. President.

Mr. Walsh being absent.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 27,

A bill for an act relating to costs in justification of suerties.

Was read the third time and

The question being upon the report of the Committee on Judiciary,

The report was adopted.

Mr. Crawford offered the following amendment and moved its adoption:

That Section 2 be amended so that it will read: "This act shall take effect and be in force from and after the 1st day of July, 1889,"

Which motion prevailed and

The question being shall the bill pass,

The roll being called there were ayes, 21; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Washabaugh, Woolhiser, Mr. President.

Absent and not voting

Messrs. Hughes, Van Osdel and Walsh.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Council Bill No. 32,

A bill for an act entitled "An act to amend Chapter 69 of the Session Laws of 1885, relating to Insurance."

Was read the third time, and

The question being upon the report of the Committee on Insurance,

Mr. Miller moved

That Council Bill No. 32 be recommitted to the Committee on Insurance.

Which motion prevailed.

Mr. McDonald moved

That the rules be suspended and House Bill No. 1 be put on its final passage,

Which motion prevailed, and

House Bill No. 1,

A bill for an act authorizing counties to issue bonds to provide seed wheat for settlers.

Was read the third time.

Mr. Dollard offered the following amendment and moved its adoption:

Section —. No bonds issued under the provisions of the act shall be valid unless every requirement thereof including and preceding the act of issuing said bonds shall have been complied with.

Which motion was lost.

Mr. Ericson moved

That the sections be re-numbered,

Which motion prevailed,

Mr. Hughes moved

That House Bill No. 1 be referred to a special committee of three with power to revise and correct the same. Such committee is also authorized and directed to cause said bill when revised to be printed and returned to the Council tomorrow.

Which motion prevailed, and

Mr. President announced

Messrs. Hughes, McDonald and Miller as such Committee.

Mr. President announced

Messrs. Crawford, Poindexter and Cooper, as members on the part of the Council of the Committee on Joint Rules.

EXECUTIVE COMMUNICATION.

A sealed communication having been received from His Excellency, the Governor,

Mr. Campbell moved

That the Council now go into executive session,

Which motion prevailed.

The chamber was cleared, the doors closed, and the Council spent some time in executive session.

After the doors were opened Mr. John T. Mathews presented himself and the oath of office was administered to him by Mr. President.

Mr. Washabaugh moved

That the Committee on Judiciary be increased from seven to ten members.

Mr. Cameron moved

To amend by increasing to nine,

Which motion was lost.

The question being upon the motion of Mr. Washabaugh,

The motion was lost.

Mr. Glaspell moved

That the Council do now adjourn.

Which motion prevailed, and

Mr. President announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

SEVENTEENTH DAY.

BISMARCK, January 24, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names.

EXECUTIVE COMMUNICATION.

The following communication was received from His Excellency the Governor:

EXECUTIVE OFFICE, }
January 24, 1889. }

To the Council:

I herewith respectfully return

Council Bill No. 22,

A Joint Resolution for the appointment by the President of the Council and Speaker of the House of a Joint Committee to investigate the condition of the Territorial Hospital for the Insane at Yankton.

It appears from one point of view to be an enactment. If this view is correct, it necessarily follows that, by Section 1 a committee, which, in effect, is a commission, is provided for, and the President of the Council and Speaker of the House are authorized to appoint the same: This would be conferring the appointing power contrary to the Organic Act, which lodges that power in the hands of the Executive.

- Section 2 empowers said committee to employ expert and professional services. The propriety of empowering a committee to employ expert services without limit may be doubted; and in view of the fact that it is in the power of the Legislature to require the services of the Attorney General (the law officer of the Territory) for such purposes as are deemed proper, a provision for professional services seems unnecessary. This section likewise empowers such committee to incur expense, which is only limited by the elastic word—"reasonable," no limit being placed upon the amount or character thereof. The wisdom of a matter of this kind being kept within the control of the legislative branch and independent of the Executive is apparent. No enactment is necessary to enable both branches of the Legislature, by Joint Resolution, or either branch thereof, to at any time order an investigation of any office or department in the Territory; it being within the power of each house to act independently of the other, if they so desire. Why the Legislature should deem it necessary to enact a law of this character, when the purpose can be accomplished by resolution is not apparent to me, in view of the fact that no petition, memorial or request accompanies said bill. If considered as an enactment, the same is contrary to the Organic Act. If considered as a joint resolution, the sanction of the Executive is not necessary. I am in sympathy with the Legislature in any investigation that they may deem proper to direct, and the Executive will be pleased at any time to aid in a proper way any inquiry or examination of any department or office.

Respectfully,

LOUIS K. CHURCH,
Governor.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 24, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

Council Bill No. 5,

A bill for an act in relation to the preliminary examination of persons accused of crime,

The further consideration of which has been indefinitely postponed by the House.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
January 24, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 71,

A bill for an act limiting the terms of holding the offices of county treasurer and sheriff,

Also,

House Bill No. 51,

A bill for an act to amend Section 9, Article 13 of Chapter 73, Session Laws of 1887,

Also,

House Bill No. 73,

A bill for an act to provide fuel for the capitol building,

Also,

House Bill No. 81,

A bill for an act to amend Section 12 of Chapter 78 of the General Laws of 1887, entitled "An act to define the Sixth Judicial District of the Territory of Dakota, to subdivide the same, to fix the terms of court therein and for other purposes,"

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

JOHN G. HAMILTON,
Chief Clerk.

The Journal of yesterday was read and approved.

PETITIONS AND COMMUNICATIONS.

The following petitions were received and referred to appropriate committees:

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We, the undersigned, citizens of Dakota Territory, over twenty-one years of age, petition your honorable body to enact a strict prohibitory liquor law containing adequate provisions for its enforcement and also providing very heavy fines, penalties and forfeitures for its violation, and for such your petitioners will ever pray.

LOUIS HANSEN,
And 401 others of Grafton.

Which was referred to the Committee on Temperance.

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of Dakota Territory, over twenty-one years of age, petition your honorable body to enact a strict prohibitory liquor law containing adequate provisions for its enforcement and also providing very heavy fines, penalties, and forfeitures for its violation, and for such your petitioners will ever pray.

EMMA HARTLEY,
And 152 others of Miller.

Which was referred to the Committee on Temperance.

We, the undersigned citizens of Wessington Springs town, Jerauld county, of Dakota, believe that women should vote on equal terms with men.

D. I. ROYER,
And 64 others.

Which was referred to the Committee on Elections.

To the Honorable Members of the Legislative Assembly of the Territory of Dakota, Bismarck, Dakota:

We, the undersigned citizens of Dakota Territory over twenty-one years of age, petition your honorable body to enact a law granting the elective franchise to the women of Dakota, on the same terms as to men.

We ask this as a matter of expediency, believing her to be, as a class, as sober, as moral and as capable as he. We ask it as a matter of justice, because she submits to the laws and pays her proportion of the tax; because it will better harmonize with the age in which we live, and promote sobriety, peace, morality, education and prosperity.

MRS. A. S. WHITE,
And 126 others of Miller.

Which was referred to the Committee on Elections.

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota, Bismarck, Dak.

We, the undersigned, citizens of Dakota Territory over twenty-one years of age, petition your honorable body to enact a law granting the elective franchise to the women of Dakota, on the same terms as to men.

We ask this as a matter of expediency, believing her to be, as a class, as sober, as moral and as capable as he. We ask it as a matter of justice, because she submits to the laws and pays her proportion of the tax; because it will better harmonize with the age in which we live, and promote sobriety, peace, morality, education and prosperity.

MRS. S. C. SEYMOUR,

And 24 others of Spink county.

Which was referred to the Committee on Elections.

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota, Bismarck, Dak.:

We, the undersigned citizens of Dakota Territory over twenty-one years of age, petition your honorable body to enact a law granting the elective franchise to the women of Dakota, on the same terms as to men,

We ask this as a matter of expediency, believing her to be, as a class, as sober, as moral and as capable as he. We ask it as a matter of justice, because she submits to the laws and pays her proportion of the tax; because it will better harmonize with the age in which we live, and promote sobriety, peace, morality, education and prosperity.

NETTIE C. HALL, M. D.,

And 14 others of Wessington Springs.

Which was referred to the Committee on Elections.

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of Dakota Territory, over twenty-one years of age, petition your honorable body to enact a strict prohibitory liquor law containing adequate provisions for its enforcement and also providing very heavy fines, penalties and forfeitures for its violation, and for such your petitioners will ever pray.

MINNIE S. GRASWICK,

And 241 others of Hyde county.

Which was referred to the Committee on Temperance.

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota, Bismarck, Dakota.

We, the undersigned citizens of Dakota Territory over

twenty-one years of age, petition your honorable body to enact a law granting the elective franchise to the women of Dakota, on the same terms as to men.

We ask this as a matter of expediency, believing her to be, as a class, as sober, as moral and as capable as he. We ask it as a matter of justice, because she submits to the laws and pays her proportion of the tax; because it will better harmonize with the age in which we live, and promote sobriety, peace, morality, education and prosperity.

W. ARTHUR SHURTLIFF,

And 44 others, of Blunt.

Which was referred to the Committee on Temperance.

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of Dakota Territory, over twenty-one years of age, petition your honorable body to enact a strict prohibitory liquor law containing adequate provisions for its enforcement and also providing very heavy fines, penalties and forfeitures for its violation, and for such your petitioners will ever pray.

MRS. E. H. SMITH,

And 130 others of Hughes County.

Which was referred to the Committee on Temperance.

REPORTS OF STANDING COMMITTEES.

The following reports were received from standing committees:

MR. PRESIDENT:

Your committee to whom was referred
Council Bill No. 20,

A bill for an act defining a subdivision of the Seventh Judicial District and fixing the terms of court therein,

Respectfully report and recommend that said bill be amended by striking out the word "counties" in the first line of said bill wherever the same occurs and inserting the word "county" in lieu thereof, and by striking out the words "and Campbell" in the second line of section one of said bill, and as so amended that the same do pass.

S. L. GLASPELL,

Chairman.

MR. PRESIDENT:

Your Committee on Revenue to whom was referred
Council Bill No. 48,

A bill for an act exempting honorably discharged sol-

diers and sailors of the United States, who served in the rebellion, from jury duty and the payment of poll tax,

Report the same back with recommendation that it do pass.

M. H. COOPER,
Chairman.

MR. PRESIDENT:

Your committee having had under consideration Council Bill No. 123,

A bill for an act to amend Section 1, Chapter 63, of the Laws of the Sixteenth Legislative Assembly, in relation to Territorial Boards of Health,

Also,
Council Bill No. 94,

A bill for an act to amend Section 4 of Chapter 121 of Laws of 1887, relating to Pharmaceutical districts,

Would respectfully report and recommend that Council Bill No. 123 do pass and that said Council Bill No. 94 do not pass.

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT :

Your Special Committee to whom was referred House Bill No. 1,

A bill for an act authorizing counties to issue bonds to procure seed wheat for needy farmers resident thereof,

Respectfully report that they have had the same under consideration and recommend that it be amended to read as follows:

House Bill No. 1,

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

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

SECTION 1. Whenever a number of voters who are actually engaged in the business of farming, equal to one-third of the vote cast at the last general election in any county, shall petition the board of county commissioners of such county asking that said board proceed under the provisions of this act, said board may at a meeting thereof duly called for that purpose prior to the first day of April, 1889, issue the bonds of such county in an amount not to exceed two thousand dollars for each one hundred votes cast at

the last general election therein; provided, that the total amount of bonds issued by any county under the provisions of this act shall not exceed twenty-five thousand dollars and shall be in denominations of five hundred dollars bearing date the first day of April, 1889, with interest payable semi-annually, at some place in the city of New York, in the state of New York, to be specified in said bonds, on the first day of January and July in each year, at a rate of interest, not exceeding seven per cent. per annum, running fifteen years, and payable at the option of the county after five years from the date thereof.

SEC. 2. Such bonds shall be executed for the county and under the seal thereof by the chairman of the board of County Commissioners and shall be attested by the County Auditor or County Clerk and shall be negotiated by said board in the manner hereinafter provided.

SEC. 3. It shall be the duty of such board to receive sealed proposals for the purchase of said bonds, after giving notice for ten days in three newspapers of general daily circulation published as follows: One in the city of St. Paul, in the state of Minnesota; one in the city of Bismarck, in the territory of Dakota, and one in the county where the bonds are to be issued, and said bonds shall be sold to the highest bidder for cash; provided, said bonds shall not be sold for less than their par value; provided further, the said board may reject all bids and postpone the sale of said bonds for a time, not exceeding twenty days.

SEC. 4. The proceeds arising from the sale of said bonds shall be deposited by the purchaser thereof in the treasury of the county, and shall be paid out only on the order of the Board of County Commissioners.

SEC. 5. It shall be the duty of said board to require the county treasurer to give a further and additional bond, with good and sufficient sureties, in a sum to be determined by said board before said bonds are paid into the treasury, said bonds shall be approved by said board.

SEC. 6. For the purpose of prompt payment of principal and interest of the bonds herein provided for, there shall be levied by the board of county commissioners, at the time the other taxes are levied, such sums as shall be sufficient to pay such interest and at reasonable time prior to the maturity of said bonds. In addition thereto, a sinking fund tax shall be annually levied sufficient to retire and pay said bonds at their maturity, and it shall be the duty of the county treasurer to pay promptly on the first

days of January and July in each year, such interest as shall then be due, and to purchase said bonds at not more than their par value, and retire and cancel the same with the sinking fund tax as fast as the same shall be received. And no tax or fund provided for the payment of such bonds, either principal or interest, shall at any time be used for any other purpose. It shall be the duty of the treasurer when said bonds or any coupon attached thereto are paid to cancel the same by writing upon the face thereof the date of payment.

SEC. 7. Before the bonds are delivered to the purchaser they shall be presented to the county treasurer, who shall register them in a book to be kept for that purpose, and known as the bond register, in which register he shall enter the number of each bond, its date, date of maturity, amount, rate of interest, to whom and where payable.

SEC. 8. The fund arising from the sale of said bonds shall be applied by the said board to the purchase of seed wheat for residents of the county who suffered partial or total loss of their crops by frost in the year 1888, and who are unable to procure the same; provided, that not more than one hundred and fifty bushels of wheat shall be furnished to any one person.

SEC. 9. The person receiving seed wheat in accordance with this act shall become indebted to the county furnishing the seed in the amount of the purchase price therefor, with the cost of transportation and all other expenses necessarily attendant upon the carrying out of the provisions of this act, which total amount shall be a lien upon the crop of such person and in favor of the county, in accordance with Chapter 150 of the General Laws of the Territory of Dakota entitled, "An act creating liens on the crops of persons buying seed on credit, and providing the manner of filing and foreclosing the same," approved March 11, 1887, which is hereby made applicable to counties furnishing seed grain under the provision of this act. The amount of such indebtedness shall become due and payable by each person receiving such aid, on November 1, 1889, together with interest on such amount from the 1st day of April, 1889, at the rate of seven per cent. per annum. If the said indebtedness be not paid on November 1, 1889, the amount thereof shall be entered upon the tax list of such county for the year 1889, as a tax on the land upon which such seed wheat was sown, to be collected as other taxes are and the sum so entered and

levied shall be a first lien upon the crops of grain raised each year by the person receiving said seed grain, and also, upon the real estate owned by such person until the said tax is fully paid.

SEC. 10. If any portion of the funds provided for in this act shall be unexpended on the first day of May, 1889, the same shall become a part of the General Fund of the county and shall be so treated by the county treasurer.

SEC. 11. The money received by the county treasurer in payment of the debt incurred hereinunder by the persons receiving seed wheat shall become a part of the county general fund.

SEC. 12. The county commissioners of every county proposing to distribute seed wheat under the provisions of this act, shall suitably publish and advertise such intention for at least ten days prior to the 15th day of March, 1889, giving notice also that all applications must be filed with the auditor or county clerk by that date (March 15th) at which time if more seed wheat is called for than can be supplied by such commissioners, a pro rata distribution shall be made among those applying and the commissioners shall have the right to refuse any applications which they may deem it improper to grant.

SEC. 13. The board of county commissioners of any county, having funds in its treasury belonging to the general fund of said county, not otherwise appropriated, may at the time, and subject to all the conditions and limitations in this act contained, appropriate any portion thereof, not exceeding the sum of twenty-five thousand dollars, for the purpose specified in this act.

SEC. 14. The affidavit provided for by Chapter 150 of the General Laws of 1887 made be made by the County Auditor or chairman of the Board of County Commissioners.

SEC. 15. All persons wishing to avail themselves of the benefit of this act shall file with the county auditor of the county where said applicant resides, on or before the fifteenth day of March, A. D. one thousand eight hundred and eighty-nine, (1889), an application duly sworn to before said county auditor, which application shall be attested by at least two (2) witnesses. Said application shall contain a true statement of the number of acres the applicant has plowed or prepared for seeding, how many acres the applicant intends to have plowed and prepared for seeding before seeding time; how many bushels are necessary and what kind of wheat to seed

the ground so prepared as aforesaid; that said applicant's crop was in the year one thousand, eight hundred and eighty-eight entirely destroyed by frost, or if only partially destroyed, how many bushels the applicant harvested in the year one thousand, eight hundred and eighty-eight, and each kind of grain; also, what amount of seed grain said applicant desires to borrow of said county; that the applicant has not procured and is unable to procure the necessary seed wheat; also, that the applicant desires the same for seed and for no other purpose, and that the applicant will not sell nor dispose of the same, or any part thereof. Said application shall also contain a true and full description of all real and personal property owned by the applicant, and whether encumbered or otherwise, and also the government subdivision or subdivision upon which the party intends to sow said seed.

SEC. 16. Said applications shall be filed in said county auditor's office and be open to public inspection, and no applicant shall be entitled to or receive any of the benefits of this act unless on or before the fifteenth day of March, one thousand eight hundred and eighty-nine, the applicant shall have made and filed with the county auditor of the county in which the applicant resides the application as required and in the manner and form mentioned in this act.

SEC. 17. The bonds herein provided for shall not be issued unless the same are authorized by the vote of all the members of the Board of County Commissioners of said county.

SEC. 18. Said board may at any time after the first day of November, with the concurrence of the owner, pay any of the bonds issued under the provisions of this act, out of the funds provided for that purpose, at not more than the par value thereof.

SEC. 19. If there be no daily newspaper published in the county issuing bonds under the provisions of this act, then the notice provided for in section 3 of this act, may be published in a weekly newspaper in said county.

SEC. 20. Any person who shall obtain seed wheat under the provisions of this act and who shall use the same, or any part thereof, for any other purpose, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail not exceeding six months, and by a fine not exceeding

five hundred dollars, or by both such fine and imprisonment.

SEC. 21. This act shall be in force from and after its passage and approval,

And that as amended it be passed,

ALEXANDER HUGHES,
HUGH McDONALD,
JOHN MILLER.

Mr. McDonald moved

That the rules be suspended and House Bill No. 1 be put on its final passage.

Which motion prevailed.

House Bill No. 1,

A bill for an act authorizing counties to issue bonds to provide seed wheat for settlers,

Was read the third time.

Mr. Ericson moved

That further consideration of House Bill No. 1,

Be postponed until the bill be printed as amended.

Mr. Glaspell moved

To lay the motion on the table

Which motion prevailed and

The question being upon the report of the Special Committee

The report was adopted.

Mr. Allin offered the following amendment and moved its adoption,

Amend Sec. 13 by inserting after the word "treasury" the words "belonging to the general fund of said county,"

Which motion prevailed,

And the question being shall the bill pass,

The roll being called there were ayes, 22; nays, 2.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel Walsh, Woolniser, Mr. President.

Those who voted in the negative were:

Messrs. Dollard and Washabaugh.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
January 24, 1889. }

MR. PRESIDENT :

I have the honor to return herewith

Council Bill No. 93,

A bill for an act to define the boundaries of the Eighth Judicial District, and to provide for a Judicial Subdivision therein,

Which the House has passed.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Allen moved

That the rules be suspended and House Bill No. 15 be read the first, second and third times and put upon its final passage

Which motion prevailed and

House Bill No. 15,

A bill for an act providing for an extension of the time for the payment of taxes for the year 1888,

Was read the first, second and third times, and

The question being shall the bill pass.

The roll being called there were ayes, 22; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Mr. Washabaugh.

Mr. McDonald being absent.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

MOTIONS AND RESOLUTIONS.

Mr. Ryan offered the following resolution:

WHEREAS: An allwise Providence has removed by death "Gladdie," the only child of our esteemed colleague Hon. Peter Cameron, therefore

Be it Resolved, That the members of this Council tender

to the bereaved family our sincere and heartfelt sympathy in this, their sad, affliction,

Be it further resolved: That these resolutions, be spread upon the Journal and an engrossed copy thereof transmitted to Mr. and Mrs. Cameron.

Mr. Hughes moved

That the resolution be adopted by a rising vote.

Which motion prevailed, and

The resolution was unanimously adopted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS

Mr. Patten introduced—

Council Bill No. 133,

A bill for an act to prohibit the manufacture, sale and giving away of intoxicating liquors except for medical, mechanical and scientific purposes, and to regulate the manufacture and sale thereof for such excepted purposes,

Which was read the first time.

Mr. Ericson introduced (by request)—

Council Bill No. 134,

A bill for an act creating the office of district attorney for each judicial district and abolishing the office of district attorney for each county,

Which was read the first time.

Mr. Ericson introduced—

Council Bill No. 135,

A bill for an act regulating criminal prosecutions in justices courts,

Which was read the first time.

Mr. Washabaugh introduced—

Council Bill No. 136,

A bill for an act appropriating funds for the maintenance of the Normal School at Spearfish,

Which was read the first time.

Mr. Washabaugh introduced—

Council Bill No. 137,

A bill for an act to provide for the construction and furnishing of a Dormitory for the Normal School at Spearfish,

Which was read the first time.

Mr. Washabaugh introduced—

Council Bill No. 138,

A bill for an act to establish, locate and build a Soldiers'

Home in the Territory of Dakota, and provide the necessary funds therefor,

Which was read the first time.

Mr. Halley introduced—

Council Bill No. 139,

A bill for an act entitled "An act to provide funds for the construction of an addition to the Dakota School of Mines at Rapid City, Dakota Territory, to provide necessary means for library, cabinet, Dean's office and additional recitation rooms."

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 140,

A bill for an act entitled "An act providing for the levy and collection of taxes upon the property of railroad companies in this Territory,

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 130,

A bill for an act to appropriate funds to pay the Northwest Grain and Fuel company for electric lights placed in the capitol,

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 131,

A bill for an act to amend Chapter 28 of the Code of Civil Procedure relating to the foreclosure of mortgages,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 132,

A bill for an act to amend Sections 1 and 2, Chapter 32, of the Session Laws of 1887, entitled "An act to suppress and prevent the spread of contagious and infectious diseases among domestic animals,"

Was read the second time and

Referred to the Committee on Public Health.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 2.

A bill to repeal the gross earnings law, relating to the levy and collection of taxes on railroad property

Was read the third time and

The question being upon the report of the Committee on Revenue

The report was adopted and

The question being shall the bill pass.

The roll being called there were ayes 24; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg. Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

So the bill passed and

The question being as to its title, and being put

Its title was agreed to.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 24, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 86,

A Joint Resolution providing for an investigation of the management and condition of the North Dakota Hospital for the Insane at Jamestown.

Which the House has passed, and your concurrence therein is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
January 24, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 75,

A bill for an act amending sections 678, 679 and 680 and repealing sections 681 and 682 of the Code of Civil procedure, relating to damages to persons and property by railroad corporations,

Also,

House Bill No. 90,

A bill for an act to amend Section 2 of Chapter 58 of the General Laws of 1887, entitled "An act for the protection of game,"

Also,
House Bill No. 95,
A bill for an act providing for the taxation of telegraph lines,

Also,
House Bill No. 98,
A bill for an act to define the boundaries of the county of Butte.

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

JOHN G. HAMILTON,
Chief Clerk.

EXECUTIVE SESSION.

Mr. Crawford moved
That the Council do now go into Executive session
Which motion prevailed and
The chamber was cleared, the doors closed and the Council spent some time in Executive session.

After the doors were opened.

Council Bill No. 44,
A bill for an act providing for an extension of time for the payment of taxes of 1888.

Was read the third time and

Mr. Allin moved
That further action on Council Bill No. 44 be indefinitely postponed

Which motion prevailed.

Council Bill No. 4,
A bill for an act fixing the penalty for willful neglect of officers to make reports required by law and prescribing the duties of the Attorney General in relation thereto,

Was read the third time and

The question being on the report of the Committee on Judiciary,

The report was adopted.

Mr. Ericson offered the following amendment and moved its adoption:

Strike out "Attorney General" and insert "district attorney of the county where the delinquent officer resides," in section 2.

Which motion prevailed, and

The question being shall the bill pass,

The roll being called there were ayes, 22; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser, Mr. President.

Mr. Van Osdel voting in the negative.

Mr. Glaspell being absent.

So the bill passed, and

The question being as to its title,

Mr. Ericson moved

To amend the title by striking out "Attorney General" and inserting "District Attorney" in lieu thereof,

Which motion prevailed, and

Its title was agreed to.

Mr. Crawford moved

That the rules be suspended and House Bill No. 99, be read the first, second and third times and put on its final passage,

Which motion prevailed, and

House Bill No. 99,

A Joint Resolution providing for the appointment and compensation of minor officers of the Eighteenth Legislative Assembly,

Was read the first, second and third times.

Mr. Cooper offered the following amendment and moved its adoption:

That the compensation of no clerk of committee or other employe, which is fixed by the legislature, shall exceed four dollars per day.

Which motion was lost.

Mr. Harstad moved

That House Bill No. 99 be referred to the Committee on Appropriations and be made special order for 3 o'clock tomorrow.

Which motion was lost.

Mr. Atkinson offered the following amendment and moved its adoption:

Amend by making compensation paid janitors be made five dollars per day and included among the offices to receive five dollars per day.

Which motion prevailed and

The question being shall the bill pass,

The roll being called, there were ayes 20; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper,
Crawford, Dollard, Ericson, Halley, Hughes, Lowry,
McDonald, Miller, Patten, Ryan, Soderberg, Walsh,
Washabaugh, Woolhiser, Mr. President.

Mr. Poindexter voting in the negative.

Absent and not voting:

Messrs. Glaspell, Harstad and Van Osdel.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Walsh moved

That Council Bill No. 99 be recommitted to the Com-
mittee on Territorial Affairs,

Which motion prevailed.

Mr. Poindexter moved

That the Council do now adjourn.

Which motion prevailed, and

Mr. President announced that the Council stood ad-
journed.

R. E. WALLACE,
Chief Clerk.

EIGHTEENTH DAY.

BISMARCK, January 25, 1889.

Council met pursuant to adjournment and was called to
order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to
their names.

The Journal of yesterday was read and approved.

PETITIONS AND COMMUNICATIONS.

The following petitions were received and referred to
appropriate committees, as follows:

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of Dakota Territory, over twenty-one years of age, petition your honorable body to enact a strict prohibitory liquor law containing adequate provisions for its enforcement and also providing very heavy fines, penalties, and forfeitures for its violation, and for such your petitioners will ever pray.

L. J. RHODES,

And 154 others, of Stutsman county.

Which was referred to the Committee on Temperance.

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of Dakota Territory, over twenty-one years of age, petition your honorable body to enact a strict prohibitory liquor law containing adequate provisions for its enforcement and also providing very heavy fines, penalties and forfeitures for its violation, and for such your petitioners will ever pray.

N. F. PARSONS,

And 64 others.

Which was referred to the Committee on Temperance.

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of Dakota Territory, over twenty-one years of age, petition your honorable body to enact a strict prohibitory liquor law containing adequate provisions for its enforcement and also providing very heavy fines, penalties and forfeitures for its violation, and for such your petitioners will ever pray.

E. C. FRAME,

And 84 others Buffalo township, Cass county,

Which was referred to the Committee on Temperance.

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of Dakota Territory, over twenty-one years of age, petition your honorable body to enact a strict prohibitory liquor law containing adequate provisions for its enforcement and also providing very heavy fines, penalties and forfeitures for its violation, and for such your petitioners will ever pray.

H. G. SCOTT,

And 128 others of Casselton.

Which was referred to the Committee on Temperance.

REPORTS OF STANDING COMMITTEES.

The following reports were received from standing committees:

MR. PRESIDENT:

Your Committee on Public Health, having had under consideration

Council Bill No. 91,

A bill for an act entitled "An act to prevent the spread of infectious or contagious diseases among cattle, horses, mules, etc., and to provide for the summary destruction thereof, and to repeal Chapter 32 of the Session Laws of 1887 creating the office of veterinary surgeon," etc.,

Also,

Council Bill No. 132,

A bill to amend Sections 1 and 2, Chapter 32, Laws of 1887, relating to contagious and infectious diseases among domestic animals,

Would respectfully report and recommend that

Council Bill No. 91 do pass, and that

Council Bill No. 132 do not pass.

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT:

The Committee on Revenue to whom was referred

Council Bill No. 57,

A bill for an act to amend Section one (1) of Chapter twenty-two of the laws of 1879,

Report the same with the recommendation that it do not pass.

Also,

Council Bill No. 58,

A bill for an act to exempt lands from taxation on account of the cultivation of trees along section lines and public highways,

Report the same with recommendation that it do not pass.

Also,

Council Bill No. 43,

A bill for an act to repeal Chapter 48 of the Special Laws of the Sixteenth General Assembly, being an act entitled "An act to provide for payment of clerical work in the Executive office, and all other acts amendatory thereto,"

Report the same with recommendation that it do pass.
M. H. COOPER,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 25, 1889. }

MR. PRESIDENT:

I have the honor to inform you that the House has this day passed a motion requesting that

House Bill No. 90,

A bill for an act to amend Section 2 of Chapter 58, of the Laws of 1887, entitled "An act for the protection of game,"

Which passed the House and was transmitted to the Council yesterday, be recalled for the purpose of amendment.

JOHN G. HAMILTON,
Chief Clerk.

MOTIONS AND RESOLUTIONS.

Mr. Ericson moved,
That the vote by which Council Bill No. 4 was passed be reconsidered.

Which motion prevailed.

Mr. Hughes moved
That House Bill No. 90 be returned to the House as per request.

Which motion prevailed.

Mr. Van Osdel moved
That the consideration of the message from His Excellency the Governor, relative to Council Bill No. 22 be made special order for 3 o'clock to-morrow.

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Stimmel introduced—
Council Bill No. 141,
A bill for an act to amend Chapter 112, Sub-Chapter 23 Section 114, of the Session Laws of 1883, relating to the impounding of trespassing animals,
Which was read the first time.

Mr. Campbell introduced—
 Council Bill No. 142,
 A bill for an act defining the class of newspapers in which
 legal notices shall be published,
 Which was read the first time.

Mr. Hughes moved
 That Council Bill No. 1 be taken up
 Which motion prevailed and
 Council Bill No. 1.

A Joint Resolution requesting the Secretary to furnish
 certain codes for the members of the Legislative Assembly
 Was read the third time and
 The question being shall the bill pass,

The roll being called there were ayes, 21; nays, 3.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper,
 Crawford, Dollard, Glaspell, Halley, Hughes, Lowry, Mc-
 Donald, Miller, Patten, Poindexter, Ryan, Soderberg,
 Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were.

Messrs. Ericson, Harstad and Van Osdel.

So the bill passed and,
 The question being as to its title, and being put,
 Its title was agreed to.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 136,

A bill for an act appropriating funds for the maintenance
 of the Normal School at Spearfish,

Was read the second time and
 Referred to the Committee on Appropriations.

Council Bill No. 138,

A bill for an act to establish, locate and build a Soldiers'
 Home in the Territory of Dakota, and provide the neces-
 sary funds therefor,

Was read the second time and
 Referred to the Committee on Territorial Affairs.

Council Bill No. 139,

A bill for an act entitled "An act to provide funds for
 the construction of an addition to the Dakota School of
 Mines at Rapid City, Dakota Territory, to provide neces-
 sary means for library, cabinet, Dean's office and additional
 recitation rooms,"

Was read the second time, and
Referred to the Committee on Appropriations.

Council Bill No. 140,

A bill for an act entitled "An act providing for the levy and collection of taxes upon the property of railroad companies in this Territory."

Was read the second time, and
Referred to the Committee on Railroads.

Mr. Crawford moved

That Council Bill No. 138 be recalled from the Committee on Territorial Affairs and be referred to the Committee on Appropriations.

Which motion was lost.

Mr. Allin moved

That further proceedings under the regular order be dispensed with and the first and second reading of House bills be taken up.

Which motion prevailed.

FIRST READING OF HOUSE BILLS.

House Bill No. 24,

A bill for an act to amend Section 38 of Chapter 28 of the Political Code, as amended by Chapter 143, Laws of 1887,

Was read the first time.

House Bill No. 37,

A bill for an act to provide for the payment of lost or destroyed interest coupons, due July 1, 1886, on the Madison Normal School bonds of Dakota.

Was read the first time,

House Bill No. 51,

A bill for an act to amend Section 9, Article 13 of Chapter 73, Session Laws of 1887,

Was read the first time.

House Bill No. 71,

A bill for an act limiting the terms of holding the offices of county treasurer and sheriff,

Was read the first time.

House Bill No. 73,

A bill for an act to provide fuel for the Capitol building,
Was read the first time.

House Bill No. 75,

A bill for an act to amend Sections 678, 679 and 680, and repealing Sections 681 and 682, of the Code of Civil Procedure, relating to damage to persons and property by railroad corporations,

Was read the first time.

House Bill No. 81.

A bill for an act to amend Section 12, of Chapter 78, General Laws of 1887, entitled "An act to define the Sixth Judicial District of the Territory of Dakota, to subdivide the same, to fix the terms of court therein and for other purposes,"

Was read the first time,

House Bill No. 86,

A Joint Resolution providing for an investigation of the management and condition of the North Dakota Hospital for the Insane at Jamestown,

Was read the first time.

House Bill No. 95,

A bill for an act providing for the taxation of telegraph lines,

Was read the first time.

House Bill No. 98,

An act to define the boundaries of the county of Butte,

Was read the first time.

House Bill No. 113,

A Joint Resolution calling upon the Executive for a report regarding salaries, expenditures, etc., for clerical assistance in his office.

Was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 3,

A bill for an act amending Chapter 13 of the Laws of the Seventeenth Legislative Assembly,

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

House Bill No 12,

A bill to amend an act entitled "An act relating to the office of Notary Public,

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

House Bill No. 21,

A bill for an act to amend Section 70 of Chapter 29 of the

Political Code relating to highways, bridges, ferries and road supervisors,

Was read the second time, and

Referred to the Committee on Highways, Bridges and Ferries.

House Bill No. 27,

A bill for an act to fix the compensation of assessors,

Was read the second time, and

Referred to the Committee on Revenue.

House Bill No. 30,

A bill for an act to amend Sections 6, 7, and 8 of Chapter 49 of the General Laws of 1879,

Was read the second time, and

Referred to the Committee on Revenue.

House Bill No. 33.

A bill for an act to amend Article 7 of Chapter 12 of the Code of Civil Procedure,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 50,

A Joint Resolution providing for the furnishing of certain newspapers to members,

Was read the second time and

Referred to the Committee on Territorial Affairs.

House Bill No. 52,

A bill for an act to amend an act entitled "An act to define the Sixth Judicial District of the Territory of Dakota; to subdivide the same; to fix the terms of court therein and to attach the county of Pierce to the county of McHenry or judicial purposes,"

Was read the second time and

Referred to the Committee on Judiciary.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 4,

A bill for an act fixing the penalty for neglect of officers to make reports required by law and and prescribing the duties of the attorney general in relation thereto,

Was read the third time and

Mr. Ericson moved

To amend by striking out "Attorney General" in Section 1 and inserting "District Attorney" in lieu thereof,

Which motion prevailed, and

The question being shall the bill pass,

The roll being called, there were ayes. 21; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Lowry, McDonald, Patten, Poindexter, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Hughes, Miller and Van Osdel.

So the bill passed and

The question being as to its title, and being put,

Its title was agreed to.

Council Bill No. 123,

A bill for an act to amend Section 1 of Chapter 63 of the Laws of the Sixteenth Legislative Assembly, entitled "An act establishing Territorial and County Boards of Health and providing for the protection of the health of persons and animals,"

Was read the third time.

The question being upon the report of the Committee on Public Health,

The report was adopted, and

The question being shall the bill pass,

The roll being called there were ayes, 22; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Lowry, McDonald, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Hughes and Miller.

So the bill passed and

The question being as to its title, and being put,

Its title was agreed to.

Council Bill No, 48,

A bill for an act exempting honorably discharged soldiers and sailors of the United States, who served in the rebellion from jury duty and the payment of poll tax,

Was read the third time and

The question being on the report of the Committee on Revenue,

The report was adopted.

Mr. Washabaugh in the chair.

Mr. Van Osdel moved

To add the word "service" after the words "United States,"

Which motion prevailed, and

The question being shall the bill pass,

The roll being called there were, ayes, 20; nays, 2.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Ericson, Glaspell, Halley, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Harstad and Washabaugh.

Absent and not voting:

Messrs. Dollard and Hughes.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 94,

A bill for an act to amend Section 4 of Chapter 121 of Laws of 1879,

Was read the third time, and

The question being upon the report of the Committee on Public Health,

The report was not adopted.

The question being, shall the bill pass,

The roll being called there were ayes, 16; nays, 6.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Cooper, Crawford, Dollard, Ericson, Lowry, Miller, Patten, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Campbell, Glaspell, Halley, Harstad, McDonald, Van Osdel.

Absent and not voting:

Messrs. Hughes and Poindexter.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Mr. President in the chair.

Mr. President announced his signature to House Bill No.

Council Bill No. 6,

A bill for an act to provide for the foreclosure of mortgages on real estate by action and to abolish other methods of foreclosure of the same,

Was read the third time and

The question being upon the report of the Committee on Judiciary,

The report was adopted.

Mr. Poindexter moved

To amend the first section by inserting after the word "mortgages" in the second line the words "and deeds of trust."

Which motion prevailed

Mr. Van Osdel moved

To amend Section 3 adding "but not to exceed ten per cent. of the amount of the mortgage."

Mr. McDonald moved

To substitute the word "five" for the word "ten,"

Which motion was lost, and

The question being on the motion of Mr. Van Osdel,

The motion prevailed.

Mr. Crawford moved

To strike out the word "May" in Section 22 and insert in lieu thereof the word "July,"

Which motion was lost.

Mr. Ericson moved

To strike out the word "May" and insert the word "June,"

Which motion prevailed.

Mr. Campbell moved

To strike out all of section sixteen to the word "any,"

Which motion was lost.

Mr. Crawford moved

That the Council do now adjourn

Which motion was lost.

Mr. Hughes moved

To strike out the following words after the word "subsequent" in line 9 of section nineteen, "to the filing of the motion of the pendency" and insert in lieu thereof the words "to the commencement,"

Which motion prevailed.

Mr. Crawford moved

That the Council do now adjourn.

Which motion was lost.

The question being shall the bill pass,

The roll being called there were ayes 19; nays 5.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Dollard, Glaspell, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Crawford, Ericson, Halley, Walsh, Washabaugh

So the bill passed, and

The question being as to its title and being put

Its title was agreed to.

Mr. President announced the appointment of Mr. John H. Waugh, stenographer and James M. Rowe, bill clerk.

Messrs. Waugh and Rowe then presented themselves and the oath of office was administered to them by Mr. President.

Mr. Ryan moved

That House Bill No. 20, be recalled from the Committee on Judiciary and be referred to the Committee on Public Health.

Which motion prevailed.

Mr. Campbell moved

That the Council do now adjourn.

Which motion prevailed, and

Mr. President announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

NINETEENTH DAY.

BISMARCK, January 26, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names.

The Journal of yesterday was read and approved.

Mr. President announced his signature to House Bill No. 99,

PETITIONS AND COMMUNICATIONS.

The following petitions were received and referred to appropriate committees:

Mr. Harstad presented the following:

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We, the undersigned, citizens of Dakota Territory, over twenty-one years of age, petition your honorable body to enact a strict prohibitory liquor law containing adequate provisions for its enforcement and also providing very heavy fines, penalties and forfeitures for its violation, and for such your petitioners will ever pray.

M. T. KOPSERY,

And 252 others of Trail County.

Which was referred to the Committee on Temperance.

Mr. Poindexter presented the following petition:

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of Dakota Territory, over twenty-one years of age, petition your honorable body to enact a strict prohibitory liquor law containing adequate provisions for its enforcement and also providing very heavy fines, penalties and forfeitures for its violation, and for such your petitioners will ever pray.

J. A. SEYMOUR,
And 51 others of Ashton.

Which was referred to the Committee on Temperance.

Mr. Poindexter also presented the following petition:

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of Dakota Territory, over twenty-one years of age, petition your honorable body to enact a strict prohibitory liquor law containing adequate provisions for its enforcement and also providing very heavy fines, penalties and forfeitures for its violation, and for such your petitioners will ever pray.

S. B. HAVENS,
And 90 others of Spink county.

Which was referred to the Committee on Temperance.

Mr. Lowry presented the following petition:

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of Dakota Territory, over twenty-one years of age, petition your honorable body to enact a strict prohibitory liquor law containing adequate provisions for its enforcement, and also providing very heavy fines, penalties and forfeitures for its violation, and for such your petitioners will ever pray.

H. R. SEARLES,
And 56 others, of Hitchcock.

Which was referred to the Committee on Temperance.

Mr. Lowry also presented the following petition:

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of Dakota Territory, over

twenty-one years of age, petition your honorable body to enact a strict prohibitory liquor law containing adequate provisions for its enforcement and also providing very heavy fines, penalties and forfeitures for its violation, and for such your petitioners will ever pray.

MR. E. L. OPIE

And 28 others of Hitchcock.

Which was referred to the Committee on Temperance.

Mr. Washabaugh presented the following petition:

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of Dakota Territory, over twenty-one years of age, petition your honorable body to enact a strict prohibitory liquor law containing adequate provisions for its enforcement and also providing very heavy fines, penalties and forfeitures for its violation, and for such your petitioners will ever pray.

LYDIA A. KNULL,

And 56 others of Rapid City.

Which was referred to the Committee on Temperance.

Mr. Harstad presented the following petition:

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We, the undersigned, citizens of Dakota Territory, over twenty-one years of age, petition your honorable body to enact a strict prohibitory liquor law containing adequate provisions for its enforcement and also providing very heavy fines, penalties and forfeitures for its violation, and for such your petitioners will ever pray.

MRS. BENT LORLY,

And 152 others of Portland.

Which was referred to the Committee on Temperance.

Mr. Crawford presented the following petitions:

CANISTOTA, Dak., Jan. 22, A. D. 1889.

To the Honorable Council and Members of the House of Representatives of the Legislative Assembly of the Territory of Dakota:

At a regular meeting of the Thomas S. Free Post No. 123, Department of Dakota, Grand Army of the Republic, it was

RESOLVED, That we endorse the movement now being made in the Legislative Assembly for the establishment of a Soldiers' and Sailors' Home in the Territory of Dakota,

and we would most respectfully urge the passage of a bill locating same in the city of Pierre.

B. D. L. DUDLEY,
Commander.

Attest: GEO. R. SHERMAN, Adjutant.

GARY, Dak., Jan. 19, A. D. 1889.

To the Honorable Council and Members of the House of Representatives of the Legislative Assembly of the Territory of Dakota:

At a regular meeting of Gen. Haskin's Post No. 40, department of Dakota, Grand Army of the Republic, it was

RESOLVED, That we endorse the movement now being made in the Legislative Assembly for the establishment of a Soldiers' and Sailors' Home in the Territory of Dakota, and we would most respectfully urge the passage of a bill locating same in the city of Pierre.

H. HARKINS,
Commander.

Attest: A. L. THOMPSON, Adjutant.

ONEIDA, Dak., January 19, 1889.

To the Honorable Council and Members of the House of Representatives of the Legislative Assembly of the Territory of Dakota:

At a regular meeting of U. S. Grant Post, No. 95, Department of Dakota, Grand Army of the Republic, it was

RESOLVED, That we endorse the movement now being made in the Legislative Assembly for the establishment of a Soldiers' and Sailors' Home in the Territory of Dakota, and we would most respectfully urge the passage of a bill locating same in the city of Pierre.

WILLIAM TOOMEY,
Commander.

Attest: J. N. GARNER, Adjutant.

MILLER, Dak., Jan. 17, A. D., 1889.

To the Honorable Council and Members of the House of Representatives of the Legislative Assembly of the Territory of Dakota:

At the regular meeting of Canby Post, No. 12, Department of Dakota, Grand Army of the Republic, it was

RESOLVED, That we endorse the movement now being made in the Legislative Assembly for the establishment of a Soldiers' and Sailors' Home in the Territory of Dakota, and we would most respectfully urge the passage of a bill locating same in the city of Pierre.

C. E. SMITH,
Commander.

Attest: HENRY NEWMAN, Adjutant.

HARROLD, DAK., Jan. 19, A. D. 1889.

To the Honorable Council and Members of the House of Representatives of the Legislative Assembly of the Territory of Dakota:

At a regular meeting of Morgan L. Smith Post, No. 88, Department of Dakota, Grand Army of the Republic, it was

RESOLVED, That we endorse the movement now being made in the Legislative Assembly for the establishment of a Soldiers' and Soldiers' Home in the Territory of Dakota, and we would most respectfully urge the passage of a bill locating same in the city of Pierre.

A. S. HILL,
Commander.

Attest: H. O. BESANCON, Adjutant.

HURLEY, DAK., Jan. 19, A. D. 1889.

To the Honorable Council and Members of the House of Representatives of the Legislative Assembly of the Territory of Dakota:

At a regular meeting of E. S. McCook Post, No. 31, Department of Dakota, Grand Army of the Republic, it was

RESOLVED, That we endorse the movement now being made in the Legislative Assembly for the establishment of a Soldiers' and Sailors' Home in the Territory of Dakota, and we would most respectfully urge the passage of a bill locating the same in the city of Pierre.

H. J. SANBORN,
Commander.

Attest: C. A. NEAR, Adjutant.

CLEAR LAKE, DAK., Jan. 19, A. D. 1889.

To the Honorable Council and Members of the House of Representatives of the Legislative Assembly of the Territory of Dakota:

At a regular meeting of Clear Lake Post No. 98, Department of Dakota, Grand Army of the Republic, it was unanimously

RESOLVED, That we endorse the movement now being made in the Legislative Assembly for the establishment of a Soldiers' and Sailors' Home in the Territory of Dakota, and we would most respectfully urge the passage of a bill locating same in the city of Pierre.

D. R. JOHNSON,
Commander.

Attest: J. C. PLANK,
Adjutant.

HEADQUARTERS COLONEL ELLIS POST No. 63. }
January 19, A. D. 1889. }

To the Honorable Council and Members of the House of Representatives of the Legislative Assembly of the Territory of Dakota:

At a regular meeting of Colonel Ellis Post No. 53 Department of Dakota, Grand Army of the Republic, it was
RESOLVED, That we endorse the movement now being made in the Legislative Assembly for the establishment of a Soldiers' and Sailors' Home in the Territory of Dakota, and we would most respectfully urge the passage of a bill locating the same in the city of Pierre.

ROBERT T. SEDAM,
Commander.

Attest: C. E. CORT, Adjutant pro tem.

FLANDREAU, DAK., A. D., 1889.

To the Honorable Council and Members of the House of Representatives of the Legislative Assembly of the Territory of Dakota:

At regular meeting of General Wadsworth Post, No. 50, Department of Dakota, Grand Army of the Republic, it was

RESOLVED That we endorse the movement now being made in the Legislative Assembly for the establishment of a Soldiers' and Sailors' Home in the Territory of Dakota, and we would most respectfully urge the passage of a bill locating same in the city of Pierre.

D. S. WHITE,
Commander.

Attest: JAMES WILSON, Adjutant.

REE HEIGHTS, DAK., Jan. 15, 1889.

To the Honorable Council and Members of the House of Representatives of the Legislative Assembly of the Territory of Dakota:

At a regular meeting of Col. D. T. Jenkins Post, No. 116, Department of Dakota, Grand Army of the Republic, it was
RESOLEED, That we endorse the movement now being made in the Legislative Assembly for the establishment of a Soldiers' and Sailors' Home in the Territory of Dakota, and we would most respectfully urge the passage of a bill locating same in the city of Pierre.

E. A. YOUNG,
Commander.

Attest: W. H. VREELAND, Adjutant.

WAHPETON, DAK., Jan. 18, 1889.

To the Honorable Council and Members of the House of Representatives of the Legislative Assembly of the Territory of Dakota:

At a regular meeting of Sumner Post, No. 57, Department of Dakota, Grand Army of the Republic, it was

RESOLVED That we endorse the movement now being made in the Legislative Assembly for the establishment of a Soldiers' and Sailors' Home in the Territory of Dakota, and we would most respectfully urge the passage of a bill locating same in the City of Pierre.

W. M. HOUSE,
Commander.

Attest: C. A. McKEAN, Adjutant.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

WHEREAS, A bill has been introduced in your honorable body, providing for the establishment and maintenance of a Soldiers' Home in the Territory of Dakota, and for the issue of the bonds of the territory therefor, at a large expense to said territory, and

WHEREAS, it is a sacred duty, as well as a patriotic privilege for this new commonwealth to care for the heroes who defended the flag, and are in need of homes and comforts. And

WHEREAS, It is also important that this Legislative Assembly escape the charge of extravagance in making needless appropriations that have brought censure upon preceding sessions;

Now, therefore, in view of the foregoing, with a sense of pride in being able to offer assistance to these heroes, and with a desire to have them find shelter and rest and health within its corporate limits, the undersigned citizens on the part of the city of Pierre, do hereby, in consideration of the location and maintenance of a home for crippled and disabled and otherwise homeless and needy sailors and soldiers of the Union therein, hereby offer to grant, convey and give over unto the Territory of Dakota, in fee simple, to be held so long as the same may be used as a Territorial Institution, as a sole property of said Territory.

The premises proposed to be so donated to the Territory, for the mentioned purpose of a Soldiers' Home, are described as block 65, Fifth Railway Addition to the city of Pierre, on which is located the new four story building,

substantially built of wood, brick and Kasota stone, heretofore known as the Park Hotel.

This building was built under the immediate supervision of the owners thereof, and is constructed in the most substantial manner.

It has a frontage on Central avenue of 120 feet, and a rontage on High street of 100 feet. It contains over 100 good sized rooms, among which is as fine a dining room as there is in the Territory.

On both entire frontages, is a double porch, the porches containing 4,400 feet of floor surface. This building is completely finished on the outside, and lathed on the inside ready for the plaster. The entire inside doors and blinds, are now within the building, and ready for hanging, as soon as the building is plastered.

This property adjoins the beautiful city park of the city of Pierre, Dakota, containing about 50 acres, which is located upon the banks of the Missouri river, and is admitted by all who have visited it to be the finest natural park in the Territory. It is heavily timbered with natural box elder and ash, and is kept in fine order by the city of Pierre.

The water works mains of the city, which are supplied with filtered Missouri river water, run immediately in front of the building. The water running through these mains, is as clear as crystal, and is admitted by all chemists to be the purest water found in the west. Chemical analysis shows that it contains but 36 grains to the gallon of all foreign matter whatever, showing it to be almost absolutely pure.

On each corner of above mentioned block is a double hydrant for fire purposes. The street car line which has been in operation for the past years, runs in front of the building, connecting the different parts of the city, and which will be in the spring extended one-half mile to the large United States Government Indian Industrial school, which is to be built in the early spring.

The building is already piped for gas throughout.

It has cost in actual cash to build the same, with material at a very low price, the sum of \$28,000. The block of ground on which the building stands is worth \$5,000, making the donation which the citizens of Pierre offer to the territory a cash value of at least \$33,000.

A glance at the map will show that our city is centrally located in regard to other portions of the territory, and

there is no more healthier spot in Dakota, nor more picturesque location than the city of Pierre.

It is conceded by all who have wintered in the valley of the Missouri, that the climate is much more mild than in many other portions of the territory. Our people are unusually exempt from malarial diseases, by reason of the dryness of the climate, and a case of sickness in this city is very rare.

In view of the above facts, and of the necessity which seems to exist for the providing of some place of refuge for our old soldiers, your petitioners pray, that the above gift be accepted by your honorable body.

In evidence of our good faith in this matter, we have forwarded the deeds for the above property, running to the territory, as aforesaid, to our representative in the Territorial Council, Hon. C. I. Crawford, and trust that the same may be accepted, and the proper legislation be enacted for the establishment of the above mentioned Soldiers' Home, at this place, and the location of the same, on the above mentioned ground.

• JOHN SUTHERLAND,
President of the Pierre Board of Trade.

A. W. JOHNSTON,
Secretary.

W. I. WELLMAN,
W. T. WELLS,
Executive Committee, Board of Trade.

E. A. WEST,
JOHN WESTLUND,
A. S. GUTHRIE,
GEO. W. SMITH,
J. C. WILLIAMS,
WILLIAM STOMP,
M. J. SCHUBERT,
S. C. YARNELL,
S. S. CLOUGH,
M. G. YARNELL.

PIERRE, DAK., Jan. 15, 1889.

We the undersigned resident physicians of Pierre, Dakota, having practiced medicine in the aforesaid place from five to seven years, take pleasure in recommending the city of Pierre as being unexceptionally located for health.

In our experience as physicians we find the climate unusually conducive to health, owing to perfect drainage, purity of water and dryness of the atmosphere, being free from malaria and not subject to epidemic, or climatic diseases, diphtheria and typhoid fever rarely occurring except in sporadic types. We therefore confidently recommend Pierre to the community at large as one of the healthiest localities in the Territory of Dakota, and especially favorable as a site for any public or private institution.

C. C. SPRAGUE, M. D.
 W. B. STEERE, M. D.
 J. M. HOCKETT, M. D.
 F. P. WRIGHT, M. D.
 D. W. ROBINSON, M. D.
 MRS. K. S. BAIRD, M. D.

Which was referred to the Committee on Public Buildings.

REPORTS OF STANDING COMMITTEES.

The following reports were received from standing committees:

MR. PRESIDENT:

Your Committee on Territorial affairs beg leave to report that they have had under consideration

House Bill No. 50,

A Joint Resolution providing for the furnishing of certain newspapers to members of the Legislature,

And recommend that it pass.

F. J. WASHABAUGH,
 Chairman.

MR. PRESIDENT:

Your Committee on Cities and Municipal Corporations have had under consideration

Council Bill No. 119,

A bill for an act entitled "An act amending Section 7 of Article 16 of Chapter 73 of the acts of the Seventeenth Legislative Assembly, relating to the incorporation of cities,"

And beg leave to report the same back with the recommendation that the bill do pass,

Also,

Council Bill No. 38,

A bill for an act to amend Section 1, Article 19, Session

Laws of 1887, "How Incorporated Towns may Become Cities."

With the recommendation that it do pass.

GEO. H. WALSH,
Chairman.

MR. PRESIDENT:

Your Committee on Banks and Banking having considered

Council Bill No. 52,

A bill for an act to prescribe the highest rate of interest on money in the Territory of Dakota,

The undersigned, being a majority of said committee, recommend that the bill do not pass.

I. ATKINSON,
M. H. COOPER,
JAS. HALLEY.

MR. PRESIDENT:

Your Committee on Banks and Banking having considered

Council Bill No. 52,

A bill for an act to prescribe the highest rate of interest on money in the Territory of Dakota,

The undersigned, being a minority of said committee, recommend that the bill be amended by striking out the word "ten" in section 1 of said bill and inserting in lieu thereof the word "twelve," and that as thus amended the bill do pass.

E. C. ERICSON, Chairman,
ROGER ALLIN.

MR. PRESIDENT:

Your Committee on Incorporations to whom was referred

Council Bill Nos. 17, and 53

In relation to Building and Loan Associations,

Have had the same under consideration and have instructed me to return the same together with a substitute for the two above named bills, which is herewith presented and to recommend that the substitute do pass.

D. W. POINDEXTER,
Chairman.

MR. PRESIDENT;

Your Committee on Incorporations to whom was referred

Council Bill No. 108,

A bill for an act entitled "An act to change the name of the religions corporation incorporated under the title of The First Bohemian Presbyterian Church of Dakota,"

Have had the same under consideration and have instructed me to return the same with the recommendation that the bill do pass.

D. W. POINDEXTER,
Chairman.

MR. PRESIDENT :

Your Committee on Judiciary have had
House Bills Nos. 3, 6, 8, 52 and the
Substitute for House Bill No. 12
Under advisement, and respectfully report that
House Bills Nos. 6, 8 and 52 be passed.

That
House Bill No. 3

Be reported back with the recommendation that it be referred to the Committee on Revenue, for the reason that said Committee have Council Bill No. 66, on the same subject. That the

Substitute for House Bill No. 12,

Be amended by striking out the word "three" in line 18 of the written bill, and substituting in lieu thereof the word "two," and as amended, that it pass.

S. L. GLASPELL,
Chairman.

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills beg leave to report that they have had under consideration Council Bill No. 93,

And beg leave to report that the same is herewith returned correctly engrossed and enrolled.

J. H. PATTEN,
Chairman.

Mr. President announced.
That he had placed his signature upon
Council Bill No. 93.

MOTIONS AND RESOLUTIONS.

Mr. Crawford moved
That Council Bill No. 11 be recalled from the House for the purpose of amendment.

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Washabaugh in the chair.

Mr. Stimmel introduced—

Council Bill No. 143,

A bill for an act to provide for the manner and method by which the adoption of children may be legalized,

Which was read the first time.

Mr. Stimmel introduced—

Council Bill No. 144,

A bill for an act to amend chapter 31 of the Code of Civil Procedure, and the various sections and amendments thereof relating to the filing of mechanic's liens,

Which was read the first time.

Mr. Stimmel introduced—

Council Bill No. 145.

A bill for an act to provide for making reports and disposed of fines, forfeitures, penalties and costs in criminal cases.

Which was read the first time.

Mr. Stimmel introduced—

Council Bill No. 146,

A bill for an act to amend Section 12, Sub-Chapter 2 of Chapter 112 of the Laws of 1883 relating to road tax,

Which was read the first time.

Mr. Stimmel introduced—

Council Bill No. 147,

A bill for an act to amend Section 115 of Sub-Chapter 1 of Chapter 112, of the Laws of 1883 relating to the levy of tax by township supervisors,

Which was read the first time.

Mr. Atkinson introduced—

Council Bill No. 148,

A bill for an act to provide for the re-establishment and relocation of section posts and boundaries which have been lost or destroyed,

Which was read the first time.

Mr. Washabaugh introduced—

Council Bill No. 149,

A bill for an act to amend Section 2 of Chapter 71 of the laws of 1887 relating to the sale of intoxicating liquors.

Which was read for the first time.

Mr. Washabaugh introduced—

Council Bill No. 150,

A bill for an act to amend Section 1 of Chapter 72 of the laws of 1887 relating to the sale of intoxicating liquors,

Which was read for the first time.

Mr. Poindexter introduced

Council Bill No. 151,

A bill for an act prescribing certain duties of telegraph and telephone companies, prohibiting discrimination between patrons, and providing penalties therefor,

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 133,

A bill for an act to prohibit the manufacture, sale and giving away of intoxicating liquors except for medical, mechanical and scientific purposes, and to regulate the manufacture and sale thereof for such excepted purposes,

Was read the second time, and

Referred to the Committee on Temperance.

Council Bill No. 134,

A bill for an act creating the office of district attorney for each judicial district and abolishing the office of district attorney for each county,

Was read the second time, and

Referred to the Committee on Judiciary.

Council Bill No. 135,

A bill for an act regulating criminal prosecutions in justices courts,

Was read the second time, and

Referred to the Committee on Judiciary.

Council Bill No. 137,

A bill for an act to provide for the construction and furnishing of a Dormitory for the Normal School at Spearfish.

Was read the second time, and

Referred to the Committee on Appropriations.

Council bill No, 141,

A bill for an act to amend Chapter 112, Sub-Chapter 23, Section 113, of the Session Laws of 1883, relating to the impounding of trespassing animals.

Was read the second time, and

Referred to the Committee on Judiciary.

Council bill No. 142.

A Bill for an act defining the class of newspapers in which legal notices shall be published.

Was read the second time, and

Referred to the Committee on Judiciary.

SPECIAL ORDERS.

The hour having arrived for the special order of the day

The consideration of the message from His Excellency the Governor in relation to Council Bill No. 22, being in order

The Chief Clerk read the message as follows:

EXECUTIVE OFFICE, }
January 24, 1889. }

To the Council:

I herewith respectfully return
Council Bill No. 22.

A Joint Resolution for the appointment by the President of the Council and Speaker of the House of a Joint Committee to investigate the condition of the Territorial Hospital for the Insane at Yankton,

It appears from one point of view to be an enactment. If this view is correct, it necessarily follows that, by Section 1 a committee, which, in effect, is a commission, is provided for, and the President of the Council and Speaker of the House are authorized to appoint the same. This would be conferring the appointing power contrary to the Organic Act, which lodges that power in the hands of the Executive.

Section 2 empowers said committee to employ expert and professional services. The propriety of empowering a committee to employ expert services without limit may be doubted; and in view of the fact that it is in the power of the Legislature to require the services of the Attorney General (the law officer of the Territory) for such purposes as are deemed proper, a provision for professional services seems unnecessary. This section likewise empowers such committee to incur expense, which is only limited by the elastic word—"reasonable," no limit being placed upon the amount or character thereof. The wisdom of a matter of this kind being kept within the control of the legislative branch and independent of the Executive is apparent. No enactment is

necessary to enable both branches of the Legislature, by Joint Resolution, or either branch thereof, to at any time order an investigation of any office or department in the Territory; it being within the power of each house to act independently of the other, if they so desire. Why the Legislature should deem it necessary to enact a law of this character, when the purpose can be accomplished by resolution is not apparent to me, in view of the fact that no petition, memorial or request accompanies said bill. If considered as an enactment, the same is contrary to the Organic Act. If considered as a joint resolution, the sanction of the Executive is not necessary. I am in sympathy with the Legislature in any investigation they may deem proper to direct, and the Executive will be pleased at any time to aid in a proper way any inquiry or examination of any department or office.

Respectfully,

LOUIS K. CHURCH,
Governor.

The question being shall the bill pass the objections of the Governor to the contrary notwithstanding.

The roll being called there were ayes, 21; nays, 3.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, Miller, Patten, Poindexter, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Cameron, McDonald, Ryan.

So the bill passed, the objections of the Governor to the contrary notwithstanding.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 26, 1889. }

MR. PRESIDENT :

I have the honor to transmit herewith
House Bill No. 145,

A bill for a joint memorial to Congress regarding the
"Omnibus Bill" for a division of Dakota,

Which the House has passed under suspension of the rules and your favorable consideration is respectfully requested.

Also,

House Bill No. 146,

A Joint Resolution requesting the Governor of the Territory to return to the House, Joint Resolution No. 36, relating to public printing—for correction,

Which the House has passed under suspension of the rules, and your concurrence therein is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, {
January 26, 1889. }

MR. PRESIDENT:

Council Bill No. 2,

I have the honor to return herewith

A bill to repeal the gross earnings law.

Also,

Council Bill No. 86.

A Joint Resolution providing postage stamps for members of the Eighteenth Legislative Assembly,

Which the House has passed.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Hughes moved

That the rules be suspended and

House Bill No. 146,

Joint Resolution recalling House Bill No. 36 from the Governor,

Be read the first, second and third times and put on its final passage.

Which motion prevailed, and

House Bill No. 146,

A Joint Resolution recalling House Bill No. 36 from the Governor,

Was read the first, second and third times and

The question being shall the bill pass,

The roll being called there were ayes, 22; nays, none.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Campbell, Cooper, Crawford,

Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser.

Messrs. Allin and Mr. President not voting.

So the bill passed and

The question being as to its title, and being put,

Its title was agreed to.

Mr. President in the chair.

Mr. Washabaugh moved

That the rules be suspended and House Bill No. 145 be read the first, second and third times and put upon its final passage.

Which motion prevailed, and

House Bill No. 145,

A bill for a joint memorial to Congress regarding the Omnibus Bill for the admission of Dakota,

Was read the first, second and third times.

Mr. Van Osdel in the chair.

Mr. Hughes moved

That further consideration of House Bill No. 145 be laid over until Monday at 3 o'clock and that said bill be printed.

Which motion was lost.

Mr. President in the chair.

The question being shall the bill pass,

The roll going called there were ayes, 11; nays, 9.

Those voting in the affirmative were:

Messrs. Crawford, Dollard, Ericson, Glaspell, Halley, Lowry, Patten, Soderberg, Van Osdel, Washabaugh, Woolhiser.

Those who voted in the negative were:

Messrs. Campbell, Cooper, Harstad, Hughes, McDonald, Miller, Ryan, Walsh, Mr. President.

Messrs. Allin, Atkinson, Cameron and Poindexter, being excused from voting.

Messrs. Hughes and Miller explained their votes.

So the bill passed and,

The question being as to its title, and being put

Its title was agreed to.

Mr. Ericson moved

That the vote by which House Bill No. 145 was passed be reconsidered.

Which motion prevailed.

Mr. Ericson moved

That further consideration of House Bill No. 145 be suspended until 3 o'clock on Monday and that House Bill No. 145 be printed.

Which motion prevailed.

Mr. President announced that he had placed his signature upon House Bill No. 146.

Mr. Cooper moved

That the rules be suspended and the third reading of house bills be taken up.

Which motion prevailed, and

House Bill No. 66.

Joint Resolution relative to a provision by the Territorial Auditor of rooms for the committees of the Eighteenth Legislative Assembly and the furnishing heating and lighting of the same,

Was read the third time, and

The question being upon the report of the Committee on Public Buildings,

The report was adopted.

The question being shall the bill pass.

The roll being called, there were ayes, 17; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Ericson, Glaspell, Halley, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Mr. President.

Mr. Washabaugh voting in the negative.

Absent and not voting:

Messrs. Dollard, Harstad, Hughes, Lowry, Walsh and Woolhiser.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Allin moved

That the rules be suspended and

House Bill No. 50 be read a third time and put upon its final passage,

Which motion prevailed, and

House Bill No. 50,

A Joint Resolution providing for the furnishing of certain newspapers to members,

Was read the third time,

And the question being upon the report of the Committee on Territorial Affairs

The report was adopted.

Mr. Ericson moved

A call of the House.

Mr. President instructed the sergeant-at-arms to bring in the absent members.

Messrs. Hughes, Patten and Walsh were brought in by the sergeant-at-arms.

Mr. Lowry moved

That further proceedings under the call of the House be dispensed with.

Which motion prevailed, and

The question being shall the bill pass,

The roll being called there were ayes, 13; nays, 11.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Glaspell, Halley, Lowry, McDonald, Miller, Patten, Ryan, Walsh, Washabaugh.

Those who voted in the negative were:

Messrs. Cooper, Crawford, Dollard, Ericson, Harstad, Hughes, Poindexter, Soderberg, Van Osdel, Woolhiser, Mr. President.

So the bill passed and

The question being as to its title, and being put

Its title was agreed to.

Mr. Washabaugh moved

That the Council do now adjourn.

Which motion prevailed, and

Mr. President announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

TWENTY-FIRST DAY.

BISMARCK, January 28, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names except Mr. Hughes.

PETITIONS AND COMMUNICATIONS.

Mr. Crawford presented the following petition and communication:

MILBANK, DAK., Jan. 26, A. D. 1889.

To the Honorable Council and House of Representatives of the Legislative Assembly of the Territory of Dakota:

At a regular meeting of A. A. Humphrey Post, No. 42, Department of Dakota, Grand Army of the Republic, it was

Resolved, That we endorse the movement now being made in the Legislative Assembly for the establishment of a Soldiers' and Sailors' Home in the Territory of Dakota, and we would most respectfully urge the passage of a bill locating the same in the city of Pierre.

D. W. DIGGS,
Commander.

Attest: THOS. FITCH, Adjutant.

PIERRE, Dak., Jan. 23, A. D., 1889.

Hon. Coe I. Crawford, Bismarck, Dakota:

DEAR SIR: We the undersigned a committee of Sully Post G. A. R. No, 13, Department of Dakota, beg leave to submit to you some of our reasons why the Soldiers' Home should not be located at the Hot Springs. 1st. The Hot Springs are situated 12 miles from railroad, in a lonesome rough country at the extreme sothwest side of the Territory, and in order for a majority of the old soldiers to reach said point, they would have to travel through part of Iowa, across the State of Nebraska, and stage 12 miles from the nearest railroad station to reach the Hot Springs.

2nd. We are opposed to making prisoners of the old broken down and disabled comrades, compelling them in order to have the benefits of the Home. to shut themselves up so far away from their friends and comrades, when by locating the home at a central point, the transportation would be much less, than at the Springs, and near to their friends.

3rd. The city of Pierre has made a generous and valuable offer, in the building and grounds, at the present valuation of \$40,000, beautifully located on the city railway, at the edge of a magnificent grove of large trees, with a brick building 120x100 feet, with 102 rooms, and could be made ready for occupation within 90 days. From the central location of the city of Pierre, its good water, and beautiful location we do not hesitate to say that its location is second to none in the great territory.

4th. Should the Home be located at the Springs it will require two years to contract the building at an expense of \$60,000, thereby putting off the time when the old veterans could be admitted to its benefits.

Sully Post has had two of its members, (Comrades Laird and McArthur) visit the Hot Springs and treated while there for rheumatism, with but little, if any benefit, so in all cases, it is not at least a youth, or body restoring success.

The annexed circular letter and petition has been sent to all the posts in the territory, and we anticipate favorable action by a majority of the posts.

J. S. SETREEN,
M. S. YAMELL,
A. B. NELSON.

HEADQUARTERS SULLY POST 13,
 DEPARTMENT OF DAKOTA G. A. R., }
 PIERRE, January 12. A. D. 1889. }

*To the Commander, Officers and Comrades of——Post, No.
 —, Department of Dakota G. A. R.:*

COMRADES:—Feeling that there is a large and growing sentiment in favor of establishing and maintaining a home for the soldiers and sailors who may, through inclination or necessity, wish the advantage of its shelter, we, the members of Sully Post, would ask your co-operation in securing the passage of a bill entitled “A bill for the establishing a home for disabled soldiers and sailors, at the City of Pierre.”

In Hughes county there are two hundred old soldiers. Taking this as a fair sample, that proportion being kept up throughout the Territory, would indicate that there are something over 20,000 old soldiers in the Territory. In the natural course of events, hundreds of these old heroes must be taken care of in their old age, and Dakota should not allow her record to be stained by allowing one of them to end his days in the alms house. It is but a just recognition of their services to provide for them a home where they can be at peace and end their days in comparative happiness. Should it be determined to establish such a home, the next thing to consider is the location, or whether Pierre, the place named in the bill in question, is favorably located.

As is well known to the people of Dakota, Pierre is in the exact center from east to west, and in the center of South Dakota from north to south; it is on the Missouri river, the great water highway of the northwest, where pooling and discrimination are impossible; it is already an established city with a fine system of water works, street railroads, good schools, churches, etc.; it has a central location; it will be the center of population in a few years; it has an abundance of building stone; it manufactures as fine brick as can be made in Dakota, and cheaper than most places; it has the Missouri river as a competing point on freight; it has numerous beautiful groves in the city and immediate vicinity, which could be used as pleasure resorts by the veterans; it has good railroad facilities and they will be better within a year; it has a good city government; it has a street railway in operation, and the line passes in front of the building; it has a good waterworks system and

could supply an abundance of clear, pure water; it is the home of many old soldiers who would welcome such an institution and take pride in ministering to the wants of their comrades. The capacious four store brick building has 120 feet frontage to the north and 100 feet to the east. It has 102 rooms, and all conveniently arranged for light and comfort and plumbed for water, and if desired could be ready for occupancy in ninety days. At reasonable prices of construction, the actual cost of the building has been \$28,000.

This building is centrally located on the line of the Pierre City Railway and within about a half mile of the court house and business center of the city. One of the principal water mains passes in front of the building. It is on the edge of a beautiful plateau, nearly a quarter of a mile from the Missouri river and overlooks an intervening natural grove of large trees covering an area of 50 acres and now used as a park.

The city of Pierre offers this magnificent building and the block of ground on which it stands as a free gift to the Territory of Dakota for a Soldiers' Home, and they expect in addition to above, to donate twenty acres of this park adjoining the ground on which it stands. This will increase the value of the gift to at least \$40,000.

Sully Post submits the foregoing as some of the reasons why Pierre should be chosen as the place for a Soldiers' Home, and believes that no town in the Territory can give more.

Comrades please sign the enclosed petition and forward the same without delay to Hon. Coe I. Crawford at Bismarck as per envelope enclosed. It is very important that you should act immediately, for if anything is done it must be done without delay. Please communicate with the members from your district and request their support in favor of the bill.

By request of Sully Post No. 13. Department of Dakota,
G. A. R.

JOHN C. WILLIAMS,
Commander.

WILLIAM KOCH, Adjutant.

MESSAGES FROM THE HOUSE.

The following message were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
 January 25, 1889. }

MR. PRESIDENT:

I have the honor to return herewith
 Council Bill No. 22,

A Joint Resolution for the appointment by the President
 of the Council and Speaker of the House of a Joint Com-
 mittee to investigate the condition of the Territorial Hos-
 pital for the Insane at Yankton,

Which the House has passed, the objections of the Gov-
 ernor to the contrary notwithstanding.

JOHN G. HAMILTON,
 Chief Clerk.

HOUSE OF REPRESENTATIVES, }
 January 28, 1889. }

MR. PRESIDENT:

I have the honor to return herewith,
 Council Bill No. 11.

A bill for an act providing that the counties of Stanley
 Sterling, Nowlin, and others be detached from the Seventh
 Judicial District and attached to the Fifth Judicial Dis-
 trict.

As per request of the Council.

JOHN G. HAMILTON,
 Chief Clerk.

HOUSE OF REPRESENTATIVES, }
 January 28, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
 House Bill No. 36.

A Joint Resolution providing for certain public printing
 and making an appropriation for the same,

Together with the following message of his Excellency,
 the Governor, vetoing the same.

EXECUTIVE OFFICE, }
 January 26, 1889. }

To the House of Representatives:

I herewith respectfully return
 Joint Resolution No. 36.

A Joint Resolution, providing for certain public printing,
 and making an appropriation for the same.

The appropriation of money out of the Territorial Treas-
 ury without limitation, by means of a Joint Resolution, is
 of doubtful propriety and validity and does not appear

to be in the interest of economy in expenditures. The appropriation of money is of sufficient importance to be provided for by an act regularly passed upon after due consideration in committee and requiring the approval of the Executive. A question might arise as to whether or not this expenditure is authorized by law. This feature of the case, however, I have not carefully examined deeming the first objection sufficient for withholding my sanction therefrom.

Respectfully,

LOUIS K. CHURCH,
Governor.

And to inform you that the House has passed House Bill No. 36, the objections of the Governor to the contrary notwithstanding.

JOHN G. HAMILTON,
Chief Clerk.

Mr. President announced he had placed his signature to House Bill No. 1.

EXECUTIVE COMMUNICATION.

The following communication was received from His Excellency the Governor:

EXECUTIVE OFFICE, }
January 26, 1889. }

To the President of the Council:

I have the honor to inform your honorable body that I have approved

Council Bill No. 93,

Entitled "An act to define the Boundaries of the Eighth Judicial District and to provide for a judicial subdivision therein."

And the said bill has been filed in the office of the Secretary.

Respectfully,

LOUIS K. CHURCH,
Governor.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee having had under consideration

House Bill No. 20,

A bill for an act to amend Section 6 of Chapter 121 of the Laws of 1887,

Would respectfully report and recommend that the same do pass.

A. W. CAMPBELL,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Poindexter introduced—

Council Bill No. 152,

A bill for an act to legalize certain instruments and the record thereof,

Which was read the first time.

Mr. Poindexter introduced—

Council Bill No. 153,

A bill for an act to amend Section 647, of the Code of Civil Procedure,

Which was read the first time.

Mr. Poindexter introduced—

Council Bill No. 154,

A bill for an act to authorize the discharge of attachments and lis pendens,

Which was read the first time.

Mr. Poindexter introduced—

Council Bill No. 155,

A bill for an act to authorize foreign executors, administrators and guardians to assign and satisfy judgment and mortgages,

Which was read the first time.

Mr. Poindexter introduced—

Council Bill No. 156,

A bill for an act to regulate the sale of intoxicating liquors for medicinal purposes by registered pharmacists in the Territory of Dakota.

Which was read the first time.

Mr. Halley introduced—

Council Bill No. 157.

A bill for an act entitled "An act to amend and re-enact Section 56 of Chapter 28 of the Political Code of the Territory of Dakota,"

Which was read the first time.

Mr. Dollard introduced—

Council Bill No. 158,

A bill for an act entitled "An act for the assessment and taxation of railroad companies,"

Which was read the first time.

Mr. Dollard introduced—
Council Bill No. 159,

A bill for an act to amend Section 1, Chapter 85 of the Session Laws of 1883 as amended by Section 1, Chapter 112, of the Session Laws of 1885,

Which was read the first time.

Mr. Dollard introduced—
Council Bill No. 160,

A bill for an act entitled "An act to authorize County Commissioners to designate the successors of out going county justices of the peace,"

Which was read the first time.

Mr. Walsh introduced—
Council Bill No. 161,

A bill for an act entitled "An act to provide for the Insurance of crops against loss or damage by hail,"

Which was read the first time.

The Committee on Incorporations introduced—
Council Bill No. 162,

A bill for an act to amend Section 1 of Chapter 34 of the Laws of 1887, and to authorize building and loan corporations or associations to extend their business beyond the boundaries of the Territory of Dakota, to define their powers and privileges and for other purposes,

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 143,

A bill for an act to provide for the manner and method by which the adoption of children may be legalized,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 144,

A bill for an act to amend Chapter 31 of the Code of Civil Procedure, and the various sections and amendments thereof relating to the filing of mechanic's liens,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 145,

A bill for an act to provide for making reports and dispose of fines, forfeitures, penalties and costs in criminal cases,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 146,

A bill for an act to amend Section 12. Sub-Chapter 2 of
Chapter 112 of the Laws of 1883 relating to road tax,

Was read the second time and
Referred to the Committee on Revenue.

Council Bill No. 147,

A bill for an act to amend Section 115 of Sub-Chapter 1
of Chapter 112, of the Laws of 1883 relating to the levy of
tax by township supervisors,

Was read the second time and
Referred to the Committee on Revenue.

Council Bill No. 148,

A bill for act to provide for the re-establishment and
relocation of section posts and boundaries which have been
lost or destroyed,

Was read the second time and
Referred to the Committee on Agriculture.

Council Bill No. 149,

A bill for an act to amend Section 2 of Chapter 71 of the
Laws of 1887, relating to the sale of intoxicating liquors,

Was read the second time and
Referred to the Committee on Temperance.

Council Bill No. 150,

A bill for an act to amend Section 1 of Chapter 72 of the
Laws of 1887 relating to the sale of intoxicating liquors,

Was read the second time and
Referred to the Committee on Temperance.

Council Bill No. 151,

A bill for an act prescribing certain duties of telegraph
and telephone companies, prohibiting discrimination be-
tween patrons, and providing penalties therefor,

Was read the second time and
Referred to the Committee on Incorporations.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 20,

A bill for an act defining a subdivision of the Seventh
Judicial District and fixing the terms of court therein,

Was read the third time, and
The question being upon the report of the committee.
The report was adopted, and

Mr. Campbell offered the following amendment and moved its adoption:

Amend Council Bill No. 20 by adding to Section 1 the following words: "And all actions arising from said county and now pending in the judicial subdivision in which said county is located shall be triable in said McPherson county."

Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 22; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Lowry, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. McDonald and Hughes.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

Mr. Crawford moved

That Council Bill No. 11, having been improperly recalled from the House, be returned.

Which motion prevailed.

Council Bill No. 43,

A bill for an act to repeal Chapter 48 of the Spécial Laws of the Sixteenth Legislative Assembly, being an act entitled "An act to provide for payment of clerical work in the Executive office, and all other acts amendatory thereto,"

Was read the third time and

The question being upon the report of the committee,

The report was adopted, and

The question being shall the bill pass,

The roll being called there were ayes, 20; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Halley, Harstad, Lowry, McDonald, Miller, Poindexter, Ryan, Soderberg, Van Osdel, Washabaugh, Woolhiser, Mr. President.

Mr. Walsh voting in the negative.

Absent and not voting:

Messrs. Glaspell, Hughes, Patten.

So the bill passed, and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 57,

A bill for an act providing for exemption of land on account of fire guard from taxation,

Was read the third time, and

The question being upon the report of the committee,

The report was adopted.

The question being, shall the bill pass,

The roll being called there were ayes 4; nays 18.

Those who voted in the affirmative were:

Messrs. Campbell, Crawford, Dollard, Walsh.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Cameron, Cooper, Ericson, Glaspell, Halley, Harstad, Lowry, McDonald, Miller, Poindexter, Ryan, Soderberg, Van Osdel, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Hughes and Patten.

So the bill was lost.

Council Bill No. 58,

A bill for an act to exempt lands from taxation on account of the cultivation of trees along section lines and public highways,

Was read the third time and

The question being upon the report of the committee,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 7; nays, 16.

Those who voted in the affirmative were:

Messrs. Allin, Crawford, Dollard, Ryan, Van Osdel, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Atkinson, Cameron, Campbell, Cooper, Ericson, Glaspell, Halley, Harstad, Lowry, McDonald, Miller, Patten, Poindexter, Soderberg, Washabaugh, Woolhiser.

Mr. Hughes being absent,

So the bill was lost.

Council Bill No. 91,

A bill for an act entitled "An act to prevent the spread of infectious or contagious diseases among cattle, horses, mules, etc., and to provide for the summary destruction thereof, and to repeal Chapter 32 of the Session Laws of 1887 creating the office of veterinary surgeon," etc.,

Was read the third time, and
The question being upon the report of the committee.
The report was adopted.

Mr. Poindexter offered the following amendment and moved its adoption:

Amend Section 1 by inserting, after the word "glanders" in the 4th line, the words "nasal gleet and button farcy."

Which motion prevailed.

Mr. McDonald moved

To amend by striking out the words "nasal gleet."

Mr. Ericson moved

That Council Bill No. 91 be recommitted to the Committee on Public Health.

Which motion prevailed.

Mr. Washabaugh moved

That Mr. Hughes be excused for the day,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 28, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 7,

A bill for an act entitled, "An act to amend Sections 1 and 2, Chapter 10, Laws of 1887,"

Also,

House Bill No 23,

A bill for an act to amend subdivisions 2 and 3 respectively of Section 37, Chapter 28, Political Code,

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

JOHN G. HAMILTON,
Chief Clerk.

SPECIAL ORDER.

The hour for the special order for the day having arrived,

The Council took up the consideration of
House Bill No. 145.

A bill for a Joint Memorial to Congress regarding the Omnibus Bill for admission of Dakota.

Mr. Walsh offered the following as a substitute for House Bill No. 145, and moved its adoption.

Substitute for Joint House Resolution No. 145.

WHEREAS, That while we are in hearty sympathy with the division of the Territory of Dakota, and the admission of North and South Dakota into the Union of States at the earliest possible moment, still we see no just reason to submit the question of division to a vote of the people of both sections, knowing that the sentiment of each is unqualifiedly in favor of such division, and that South Dakota is in favor of admission under the Sioux Falls Constitution, and to provide an enabling act authorizing the people living in that portion of the territory known as North Dakota to hold a convention, and prepare and submit to its people a constitution, and that said State of North Dakota may be admitted into the Union when the proclamation of the President of the United States upon the adoption of said constitution by the people thereof. Therefore be it

Resolved by the House of Representatives of the Eighteenth Legislative Assembly, the Council concurring:

That we respectfully memorialize the Congress of the United States to so amend the bill known as the Omnibus Bill as will harmize herewith; Provided, however, that such amendments do not jeopardize the passing of the bill at the present session of Congress).

That this memorial shall be signed by the President of the Council and the Speaker of the House, attested by the chief clerks thereof, and when so attested, copies thereof to be forwarded by the President of the Council to the President of the Senate, chairman of the Senate Committee upon Territories and the Hon. C. K. Davis, United States Senator from Minnesota.

Mr. Lowry moved

That both the original bill and substitute be laid on the table,

Which motion was lost.

The question being upon the substitute.

The substitute was adopted.

Mr. Poindexter moved

That the rules be suspended and the substitute put upon its final passage,

Which motion was lost.

Mr. Crawford moved

That the vote by which the substitute was adopted be reconsidered,

Which motion prevailed.

The question being upon the adoption of the substitute, Mr. Ericson made the point of order

That the substitute must be printed before it could be passed.

Mr. President sustained the point of order.

Mr. Crawford offered the following amendment and moved its adoption:

That the word "enacted" be stricken from the enacting clause of House Bill No. 145 and the word "resolved" placed in lieu thereof.

Mr. Walsh moved

That further consideration of this matter be laid over until to-morrow.

Which motion was lost.

Mr. Poindexter moved

That the enacting clause be made to read as follows:

"Be it resolved by the House of Representatives of the Territory of Dakota, the Council concurring."

Which motion prevailed.

Mr. Dollard offered the following amendment and moved its adoption:

Amend line five so as to strike out the words "harmonize its inconsistent features and"

Which motion prevailed.

Mr. Walsh moved

To amend House Bill No. 145 by striking out all that portion of said bill after the title of the memorial and insert therefor the following:

WHEREAS, That while we are in hearty sympathy with the division of the Territory of Dakota, and the admission of North and South Dakota into the union of States at the earliest possible moment, still we see no just reason to submit the question of division to a vote of the people of both sections, knowing the sentiment of each is unqualifiedly in favor of said division, and that South Dakota is in favor of admission under the Sioux Falls constitution, and to provide an enabling act authorizing the people living in that portion of the Territory known as North Dakota to hold a convention, and prepare and submit to the people, a consti-

tution, and that said State of North Dakota may be admitted into the Union upon the proclamation of the President of the United States upon the adoption of said constitution by the people thereof. Therefore, be it

Resolved by the House of Representatives of the Eighteenth Legislative Assembly, the Council concurring.

That we respectfully memorialize the Congress of the United States to so amend the bill known as the Omnibus Bill as will harmonize herewith; Provided, however, That such amendments do not jeopardise the passage of the bill at the present session of Congress.

That this memorial shall be signed by the President of the Council and the Speaker of the House, attested by the Chief Clerk thereof, and when so attested, copies thereof to be forwarded by the President of the Council to the President of the Senate, Chairman of the Senate Committee upon Territories, and to Hon. C. K. Davis, United States Senator from Minnesota.

Which motion prevailed.

Mr. Dollard offered the following amendment and moved its adoption:

Strike out the words "provided, however, that such amendments do not jeopardize the passage of the bill at the present session of Congress."

Which motion prevailed.

The question being shall the bill pass,

Mr. Campbell asked to be excused from voting,

Which request was not granted.

The roll being called there were, ayes, 17; nays, 4.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Cooper, Crawford, Dollard, Ericson, Glaspell, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Campbell, Halley, Harstad, Woolhiser

Absent and not voting:

Messrs. Hughes, Lowry and McDonald,

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Washabaugh moved that the vote by which House Bill No. 145 was passed be reconsidered.

Mr. Walsh moved

That the motion to reconsider be laid on the table,

Which motion prevailed.

Council Bill No. 132,

A bill for an act to amend Sections 1 and 2, Chapter 32, of the Session Laws of 1887, entitled "An act to suppress and prevent the spread of contagious and infectious diseases among domestic animals,"

Was read the third time.

Mr. Campbell moved

That Council Bill No. 132

Be recommitted to the Committee on Public Health,

Which motion prevailed.

Mr. Washabaugh in the chair.

Council Bill No. 90,

A bill for an act to repeal an act entitled "An act to provide for the construction and maintenance of artesian wells and the assessment and collection of taxes therefor."

The question being upon the report of the committee,

The report was adopted.

Mr. Crawford moved

That further consideration of Council Bill No. 90 be postponed.

Which motion prevailed.

Mr. Patton asked unanimous consent to make a report.

There being no objection,

Mr. Patton made the following reports:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills beg leave to report

Council Bill No. 93

Presented to His Excellency the Governor, January 26th, at 3:05 p. m.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 1,

A Joint Resolution requesting the Secretary to furnish certain codes for the members of the Legislative Assembly, And find the same correctly engrossed and enrolled.

Also,

Council Bill No. 2,

A bill for an act to repeal the gross earnings law relating to the levy and collection of taxes on railroad property, And find the same correctly engrossed and enrolled.

Also,

Council Bill No. 86,

Joint Resolution, providing postage stamps for members of the Eighteenth Legislative Assembly.

And find the same correctly engrossed and enrolled.

J. H. PATTEN,

Chairman.

Mr. President in the chair.

Mr. President announced that he had signed Council Bills Nos. 1, 2 and 86.

Mr. Glaspell moved

That the Council do now adjourn,
Which motion was lost.

Council Bill No. 62,

A bill for an act to repeal Chapter 60 of the General Laws of the Seventeenth Legislative Assembly, entitled "An act to prohibit the destruction of beaver in the Territory of Dakota,"

The question being upon the report of the committee,
The report was adopted.

The question being shall the bill pass,
The roll being called, there were ayes. 13; nays, 4.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Crawford, Dollard, Harstad, Poindexter, Soderberg, Van Osdel, Walsh, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Cooper, Ericson, Lowry, Ryan.

Absent and not voting:

Messrs. Glaspell, Hally, Hughes, McDonald, Miller, Patten and Woolhiser.

So the bill passed and,
The question being as to its title, and being put,
Its title was agreed to.

Council Bill No. 56,

A bill for an act to provide for the destruction of noxious weeds,

Was read the third time, and

The question being upon the report of the committee,

The report was adopted.

Mr. Ryan offered the following amendment and moved its adoption:

Add after the words "against said land" in 11th line, Section 2, "provided that in case the mortgagee or lienor destroys the weeds on notice the expense of the same shall be considered as part of the debt secured by the mortgage or other lien.

Which motion prevailed.

Mr. Cameron offered the following amendment and moved its adoption:

To insert after the word "mustard" in the third line the words "also a weed known in North Dakota as 'French Weed,'"

Which motion prevailed.

Mr. Ericson offered the following amendments and moved their adoption:

Amend by adding "sand burr" after the word "burr" in line 3 of section 1.

Insert the words "or road supervisor" after the word "highways" in line 10 of section 1, in line 2 of section 2 and in line 4 of section 3; also, insert the words "or supervisor" after the word "overseer" in line 10 of section 2 and in line 1 of section 4.

Which motion prevailed.

Mr. Cooper offered the following amendment and moved its adoption:

Amend line 12, section 1, by striking out the words "three weeks" and inserting "ten days."

Which motion prevailed.

Mr. Cooper moved to amend by prefixing the word "wild" to the word "mustard" wherever the same occur in the bill.

Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 18; nays, 3.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Cooper, Crawford, Dollard, Ericson, Halley, Harstad, Lowry, Miller, Patten, Poin-dexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Atkinson, Campbell, Woolhiser.

Absent and not voting:

Messrs. Glaspell, Hughes and McDonald,

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Washabaugh moved

That the Council now return to the order of Consideration of messages from the House.

Which motion prevailed, and

The following message from the House of Representatives was read:

HOUSE OF REPRESENTATIVES, }
January 26, 1889, }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 36,

A Joint Resolution providing for certain public printing, and making an appropriation for the same.

Together with the following message of his Excellency, the Governor, vetoing the same,

EXECUTIVE OFFICE, }
January 26, 1889. }

To the House of Representatives:

I herewith respectfully return

Joint Resolution No. 36,

A Joint Resolution providing for certain public printing and making an appropriation for the same.

The appropriation of money out of the Territorial Treasury without limitation, by means of a Joint Resolution, is of doubtful propriety and validity and does not appear to be in the interest of economy in expenditures. The appropriation of money is of sufficient importance to be provided for by an act regularly passed upon after due consideration in committee and requiring the approval of the Executive. A question might arise as to whether or not this expenditure is authorized by law. This feature of the case, however, I have not carefully examined, deeming the first objection sufficient for withholding my sanction therefrom.

Respectfully,

LOUIS K. CHURCH,
Governor.

And to inform you that the House has passed House

Bill No. 36, the objections of the Governor to the contrary notwithstanding.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Poindexter moved

A call of the House.

The roll being called

Messrs. Glaspell and McDonald were found to be absent and the Sergeant-at-arms was instructed to bring in the absent members.

Mr. Poindexter moved

That further proceeding under the call of the House be dispensed with.

Which motion prevailed.

Mr. Walsh moved

That the Council do now adjourn,

Which motion was lost and

The question being, shall House Bill No. 36 be passed, the objections of the Governor to the contrary notwithstanding,

The roll being called there were ayes 15, nays 6.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Dollard, Ericson, Halley, Lowry, Miller, Patten, Poindexter, Soderberg, Van Osdel, Washabaugh, Woolhiser.

Those who voted in the negative were:

Messrs. Cameron, Crawford, Harstad, Ryan, Walsh, Mr. President.

Absent and not voting:

Messrs. Glaspell, Hughes and McDonald.

Mr. Crawford changed his vote from aye to nay and made the following explanation:

"I want it distinctly understood that I change my vote on the sole ground that in my judgment the resolution should be an enactment and not a resolution."

Mr. President announced that he voted no on the ground that he is of the opinion that this appropriation should be by enactment.

So the bill passed the objections of the Governor to the contrary notwithstanding.

Mr. Campbell moved

That the Council do now adjourn.

Which motion prevailed and

Mr. President announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

TWENTY-SECOND DAY.

BISMARCK, January 29, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names.

Mr. Soderberg moved

That the reading of the Journal of Saturday be dispensed with

Which motion prevailed.

Mr. Poindexter moved

To dispense with reading of body of memorials in the Journal,

Which motion prevailed.

The Journal of yesterday was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
January 29, 1889. }

MR. PRESIDENT:

I have the honor to return herewith

House Bill No. 2,

A bill for an act providing for a constitutional convention for North Dakota,

Also,

House Bill No. 49,

A bill for an act to correct the Public Statutes of the Seventeenth Session of the Legislative Assembly,

Also,

House Bill No. 56,

A bill for an act entitled "An act to amend Section 47 of Chapter 29 of the Political Code,"

Also,

House Bill No. 60,

A bill for an act to amend Section 35, of Chapter 47, of the Session Laws of 1887,

Also,

House Bill No. 68,

A bill for an act creating and defining a subdivision of the First Judicial District,

Also,

House Bill No. 70,

A bill for an act to permit county commissioners to compromise delinquent taxes,

Also,

House Bill No. 87,

A bill for an act to amend Section 1, Supplement to Session Laws of 1885, being an act to prevent the spread of noxious weeds in the Territory of Dakota,

Also,

House Bill No. 122,

A bill for an act prohibiting the collection of fees by attorneys and counselors in certain cases,

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

JOHN G. HAMILTON,
Chief Clerk.

Mr. President announced his signature to House Bills Nos. 50 and 66.

PETITIONS AND COMMUNICATIONS.

Mr. Crawford presented the following petition:

PARKER, Dak., January 26, 1889.

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

At a regular meeting of J. H. Carleton Post, No. 17, Department of Dakota Grand Army of the Republic, it was *Resolved*, That we endorse the movement now being made in the Legislative Assembly for the establishment of a Soldiers' and Sailors' Home in the Territory of Dakota, and we would most respectfully urge the passage of a bill locating the same in the city of Pierre.

WM. GRIFFITH,
Commander.

Attest: W. H. SANBORN, Adjutant.

Which was referred to the Committee on Public Buildings.

Mr. Harstad presented the following petitions:

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of Dakota Territory, over twenty-one years of age, petition your honorable body to enact a strict prohibitory liquor law containing adequate provisions for its enforcement and also providing very heavy fines, penalties and forfeitures for its violation, and for such your petitioners will ever pray.

Z. L. MUNTER,
And 150 others of Caledonia.

Which was referred to the Committee on Temperance.

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of Dakota Territory over twenty-one years of age, petition your honorable body to enact a strict prohibitory liquor law containing adequate provisions for its enforcement and also providing very heavy fines, penalties and forfeitures for its violation, and for such your petitioners will ever pray.

JOHANNAS S. SKOGSTAD,
And 370 others, of Traill county.

Which was referred to the Committee on Temperance.

Mr. Walsh presented the following petitions:

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of Dakota Territory, over twenty-one years of age, petition your honorable body to

enact a strict prohibitory liquor law containing adequate provisions for its enforcement and also providing very heavy fines, penalties and forfeitures for its violation, and for such your petitioners will ever pray.

JOHN D. MYERS,

And 47 others of Arvilla Township, Grand Forks County.

Which was referred to the Committee on Temperance.

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of Dakota Territory, over twenty-one years of age, petition your honorable body to enact a strict prohibitory liquor law containing adequate provisions for its enforcement and also providing very heavy fines, penalties and forfeitures for its violation, and for such your petitioners will ever pray.

G. N. KOISMO,

And 115 others of Avon township, Grand Forks county,

Which was referred to the Committee on Temperance.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

The Committee on Elections, to whom was referred Council Bills Nos. 102, 110 and 113.

Have had the same under consideration and report the same back with the recommend that Council Bill No. 113 be referred to the Committee on Education and that Council Bills 102 and 110 be referred back with the recommendations that they do not pass.

A. L. VAN OSDEL,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary have had the following bill under advisement and respectfully report that

Council Bill No. 23,

A bill for an act regulating the amount that may be stipulated as attorneys' fees in notes and mortgages, and other written instruments,

Be amended by adding to Section 1, in the fourth line of the printed bill after the word "instrument," the words "provided that the court may allow a less amount than 10 per cent. for attorneys' fee," and, as amended, that it pass.

S. L. GLASPELL,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Glaspell moved

The rules be suspended and House Bill No. 86, be read the second and third times and put upon its final passage.

Which motion prevailed.

House Bill No. 86,

A Joint Resolution providing for an investigation of the management and condition of the North Dakota Hospital for the Insane at Jamestown,

Was read the second and third times.

The question being shall the bill pass,

The roll being called, there were ayes, 22; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Soderberg, Van Osdel, Walsh, Woolhiser, Mr. President.

Mr. Ryan voting in the negative.

Mr. Washabaugh being absent.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

EXECUTIVE COMMUNICATION.

The following communication was received from His Excellency the Governor.

EXECUTIVE OFFICE, }
January 28, 1889. }

To the President of the Council:

I have the honor to inform your honorable body that I have approved

Council Bill No. 1,

Entitled "Joint Resolution requesting the Secretary to furnish certain codes for members of the Legislative Assembly."

Also,

Council Bill No. 86,

Entitled "Joint Resolution providing postage stamps to members of the Eighteenth Legislative Assembly,"

And said bills have been filed in the office of the Secretary

Respectfully,

LOUIS K. CHURCH,

Governor.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Hughes introduced—

Council Bill No. 163,

A bill for an act for the maintenance of the public offices of the Territory,

Which was read the first time,

Mr. Poindexter introduced—

Council Bill No. 164,

A Joint Resolution calling on the Territorial Secretary for information,

Which was read the first time,

Mr. Crawford introduced—

Council Bill No. 165,

A bill for an act to provide for the sinking of artesian wells and the construction of water courses therefrom.

Which was read the first time,

Mr. Atkinson introduced—

Council Bill No. 166,

A bill for an act relating to the appointment of county precinct and township officers.

Which was read the first time,

Mr. Miller introduced—

Council Bill No. 167,

A bill for an act to make tax on personal property a lien thereon,

Which was read the first time.

Mr. Cooper introduced—

Council Bill No. 168,

A bill for an act for the protection of game,

Which was read the first time.

Mr. Atkinson introduced—

Council Bill No. 169,

A bill for an act amending Section 3, Chapter 50, of the Political Code,

Which was read the first time.

Mr. Atkinson introduced—

Council bill No. 170,

A bill for an act prescribing the liability of insurance companies in certain cases,

Which was read the first time.

Mr. Washabaugh introduced—

Council Bill No. 171,

A bill for an act authorizing the board of county commissioners of Lawrence county to defray certain expenses incurred in suppressing fraud in its financial affairs,
Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 152,

A bill for an act to legalize certain instruments and the record thereof,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 153,

A bill for an act to amend Section 647, of the Code of Civil Procedure,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 154,

A bill for an act to authorize the discharge of attachments and lis pendens,

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

Council Bill No. 155,

A bill for an act to authorize foreign executors, administrators and guardians to assign and satisfy judgments and mortgages,

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

Council Bill No. 156,

A bill for an act to regulate the sale of intoxicating liquors for medicinal purposes by registered pharmacists in the Territory of Dakota,

Was read the second time, and
Referred to the Committee on Temperance.

Council Bill No. 157,

A bill for an act entitled "An act to amend and re-enact Section 56 of Chapter 28 of the Political Code of the Territory of Dakota,"

Was read the second time and,
Referred to the Committee on Revenue.

Council Bill No. 158,

A bill for an act entitled "An act for the assessment and taxation of railroad companies,"

Was read the second time and,
Referred to the Committee on Railroads.

Council Bill No. 159,

A bill for an act to amend Section 1, Chapter 85 of the Session Laws of 1883 as amended by Section 1, Chapter 112, of the Session Laws of 1885,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 160,

A bill for an act entitled "An act to authorize county commissioners to designate the successors of out going county justices of the peace,"

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 161,

A bill for an act entitled "An act to provide for the insurance of crops against loss or damage by hail,"

Was read the second time and
Referred to the Committee on Territorial Affairs.

Council Bill No. 162,

A bill for an act to amend Section 1 of Chapter 34 of the Laws of 1887, and to authorize building and loan corporations or associations to extend their business beyond the boundaries of the Territory of Dakota, to define their powers and privileges and for other purposes,

Was read the second time and
Referred to the Committee on Incorporations.

THIRD READING OF COUNCIL BILLS.

Mr. Campbell moved

That Council Bill No. 162 be now read as substitute for Council Bills Nos. 17 and 63,

Which motion prevailed, and

Council Bill No. 162,

A bill for an act to amend Section 1, Chapter 34, of the Laws of 1887, and to authorize building and loan corporations or associations to extend their business beyond the boundaries of the Territory of Dakota, to define their powers and privileges, and for other purposes,

Was read the third time, and

The question being upon the report of the committee,

The report was adopted, and

The question being shall the bill pass,

The roll being called there were ayes, 19; nays, 3.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Halley, Harstad, Hughes, Lowry, Miller, Patten, Poindexter, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser.

Those who voted in the negative were:

Messrs, Atkinson, Glaspell, Van Osdel.

Absent and not voting:

Messrs. McDonald, Mr. President.

So the bill passed and,

The question being as to its title, and being put

Its title was agreed to.

Council Bill No. 53,

A bill for an act to authorize a Building and Loan Association to extend its business beyond the boundararies of the Territory of Dakota, to limit their capital stock, to define their powers and privileges and for other purposes,

Mr. Campbell moved

That the further consideration of Council Bill No. 53 be indefinitely postponed.

Which motion prevailed.

Council Bill No. 17,

A bill for an act to amend Section 1 of Chapter 34 of the Laws of 1887, entitled "Building and Loan Associations."

Was read the third time.

Mr. Campbell moved

That the further consideration of Council Bill No. 17 be indefinitely postponed.

Which motion prevailed.

Council Bill No. 52,

A bill for an act to prescribe the highest rate of interest on money in the Territory of Dakota,

Was read the third time.

Mr. Ericson moved

That the report of the minority of the Committee on Banks and Banking be adopted.

Mr. Lowry moved

To strike out 12 "per cent." and insert "10 per cent." and demanded roll call on the amendment.

The roll being called there were ayes 7; nays 16.

Those who voted in the affirmative were:

Messrs. Allin, Glaspell, Harstad, Lowry, Miller, Van Osdel, Woolhiser.

Those who voted in the negative were:

Messrs. Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Halley, Hughes, Patten, Poindexter, Ryan, Soderberg, Walsh, Washabaugh, Mr. President.

Mr. McDonald being absent.

So the motion was lost.

Mr. Ryan moved

To substitute the majority for the minority report,
Which motion was lost.

The question being upon the minority report,
The minority report was adopted.

Mr. Harstad offered the following amendment, and moved its adoption.

Add to Section 2, after the word "misdemeanor," the following: "And shall also forfeit all the interest or consideration so charged."

Which motion was lost.

Mr. Glaspell offered the following amendment, and moved its adoption:

Amend by adding to Section 1 "all contracts made in violation hereof are declared to be against public policy and null and void and all principal and interest paid thereunder may be recovered back."

Roll call demanded.

The roll being called there were ayes, 4; nays, 18.

Those who voted in the affirmative were:

Messrs. Allin, Glaspell, Harstad, Lowry.

Those who voted in the negative were:

Messrs. Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Halley, Hughes, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. McDonald and Miller.

Mr. Hughes moved

To strike out all after the enacting clause and insert:

SEC. 1. Every person taking, receiving or retaining for any higher rate of interest than the rate of 12 per centum per annum, is guilty of a misdemeanor.

SEC. 2. Every person who contracts to pay or who pays any higher rate of interest than the rate of 12 per centum per annum is guilty of a misdemeanor.

SEC. 3. This act shall take effect immediately.

Mr. Dollard moved

To amend by striking out Section 2 of said amendment.

Which motion prevailed.

The question being upon the amendment of Mr. Hughes,

The amendment was lost.

Mr. Washabaugh offered the following amendment and moved its adoption:

To amend Council Bill No. 52 in Section 2 by adding after the word "indirectly" in the first line of said Section 2, the following words, to-wit: "Offers to give or pay, or any person who, directly or indirectly."

Which motion was lost.

Mr. Dollard moved

To strike out Section 1 of said bill.

Which motion prevailed.

Mr. Van Osdel moved

That the sections be renumbered.

Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 22; nays, 2.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Cooper, Crawford, Dollard, Ericson, Glaspell, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Campbell and Halley.

So the bill passed and

The question being as to its title,

Mr. Crawford moved

That the title be amended to read as follows:

A bill for an act making the taking of usury a misdemeanor,

Which motion prevailed and

The title as amended was agreed to.

Mr. Hughes moved

That the rules be suspended and House Bills be taken up,

Which motion prevailed.

FIRST READING OF HOUSE BILLS.

House Bill No. 7,

A bill for an act to amend Sections 1 and 2 of Chapter 10 Laws of 1887,

Was read the first time.

House Bill No. 23,

A bill for an act to amend Subdivisions 2 and 3 respectively of Section 37 of Chapter 28, Political Code,

Was read the first time.

Mr. Washabaugh in the chair.

SECOND READING OF HOUSE BILLS.

House Bill No. 24,

A bill for an act to amend Section 38 of Chapter 28 of the Political Code, as amended by Chapter 143, Laws of 1887,

Was read the second time and

Referred to the Committee on Counties.

House Bill No. 37,

A bill for an act to provide for payment of lost or destroyed interest coupons, due July 1, 1886, on the Madison Normal School bonds of Dakota,

Was read the second time and

Referred to the Committee on Public Printing.

House Bill No. 51,

A bill for an act to amend Section 9, Article 13 of Chapter 73, Session Laws of 1887.

Was read the second time and

Referred to the Committee on Incorporations.

House Bill No. 71,

A bill for an act limiting the terms of holding the offices of county treasurer and sheriff,

Was read the second time and

Referred to the Committee on Counties.

House Bill No. 73.

A bill for an act to provide fuel for the Capitol building,

Was read the second time and

Referred to the Committee on Appropriations.

House bill No. 75,

A bill for an act amending Sections 678, 679 and 680 and repealing Sections 681 and 682 of the Code of Civil Procedure, relating to damage to persons and property by railroad corporations,

Was read the second time and

Rererred to the Committee on Judiciary.

House Bill No. 81,

A bill for an act to amend Section 12 of Chapter 78 of the General Laws of 1887, entitled "An act to define the Sixth Judicial District of the Territory of Dakota, to subdivide the same, to fix the terms of court therein and for other purposes."

Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 95,

A bill for an act providing for the taxation of telegraph lines,

Was read the second time and
Referred to the Committee on Revenue.

House Bill No. 98,

A bill for an act to define the boundaries of the county of Butte,

Was read the second time and
Referred to the Committee on Counties.

House Bill No. 113,

A Joint Resolution calling upon the Governor to report relating to the clerical help employed in the Governor's office.

Mr. Poindexter moved

That the rules be suspended and House Bill No. 113 be read the third time and put upon its final passage.

Mr. Glaspell objected and raised the point of order that the bill could not be placed upon its third reading if any objection was raised.

Mr. President sustained the point of order.

Mr. President in the chair.

EXECUTIVE COMMUNICATION.

The following communication was received from His Excellency the Governor:

EXECUTIVE OFFICE, }
January 29, 1889. }

To the President of the Council:

I have the honor to inform your honorable body that I have approved

Council Bill No. 2,

Entitled "An act to repeal the Gross Earnings Law relating to the levy and collection of taxes on railroad property."

And the said bill has been filed in the office of the Secretary.

Respectfully,
LOUIS K. CHURCH,
Governor.

Mr. President announced
Messrs. Cameron and Ericson as the the members on the part of the Council of the joint committee to investigate the Jamestown Asylum.

Messrs. Ericson, Hughes and Washabaugh having offered their resignations as members of the committee on Judiciary,

Mr. Atkinson moved
That the resignations be accepted.
Which motion prevailed.

Mr. Crawford moved
That the Council do now adjourn.

Which motion prevailed, and
Mr. President announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

TWENTY-THIRD DAY.

BISMARCK, January 30, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names.

The Journal of yesterday was read and approved.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 30, 1889. }

MR. PRESIDENT:

I have the honor to return herewith
House Bill No. 115,

A bill for an act to attach the county of Church to the
county of McHenry for judicial purposes,

Also,

House Bill No. 127,

A bill for an act providing for a subdivision of the
Seventh Judicial District of the Territory of Dakota,

Which the House has passed, and your favorable con-
sideration thereof is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
January 30, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
Council Bill No. 48,

A bill for an act exempting all honorably discharged
soldiers and sailors of the United States, who served in the
rebellion, from jury duty and the payment of poll tax,

Which the House has indefinitely postponed.

JOHN G. HAMILTON,
Chief Clerk.

PETITIONS AND COMMUNICATIONS.

Mr. Walsh presented the following communication:

GRAND FORKS, Jan. 29, 1889.

The following resolution was unanimously adopted at a
regular meeting of this Post, January 26, 1889:

Resolved, That we heartily favor the location of the pro-
posed Soldiers' Home at Hot Springs, Fall River county,
D. T., and earnestly request the Legislature of the Terri-
tory of Dakota to make the necessary appropriation of
\$60,000 for that purpose;

Resolved, That the Hon. Geo. H. Walsh, member of the

Council and Hon. R. L. Bennett and Hon. C. H. Baldwin, members of the House of Representatives from this district, be and they are hereby requested to exert their influence, to the end of accomplishing the object desired.

Resolved, That we heartily second and applaud the work at Bismarck, D. T., of Department Commander Hammond, and Comrade James, in securing necessary beneficial legislation for Comrades of the Grand Army of the Republic. We sincerely hope they may succeed.

Resolved further, That copies of these resolutions be forwarded to Commander Hammond, and Comrade James, and to each of the Representatives from Grand Forks county in the Legislature.

Official copy respectfully furnished for the information of the Hon. Geo. H. Walsh, member of the Council from this district.

Attest: WM. ACKERMAN, Adjutant. WM. E. PARSONS, Commander.

Which was referred to the Committee on Territorial Affairs.

Mr. Ericson presented the following petition:

To the Honorable Body of Legislators of the Territory of Dakota Assembled:

We, the undersigned citizens of the County of Union and Territory of Dakota, would most respectfully petition your honorable body: Whereas, it has been suggested by His Honor, the Governor of the Territory, in his message to your honorable body, that the laws relating to the militia of this Territory should be so changed as to lessen the appropriations of the said Territory, and which would have a tendency to do away with the regular annual encampments and musters of the Dakota National Guard, we would recommend and heartily endorse any and all legislation that would lessen the expenses of the Territory; but we especially do not believe it policy, and for the best interest if the National Guard to in any wise change or amend the law so as to lessen the appropriation as now allowed by law for the purpose of the National Guard of this Territory, as it would only have a tendency to discourage the members of the Guard, to whom we should look with pride.

A. D. KELLER,
And 54 others of Union county.

Which was referred to the Committee on Territorial Affairs.

Mr. Crawford introduced the following petition:

VALLEY SPRINGS, Dak., A. D. 1889.

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

At a regular meeting of Geo. Washington Post, No. 114, Department of Dakota, Grand Army of the Republic, it was *Resolved*, That we endorse the movement now being made in the Legislative Assembly for the establishment of a Soldiers' and Sailors' Home in the Territory of Dakota, and we would most respectfully urge the passage of a bill locating the same in the city of Pierre.

JOHN I. CONOVER,
Commander.

Attest: F. L. SKILLMAN, Adjutant.

Which was referred to the Committee on Territorial Affairs.

Mr. Poindexter presented the following petition:

ASHTON, Dak., Jan. 28, 1889.

At a special meeting of General Upton Post No. 52, G. A. R. the following was unanimously adopted:

WHEREAS, At the annual encampment of the G. A. R. department of Dakota, held at Redfield, Dak., March, 1888, a committee was appointed to draft a bill for the location of the Soldiers' Home at Hot Springs, Fall River county, Dak., therefore be it

Resolved, That we most earnestly urge our members of the Council and Legislature, to use all honorable means to aid the passage of the Hot Springs Soldiers' and Sailors' Home bill, as presented by the Committee on Soldiers' Home.

Attest: J. S. PEMTON, Adjutant. J. P. DAY,
Post Commander.

Which was referred to the Committee on Territorial Affairs.

Mr. Miller presented the following petition:

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of Dakota Territory, over twenty-one years of age, petition your honorable body to enact a strict prohibitory liquor law containing adequate

provisions for its enforcement and also providing very heavy fines, penalties and forfeitures for its violation, and for such your petitioners will ever pray.

J. H. BOSTWICK,

And 87 others, of Fairmount.

Which was referred to the Committee on Temperance.

Mr. Ericson presented the following petition:

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of Dakota Territory over twenty-one years of age, petition your honorable body to enact a strict prohibitory liquor law containing adequate provisions for its enforcement and also providing very heavy fines, penalties and forfeitures for its violation, and for such your petitioners will ever pray.

CLARA SMITH,

And 39 others, of Hurley, Turner county.

Which was referred to the Committee on Temperance.

Mr. Ericson presented the following petitions:

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of Dakota Territory, over twenty-one years of age, petition your honorable body to enact a strict prohibitory liquor law containing adequate provisions for its enforcement and also providing very heavy fines, penalties and forfeitures for its violation, and for such your petitioners will ever pray.

W. ARTHUR SHURTLEFF,

And 108 others of Parker, Turner County.

Which was referred to the Committee on Temperance.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Railroads, to whom was referred Council Bill No. 8.

A bill for an act to repeal Chapter 126 of the Session Laws of 1885, providing for the establishment of a board of railroad commissioners,

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

JOHN MILLER,
Chairman.

MR. PRESIDENT:

A majority of your Committee on Education having had under consideration

Council Bill No. 69,

A bill for an act to locate and establish the North Dakota Territorial Agricultural College at Valley City, Dak.

Respectfully return the same with the recommendation that it do pass

ROBERT DOLLARD,
Chairman.

MR. PRESIDENT:

The Revenue Committee having considered

House Bill No. 27,

A bill for an act to fix the compensation of assessors,

Recommend its passage.

M. H. COOPER,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 145,

A bill for a joint memorial to Congress regarding the "Omnibus Bill" for a division of Dakota,

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined.

Council Bill No. 20,

A bill defining a subdivision of the Seventh Judicial District of Dakota and fixing the terms of court therein.

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

House Bill No. 73,

A bill for an act to provide fuel for the capitol building,

Having had the same under consideration would respectfully recommend that the said bill do pass.

HUGH McDONALD,
Chairman.

Mr. Van Osdel offered the following resolution, and moved its adoption:

WHEREAS, Eric Iverson was duly elected as the enrolling clerk of the Council, and was recognized by the Secretary of the Territory as entitled to be placed on said pay roll; and has already received from the Secretary of the Territory about forty dollars in part payment for services rendered. Therefore

Resolved, That it is the sense of the Council that said Eric Iverson is elected as enrolling clerk of the Council, and should be entitled to have his name placed on the pay roll in the Secretary's office for the office of enrolling and engrossing clerk.

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Stimmel introduced—

Council Bill No. 172,

A bill for an act to locate and establish the North Dakota Agricultural College,

Which was read the first time.

Mr. Ericson introduced—

Council Bill No. 173,

A bill for an act appropriating funds for the maintenance of the University of Dakota for the ensuing two years and for other purposes,

Which was read the first time.

Mr. Miller introduced—

Council Bill No. 174,

A bill for an act for the establishment of a Normal School for the Territory of Dakota at the city of Wahpeton in said Territory, and for the government, management and control of same,

Which was read the first time.

Mr. Allin introduced—

Council Bill No. 175,

A bill for an act amending Sections 2, 9, 10, 12, 27, 29, 32 and 33 of Chapter 69, Laws of 1885, relating to insurance,

Which was read the first time.

Mr. Hughes introduced—

Council Bill No. 176,

A bill for an act prescribing the mode for listing, assess-

ing and the levy and collecting of taxes, and for other purposes,

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 163,

A bill for an act for the maintenance of the public offices of the Territory,

Was read the second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 164,

A Joint Resolution calling on the Territorial Secretary for information,

Was read the second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 165,

A bill for an act to provide for the sinking of artesian wells and the construction of water courses therefrom,

Was read the second time and

Referred to the Committee on Counties.

Council Bill No. 166,

A bill for an act relating to the appointment of county precinct and township officers,

Was read the second time and

Referred to the Committee on Counties.

Council Bill No. 167,

A bill for an act to make tax on personal property a lien thereon,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 168,

A bill for an act for the protection of game,

Was read the second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 169,

A bill for an act amending Section 3, Chapter 50, of the Political Code,

Was read the second time and,

Referred to the Committee on Revenue.

Council bill No. 170,

A bill for an act prescribing the liability of insurance companies in certain cases,

Was read the second time and

Referred to the committee on corporations.

Council Bill No. 171,

A bill for an act authorizing the board of county commissioners of Lawrence county to defray certain expenses incurred in suppressing fraud in its financial affairs,

Was read the second time and

Referred to the Committee on Territorial Affairs.

Mr. Atkinson moved

That the rules be suspended and Council Bill No. 172 be read the second time and referred to its appropriate committee.

Which motion prevailed, and

Council Bill No. 172,

A bill for an act to locate and establish the North Dakota agricultural college,

Was read the second time and

Referred to the Committee on Education.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 104.

A bill for an act entitled "An act to change the name of Amund Amundson to Amund A. Boe,"

Was read the third time.

Mr. Walsh moved

That the further consideration of Council Bill No. 104 be indefinitely postponed,

Which motion prevailed.

Council Bill No. 65,

A bill for an act to amend Section 2, Chapter 58, of the General Laws of the Seventeenth Legislative Assembly, entitled "An act for the protection of game,"

Was read the third time, and

The question being upon the report of the committee,

The report was not adopted.

Mr. Cooper offered the following amendment and moved its adoption:

Add Section 2 as follows:

SEC. 2. Amend Section 2, Chapter 58, by substituting "January 1st." for "May 15th."

Which motion was lost.

Mr. Allin offered the following amendment and moved its adoption:

SEC. 2. The board of county commissioners are hereby authorized to pay for all damages done to the standing grain, in each county, to carry out the provisions of this act,

Which motion was lost.

The question being shall the bill pass,

The roll being called there were ayes, 15; nays, 9.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Halley, Hughes, Lowry, McDonald, Miller, Poindexter, Walsh, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Ericson, Glaspell, Harstad, Patten, Ryan, Soderberg, Van Osdel, Woolhiser.

So the bill passed, and

The question being as to its title,

Mr. Soderberg moved

“To change the title of Council Bill No. 65 so as to read for the distruction of game.”

Which motion was lost.

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 85,

A bill for an act relating to fees for discharging chattel mortgages of record.

Was read the third time, and

The question being upon the report of the committee,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 21; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Crawford, Dollard, Ericson, Glaspell, Harstad, Hughes, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Mr. Halley voting in the negative.

Absent and not voting:

Messrs. Lowry and Cooper,

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

Council Bill No. 79,

A bill for an act entitled “An act to amend Section 647 of the Code of Civil Procedure,”

Was read the third time, and
 The question being upon the report of the committee,
 The report was adopted, and
 The question being shall the bill pass,
 The roll being called there were, ayes, 2; nays, 19.
 Those who voted in the affirmative were:
 Messrs. Campbell and Walsh.
 Those who voted in the negative were:
 Messrs. Allin, Cooper, Crawford, Dollard, Ericson, Glas-
 pell, Halley, Harstad, Hughes, McDonald, Miller, Patten,
 Poindexter, Ryan, Soderberg, Van Osdel, Washabaugh,
 Woolhiser, Mr. President.
 Absent and not voting:
 Messrs. Akinson, Cameron, Lowry.
 So the bill was lost.

MESSAGE FROM THE HOUSE.

The following message was received from the House of
 Representatives:

HOUSE OF REPRESENTATIVES, }
 January 30, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
 House Bill No. 175,

A bill for an act establishing a term of court in La Moure
 county,

Which the House has passed under suspension of the
 rules, and your favorable consideration thereof is respect-
 fully requested.

JOHN G. HAMILTON,
 Chief Clerk.

Council Bill No. 59,

A bill for an act to provide for the keeping of certain
 transfer and plat books by county auditors,

Was read the third time.

Mr. Hughes moved

To indefinitely postpone the further consideration of
 Council Bill No. 59.

Which motion prevailed.

Mr. President announced his signature to a certificate on
 Council Bill No. 22,

Certifying to its passage over the objection of His Excel-
 lency the Governor.

Mr. McDonald moved
That the rules be suspended and
House Bill No 175

Be read the first, second and third times and put upon
its final passage.

Objection being made by Messrs. Poindexter and Crawford,
the President ruled motion out of order.

MESSAGE FROM THE HOUSE.

The following message was received from the House of
Representatives:

HOUSE OF REPRESENTATIVES, }
January 30, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 99,

A Joint Resolution providing for the appointment and
compensation of minor officers of the Eighteenth Legisla-
tive Assembly,

Together with the following message from the Governor
vetoing the same.

EXECUTIVE OFFICE, }
January 29, 1889. }

To the House of Representatives:

I herewith respectfully return
House Bill No. 99,

Being a Joint Resolution providing for the appointment
and compensation of minor officers of the Eighteenth Leg-
islative Assembly.

This resolution, like Joint Resolution No. 36, is open to
the objection that it is contrary to and in violation of the
Organic Act as intimated in my veto of said Resolution
No. 36; and this Joint Resolution is likewise objectionable
on the other grounds stated in said veto.

Even if the above objections were not sufficient, it is open
to the further objection that the authority is conferred
upon the Speaker of the House and the President of the
Council to appoint from time to time, such clerks of com-
mittees, stenographers, postmasters and employes for their
respective bodies, in addition to those already provided for
by law, as may, in their judgment, be necessary for the
business of their respective houses. This is certainly ob-

jectionable, not from the standpoint of clothing the President of the Council and Speaker of the House with authority to appoint a proper number of employes, but on the ground that there is no limit to the number of employes that may be placed upon the pay roll of the Territory.

It is further provided that the compensation to be paid such subordinate employes shall be: "For the assistant and bill clerks of the respective houses, six dollars per day; for clerks of committees and assistant enrolling and engrossing clerks of the respective bodies, five dollars per day; for stenographers, six dollars per day; for pages, two dollars per day; for assistant sergeant-at-arms, postmasters, janitors and doorkeepers, five dollars per day, and for other employes, not expressly named, four dollars per day." This is not only open to the objection that there is no abridgement of the number of employes of various kinds that may be appointed; but likewise to the further objection that the compensation is large, and with the exception of the page boys and "other employes not expressly named" referred to above, exceeds the compensation of the members themselves.

Respectfully,
LOUIS K. CHURCH,
Governor.

And together with the following report of the Committee on Judiciary of the House:

The Committee on Judiciary beg leave to submit the following report:

The Committee have had under consideration
House Bill No. 99,

A Joint Resolution providing for the appointment and compensation of minor officers of the Eighteenth Legislative Assembly,

And the objections of the Governor accompanying the same.

Public necessity demands that the Legislative Assembly, in order to properly and expeditiously transact the business entrusted to it, shall provide itself with necessary and suitable assistance, and we can not conceive that any of the objections interposed by His Excellency are sufficient to justify us in doing anything which will have a tendency to retard the legitimate exercise of our duties. The passage of kindred laws by preceding Assemblies furnish ample precedents for our action. The appropriations necessary

have been paid without objection, and it is believed that the people of this Territory upon whom fall the burdens of taxation will not at this late day raise any objections to this necessary expenditure.

It is unfortunate for our people that the General Government has not been apprised of the fact that we have long since outgrown the necessity of restrictions upon our power to appropriate funds for the proper management of our own affairs. At a preceding session we magnanimously made provisions for certain Federal officials, and no objection was heard, and it is our candid opinion, expressed without any feelings of hostility toward the officials above referred to, that inasmuch as they have accepted the fruits of our unauthorized generosity, we should insist upon what we deem a necessity.

Therefore, we recommend that said House Bill No. 99 be passed, the objections of the Governor to the contrary notwithstanding.

The committee further present, and recommend the adoption of the resolution herewith transmitted.

J. W. BURNHAM,

Chairman pro tem.

And to inform you that the House has passed said bill, the objections of the Governor to the contrary notwithstanding, and your favorable consideration of the report of the Judiciary Committee of the House is respectfully requested.

JOHN G. HAMILTON,

Chief Clerk.

Mr. Crawford moved

That the consideration of the message from the House be taken up,

Which motion prevailed, and

The Chief Clerk read the above message from the House.

Mr. Walsh moved

To refer the message to the Committee on Territorial Affairs.

Which motion was lost.

The question being shall House Bill No. 99 be passed the objection of His Excellency to the contrary notwithstanding, and

The roll being called, there were ayes, 20; nays, 4.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Crawford,

Dollard, Ericson, Glaspell, Halley, Hughes, Lowry, Miller, Patten, Poindexter, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Cooper, Harstad, McDonald, Ryan.

Mr. Harstad, in explanation of his vote, said:

I want it to be clearly understood that the only reason I have to sustain the veto of House Bill No. 99 by the Governor is that the compensations fixed for the officers are too high, illegal and extravagant.

So the bill passed, the objections of His Excellency the Governor to the contrary notwithstanding.

Mr. President announced the appointment of Messrs. Crawford, Poindexter and Walsh as members of the Committee on Judiciary.

Mr. Poindexter respectfully and emphatically declined to serve.

Mr. Patten asked unanimous consent to introduce a report.

There being no objections Mr. Patten offered the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 56,

A Bill for An act providing for the destruction of noxious weeds.

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

Council Bill No. 38,

A bill for an act to amend Section 1, Article 19, Session Laws of 1887,

Was read the third time, and

The question being upon the report of the committee,
The report was adopted.

Mr. Harstad moved

To indefinitely postpone the further consideration of
Council Bill No. 38.

Which motion prevailed.

Mr. Ryan moved

A call of the House.

The roll being called

The members were all found to be present.

Mr. Glaspell moved

That further proceedings under the call of the House be dispensed with,

Which motion prevailed.

Mr. Washabaugh in the chair.

Council Bill No. 110,

A bill for an act to provide for the protection and regulation of primary elections.

Was read the third time.

The question being upon the report of the committee,

Mr. Ryan moved

That the Council do now adjourn.

Which motion prevailed and

Mr. Washabaugh in the chair

Announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

TWENTY-FOURTH DAY.

BISMARCK, January 31, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

The roll was called and the following members responded to their names, viz.:

Messrs. Campbell, Dollard, Glaspell, Halley, Hughes, Lowry, McDonald, Van Osdel, Walsh, Washabaugh, and Mr. President.

Mr. Walsh moved

That the Council do now adjourn.

Which motion prevailed, and

Mr. President announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

TWENTY-FIFTH DAY.

BISMARCK, February 1, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the chaplain.

The roll was called and the members all responded to their names.

Mr. Allen moved

To dispense with the reading of the Journal.

Which motion prevailed.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 1, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 4,

A bill for an act, authorizing organized counties of Dakota to erect county buildings for court house and jail purposes, and to issue and dispose of bonds to provide funds to pay therefor, and to provide for the payment of principal and interest of such bonds,

Also,

House Bill No. 74,

A bill for an act fixing the liability of railroad corporations for setting fires,

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

Also,

House Bill No. 176,

A bill for an act to provide newspapers for the members of the Legislature, and making an appropriation therefor,

Which the House has passed under suspension of the rules, and your favorable consideration thereof is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
February 1, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 178,

A Joint resolution to reimburse legislative officers for certain expenses,

Which the House has passed under suspension of the rules, and your favorable consideration thereof is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

PETITIONS AND COMMUNICATIONS.

Mr. Glaspell presented the following communication:

JAMESTOWN, Dak., Jan. 29, 1889.

At a special meeting of Wm. H. Seward Post, No. 65, G. A. R. Department of Dakota, the following resolutions were unanimously adopted:

WHEREAS, It has come to our knowledge that an effort is being made to change the location of the Soldiers' Home, as recommended by our last Department Encampment, therefore, be it

Resolved, That we ask our representatives of the Eighteenth Legislative Assembly and our committee at Bismarck, Dak., to use all honorable efforts to secure the passage of House Bill No. 39, which is in effect to locate the Soldiers' Home at Hot Springs, Dak., also that we, as North Dakota veterans, ask our representatives to use due legal care that our rights are protected so that in the event of

the division of the Territory our right to become members of the Home will not be questioned.

H. J. PORTER, Adjutant.

E. L. CALKINS,
Commander.

Which was referred to the Committee on Territorial Affairs.

Mr. President presented the following communication:

TOPEKA, January 29, 1889.

To the Governor of Dakota:

DEAR SIR:—I have the honor to enclose copies of Senate Concurrent Resolution No. 9, which has just been adopted by the Legislature of the State of Kansas, providing for an inquiry into the so-called "Beef and Pork Trust or Combine," looking to co-operation among the States especially concerned, with a view to uniform legislation to restrain or cure the evils complained of in the resolution.

As relief must come, if at all, through concerted legislative action of the several States, it is proposed that a convention of members of the legislative bodies of the States interested be held at some convenient place and time in the near future, in which each state shall be represented by three members of the Senate and five of the House with a view to agreeing on a uniform bill for submission to their respective bodies.

As the legislative term in Kansas is limited to fifty days, expiring about March 1st, prox., I trust that the time for such convention may be fixed at as early a date as practicable.

The subject of legislative restriction or prevention of these "combines or trusts" is of growing importance, and, in my opinion, the question demands careful and intelligent inquiry and prompt action.

I trust that Your Excellency will be pleased to lay the matter before your Legislature at once.

Will you have the kindness to communicate by letter your disposal of the resolution, and, briefly, your views as to the method proposed therein to reach desired results. I would further respectfully request that you telegraph, at the expense of this department, what, if any, action may

be taken by your Legislature, bearing on the subject of the resolution.

Very Respectfully,
LYMAN U. HUMPHREY,
Governor.

SENATE CONCURRENT RESOLUTION NO. 9.

(By Senator Gillett.)

WHEREAS, In the minds of the stock-growers of the State of Kansas there exists a great distrust as to the intent, purpose and action of an alleged beef and pork "combine" or "trust," so-called; and

WHEREAS, It is publicly asserted and generally believed, that such "combine" or "trust" is directly responsible for the present low price of the beef product; and

WHEREAS, It is claimed that such alleged "combine" or "trust" has exerted a powerful influence towards centralizing the market in Kansas City and Chicago, thereby bringing the beef and pork product of the United States under their absolute control; and

WHEREAS, the prices now offered for beef, cattle and hogs allowed to the producer little if any profit, the cost production equaling the prices allowed and paid by said alleged "combine" or "trust," thereby injuring and destroying one of the greatest industries of the west; and

WHEREAS, It is urged and desired that the operations, intent and purpose of such alleged "combine" or "trust" should be fully investigated, and such legislation enacted as will tend to protect the stock-grower and farmer against the manipulations of such alleged "trust," or, if the allegations and charges above set forth are unfounded and do not exist in fact, then that the public through such investigation of the matter may be fully advised and informed in the premises.

Therefore be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:

First, That the Governor of the State of Kansas be and he is hereby requested to correspond with the Governors of interested States, with a view to securing joint action of Such States in matters of Legislation affecting such alleged "beef and pork combine" or "trust," so-called.

Second, That if, in such correspondence, it shall be found expedient, the Governor is further requested to take such steps as will secure a convention of members of the legis-

lature of the several States interested, with a view to securing and the perfection of uniform legislation concerning such "trust" or "combine."

Third, That if, in such correspondence, it shall be found that such convention can be held, then the Governor, on behalf of the State of Kansas, is hereby authorized to agree upon a place and time for holding such convention.

Fourth, That in the opinion of the Legislature of the State of Kansas, such convention should be composed of three Senators and five members of the House of Representatives from each State, appointed by the respective chief officers of such bodies.

Fifth, That the actual expense and mileage of members composing such convention should be paid by the state appointing the same.

Mr. Ryan presented the following communications:

HEADQUARTERS JOHN A. ROLLINS POST No. 27, G. A. R. }
 DEPARTMENT OF DAKOTA, }
 PLANKINGTON, D. T. DEC. 8, 1888. }

Being a regular meeting of said Post,

Resolved, that John A. Rollins Post No. 2 request the Councilmen and members of the House of Representatives of the Territorial Legislature from the fifth district to use all honorable means to procure the location and construction of a Soldier's Home at Hot Springs, Dakota.

We do hereby certify that the above resolution was unanimously adopted.

T. C. GRANGER,
 Commander.

S. R. DRAKE, Adjutant.

Which was referred to the Committee on Territorial Affairs.

Also,

PLANKINTON, Dak., January 20, 1889.

WHEREAS, At the annual encampment of the G. A. R., Department of Dakota, held in the city of Redfield in March, 1888, the veterans of the war of the Rebellion there assembled, disregarding the claims and the conditions of rival cities for the location of a Soldiers' Home, and patriotically considering only the welfare and the convenience of such old soldiers, unanimously recommended the location of said Soldiers' Home at Hot Springs, Dakota;

Therefore the undersigned, old soldiers and others, voters of Aurora county, unite in approbation of such location at

Hot Springs, and recommend said location. We urge the Legislature of Dakota, now in session, to discourage the ambitions of localities now seeking said location, contrary to the express preference of the old soldiers of Dakota, and to provide for the location of said Home at Hot Springs, as by said soldiers requested.

T. C. GRANGER,
And 35 others, of Plankinton.

Which was referred to the Committee on Territorial Affairs.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Revenue to whom was referred
Council Bill No. 75,

A bill for an act amending Section 56, Chapter 28, Political Code (Section 1612 of Compiled Laws) in relation to liens upon real estate for taxes due upon personal property,

Also,

Council Bill No. 169,

A bill for an act amending Section 3, Chapter 50, of the Political Code,

Report the same with recommendation that they do pass.

Also,

Council Bill No. 143,

A bill for an act to provide for the manner and method by which the adoption of children may be legalized,

Report the same with recommendation that it do not pass.

M. H. COOPER,
Chairman,

MR. PRESIDENT:

Your Committee on Highways, Bridges and Ferries have had under consideration

House Bill No. 21,

A bill for an act to amend Section 70 of Chapter 29 of the Political Code relating to highways, bridges, ferries and road supervisors,

And return the same without recommendation.

G. A. HARSTAD,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Dollard moved

That Council Bill No. 69 be recommitted.

Which motion was lost.

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

Resolved, That Rule 7 of the Council be amended by adding to the end of said rule the following: "No member shall speak more than twice upon any subject under consideration, nor shall he occupy more than ten minutes in such debate without the unanimous consent of the Council."

Mr. Glaspell offered the following amendment, and moved its adoption:

To strike out the word "unanimous," and insert after the word "consent" the words, "two-thirds of."

Which motion prevailed.

The question being upon the resolution as amended,

The resolution was adopted.

Mr. Cameron offered the following resolution, and moved its adoption:

Resolved, That 150 extra copies of Council Bill No. 133 be printed for distribution among the members of the Council and House.

Which motion prevailed.

Mr. President announced his signature to House Bill No. 86.

Mr. Allen in the chair.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Lowry introduced—

Council Bill No. 177,

A bill for an act amending Section 1542 of Chapter 15 of the Political Code, relating to taxation,

Which was read the first time.

Mr. Washabaugh introduced—

Council Bill No. 178,

A bill for an act to amend Section 121 of the Code of Civil Procedure, relating to sham and irrelevant defences,

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 179,

A bill for an act entitled "An act to amend Paragraph 6, of Section 416 of the Civil Code of the Territory of Dakota, relating to corporations,

Which was read the first time.

Mr. President in the chair.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 173,

A bill for an act appropriating funds for the maintenance of the University of Dakota for the ensuing two years and for other purposes,

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 174,

A bill for an act for the establishment of a Normal School for the Territory of Dakota at the city of Wahpeton in said Territory, and for the government, management and control of same,

Was read the second time and

Referred to the Committee on Education.

Council Bill No. 175,

A bill for an act amending Sections 2, 9, 10, 12, 27, 29, 32 and 33 of Chapter 69, Laws of 1885, relating to insurance,

Was read the second time and

Referred to the Committee on Insurance.

Mr. Allin moved

That the rules be suspended and the first, second and third reading of House bills be taken up,

Which motion prevailed.

FIRST READING OF HOUSE BILLS.

House Bill No. 2,

A bill for an act providing for a constitutional convention for North Dakota,

Was read the first time.

House Bill No. 49,

A bill for an act to correct the Public Statutes of the Seventeenth Session of the Legislative Assembly,

Was read the first time.

House Bill No. 56,

A bill for an act entitled "An act to amend Section 47 of Chapter 29 of the Political Code,"

Was read the first time.

House Bill No. 60,

A bill for an act to amend Section 35, of Chapter 47, of the General Laws of 1887.

Was read the first time.

House Bill No. 68,

A bill for an act creating and defining a subdivision of the First Judicial District,

Was read the first time.

House Bill No. 70,

A bill for an act to permit county commissioners to compromise delinquent taxes,

Was read the first time.

House Bill No. 87,

A bill for an act to amend Section 1, Supplement to Session Laws of 1885, being an act to prevent the spread of noxious weeds in the Territory of Dakota,

Was read the first time.

House Bill No. 115,

A bill for an act to attach the county of Church to the county of McHenry for Judicial purposes,

Was read the first time.

House Bill No. 122,

A bill for an act prohibiting the collection of fees by attorneys and counselors in certain cases,

Was read the first time.

House Bill No. 127.

A bill for an act providing for a subdivision of the Seventh Judicial district of the Territory of Dakota,

Was read the first time.

House Bill No. 175,

A bill for an act establishing a term of court in La Moure county,

Was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No 23,

A bill for an act to amend subdivisions 2 and 3 respectively of Section 37, Chapter 28, Political Code,

Was read the second time and

Referred to the Committee on Revenue.

House Bill No. 7,

A bill for an act entitled, "An act to amend Sections 1 and 2, Chapter 10, Laws of 1887,"

Was read the second time and

Referred to the Committee on Judiciary.

Mr. Campbell moved

That the rules be suspended and House Bill No. 4 be read the first and second times,

Which motion prevailed and
House Bill No. 4,

A bill for an act authorizing and empowering organized counties of Dakota to erect county buildings for court house and jail purposes and to issue and dispose of bonds to provide funds to pay therefor, and to provide for the payment of principal and interest of such bonds,

Was read the first and second times and
Referred to the Committee on Counties.

THIRD READING OF HOUSE BILLS.

House Bill No. 6,

A bill for an act entitled "An act to repeal Chapter 84 of the General Laws of 1885." etc.

Was read the third time and

The question being upon the report of the committee,
The report was adopted and

Mr. Cooper moved

To indefinitely postpone the further consideration of
House Bill No. 6,

Which motion was lost, and

The question being shall the bill pass,

The roll being called, there were ayes, 21; nays, 3.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Crawford, Dollard, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Cooper, Ericson, Washabaugh.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

House Bill No. 8,

A bill for an act entitled, "An act increasing the time of residence required before beginning suit for divorce,"

Was read the third time and

The question being upon the report of the Committee,
The report was adopted.

Mr. Halley offered the following amendment and moved its adoption:

Change Section 4 to read as follows:

SEC. 4. This act shall take effect and be in force from and after May 1, 1889.

Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 19; nays, 4.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes McDonald, Miller, Patten, Ryan, Soderberg, Van Osdel, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Campbell, Poindexter, Walsh, Washabaugh.

Mr. Lowry being absent.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

House Bill No 12,

A bill to amend an act entitled "An act relating to the office of notary public,"

Was read the third time, and

The question being upon the report of the committee,

The report was adopted, and

The question being, shall the bill pass,

The roll being called there were ayes, 21; nays, 2.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. McDonald and Walsh.

Mr. Miller being absent.

So the bill passed and

The question being as to its title,

Mr. Crawford offered the following amendment and moved its adoption:

That the title be amended to read:

"For an act amending Section 2, Chapter 116, of Session Laws of 1887, relating to the office of notaries public."

Which prevailed, and

Its title as amended was agreed to.

Mr. Allen in the chair.

House Bill No. 52.

A bill for an act to amend an act entitled "An act to define the Sixth Judicial District of the Territory of Dakota; to subdivide the same; to fix the terms of court therein and to attach the county of Pierce to the county of McHenry or judicial purposes,"

Was read the third time, and
The question being upon the report of the committee,
The report was adopted, and
The question being shall the bill pass,
The roll being called there were ayes, 22; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Miller and Patten.

So the bill passed, and
The question being as to its title, and being put,
Its title was agreed to.

House Bill No. 20,

A bill for an act to amend Section 6 of Chapter 121 of the Laws of 1887,

Was read the third time and
The question being upon the report of the committee,
The report was adopted, and
The question being shall the bill pass,
The roll being called there were, ayes, 21; nays, 2.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Lowry, McDonald, Miller, Patten, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser.

Those who voted in the negative were:

Messrs. Poindexter, Mr. President.

Mr. Hughes being absent.

So the bill passed, and
The question being as to its title, and being put,
Its title was agreed to.

House Bill No. 27,

A bill for an act to fix the compensation of assessors,
Was read the third time, and
The question being upon the report of the committee,

The report was adopted, and

Mr. Crawford offered the following amendment and moved its adoption:

Amend Section 1 of House Bill No. 27 by substituting therefor the words:

SECTION 1. That Section 86, Sub-Chapter 1, Chapter 112 of the Laws of 1883, be amended by adding thereto the words "provided that compensation received by such assessor shall not exceed \$60 per annum in any one Congressional township."

Which motion prevailed.

Mr. Ericson offered the following amendment and moved its adoption:

Amend Section 1 by substituting the words "Chapter 112" for the words "Section 112" in line 1 of Section 1.

Mr. Halley moved

To recommit House Bill No. 27 to the Committee on Revenue.

Which motion prevailed.

Mr. Washabaugh in the chair.

House Bill No. 73,

A bill for an act to provide fuel for the capitol building,
Was read the third time, and

The question being upon the report of the Committee on Appropriation.

The report was adopted.

The question being shall the bill pass.

The roll being called there were ayes, 22; nays, 1.

Those voting in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser, Mr. President.

Mr. Van Osdel being absent.

Mr. Cameron voting in the negative.

So the bill passed and

The question being as to its title, and being put,

Its title was agreed to.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 110,

A bill for an act to provide for the protection and regulation of primary elections,

Was read the third time.

Mr. Stimmel offered the following amendment and moved its adoption:

To amend Council Bill 110, as follows:

After the enacting clause, strike out all of Sections 1, 2, 3, 4, 5, 6 and 7, and insert instead thereof the following:

SECTION 1. When any voluntary political association or party, in any district, county, township, municipal corporation, ward or precinct, causes notice of the holding of any primary election for the purpose of electing delegates to any political convention, to be published, such notice shall be given and election held and conducted under the provisions of this act.

SEC. 2. The central or controlling committee of such association or party shall state the authority by which said notice is published, the purpose, time and place of the holding of such primary elections; provided that all such primary elections shall be held and kept open between the hours of four p. m. and eight p. m. and shall be by ballot.

SEC. 3. At least ten days previous to any such election such notice shall be published in one or more newspapers printed and of general circulation in each county of the district, or where the election is held in the territory of a single county, in one or more newspapers of that county; but the publication shall not be required in any county in which no newspaper is printed; the notice shall also be posted in at least three public places in each precinct within the territory in which the election is to be held.

SEC. 4. The electors present possessing the qualification of persons entitled to vote under the notice, shall choose three judges and two clerks of election to receive and count the votes cast, each of whom shall take an oath that they will correctly and faithfully conduct such election, protect it against all frauds and unfairness, and carefully and truly canvass all votes cast thereat in the manner required by this act. A township trustee or clerk, or an alderman, a member of council, trustee, or clerk of a municipal corporation, or any officer authorized by law to administer an oath may administer the oath prescribed in this section.

SEC. 5. Any qualified elector under the notice may challenge any vote offered, because the person offering it is not entitled to vote under the notice, or is not a citizen of the United States, or has not declared his intentions to become a citizen of the United States, or is not an elector of the precinct, or has received or been promised, directly or indirectly, any money, fee or award for his vote for any

candidate at such election or has voted before on the same day at that or some other precinct in the same election.

SEC. 6. Thereupon one of the judges shall administer to the person offering to vote an oath, that he will true answer make to such questions as may be put to him touching his qualifications to vote at such election; if such person refuse to be sworn, or being sworn, refuse to answer any questions, his vote shall be rejected. If, after being sworn and interrogated, the judges shall have good reason to believe that such person so offering to vote is not a legal voter, before receiving his vote, they shall require him to subscribe to an affidavit, as follows, to-wit: that he is twenty-one years of age; that he is a citizen of the United States, or declared his intention to become a citizen conformably to the laws of the United States and of this Territory, on the subject of naturalization, and has taken an oath to support the constitution of the United States; that he has resided in this Territory ninety days; that he has not voted at this election, and is entitled to vote under the notice authorizing this election; which affidavit shall be written out, and be preserved with the poll book for future reference, and the word "sworn" shall be noted opposite his name on the poll book.

SEC. 7. The person or persons receiving the highest number of votes cast at such primary election shall be declared the delegate or delegates elected, and the judges and clerks of said election shall issue to such person or persons, to the number specified in the notice of said election, certificates certifying to his or their election, signed by the judges and clerks of said election.

That Section 8 be amended by adding thereto the words "in addition to such qualifications as may be prescribed in the notice."

Mr. Hughes moved

That the amendments offered by the gentleman from Cass be printed and further consideration be postponed until Monday next at 3 o'clock as special order,

Which motion prevailed.

Council Bill No. 69, .

A bill for an act to locate and establish the North Dakota Territorial Agricultural College at Valley City, Dak.

Was read the third time.

Mr. McDonald moved

A call of the House.

The roll was called and

The sergeant-at-arms was instructed to bring in Mr. Glaspell, who was absent.

Mr. Glaspell being present,

Further proceedings under the call of the House was dispensed with.

Mr. Hughes moved

That Council Bills No. 69 and 172 be referred to a Committee composed of the members of the Council from that portion of the Territory north of the Seventh Standard parallel.

Mr. Crawford moved

To lay the motion upon the table and demanded a roll call on the question.

The roll being called there were ayes, 7; nays, 17.

Those who voted in the affirmative were:

Messrs. Cooper, Crawford, Lowry, Miller, Poindexter, Soderberg, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, McDonald, Patten, Ryan, Van Osdel, Walsh, Washabaugh, Woolhiser.

So the motion was lost.

Mr. Crawford offered the following as a substitute:

That this matter be laid over and made special order for Wednesday next at 3 o'clock, and

Demanded the roll call on the question.

The roll being called there were ayes, 9; nays, 15.

Those who voted in the affirmative were:

Messrs. Cooper, Crawford, Ericson, Miller, Patten, Poindexter, Soderberg, Van Osdel, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Dollard, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Ryan, Walsh, Washabaugh, Woolhiser.

So the substitute was lost.

Mr. Crawford moved

The previous question.

Roll call demanded.

The roll being called there were ayes 18, nays 6.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, McDonald,

Patten, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser.

Those who voted in the negative were:

Messrs. Cooper, Crawford, Lowry, Miller, Poindexter, Mr. President.

So the motion prevailed.

The question being upon the original motion and roll call being demanded,

The roll being called there were ayes 18; nays 6.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, McDonald, Patten, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser.

Those who voted in the negative were:

Messrs. Cooper, Crawford, Lowry, Miller, Poindexter, Mr. President.

So the motion prevailed, and

The President pro tem. announced

Council Bills Nos. 69 and 172 so referred

Council Bill No. 8.

A bill for an act to repeal Chapter 126 of the Session Laws of 1885, providing for the establishment of a board of railroad commissioners,

Was read the third time, and

The question being upon the report of the Committee on Railroads,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 19; nays, 4.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Halley, Harstad, Lowry, Miller, Patten, Poindexter, Soderberg, Van Osdel, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Glaspell, Hughes, Ryan, Walsh.

Mr. McDonald being absent.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 23.

A bill for an act regulating the enforcement of attorney fee claims in written contracts,

Was read the third time and
Mr. Crawford moved
That further consideration of Council Bill No. 23 be indefinitely postponed.

Which motion prevailed.

Council Bill No. 64,

A bill for an act providing for the abolishing the herd law by local option and limiting the vote to owners of agricultural lands,

Was read the third time and

The question being upon the report of the Committee on Agriculture,

The report was adopted,

The question being shall the bill pass,

The roll being called there were ayes 1, nays 23.

Mr. Crawford voted in the affirmative.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

So the bill was lost.

Mr. President in the chair..

Mr. Washabaugh moved

That the Council do now adjourn,

Which motion prevailed, and

Mr. President announced that the Council stood

Adjourned.

R. E. WALLACE,
Chief Clerk.

TWENTY-SIXTH DAY.

BISMARCK, February 2, 1889.

Council met pursuant to adjournment, and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names, except Mr. Walsh.

PETITIONS AND COMMUNICATIONS.

Mr. Ericson presented the following petition:

To the Legislative Assembly of the Territory of Dakota:

The undersigned residents and citizens of the Territory of Dakota would respectfully petition your honorable body to enact as a law Council Bill No. 133, entitled "An act to prohibit the manufacture, sale or giving away of intoxicating liquors, except for medical, scientific and mechanical purposes, etc," as introduced in the Council by Mr. Patten.

For which we will ever pray.

C. H. BOGAN

And 16 others of Union County.

Which was referred to the Committee on Temperance.

Also,

To the Legislative Assembly of the Territory of Dakota:

The undersigned residents and citizens of the Territory of Dakota would respectfully petition your honorable body to enact as a law Council Bill No. 133, entitled "An act to prohibit the manufacture, sale, or giving away of intoxicating liquors, except for medical, scientific and mechanical purposes, etc., as introduced in the council by Mr. Patten.

For which we will ever pray.

H. H. BLAIR,

And 39 others of Union county.

Which was referred to the Committee on Temperance.

Also,

To the Honorable, the Council and House of Representatives of the Territory of Dakota, in Legislature Assembled:

The undersigned petitioners, citizens and taxpayers of Union county, would respectfully petition and request:

First. That you repeal Chapter 99 of the Session Laws of 1883, known as the "Gross Earnings Law." We believe said law to be in conflict with the Organic Law and the Constitution of the United States, and we further believe that the object and design of the statute in question is to relieve certain classes of property from bearing a just and fair share of the burden of taxation to the great injury and expense of other classes.

Second. That you repeal Chapter 43 of the Session Laws of 1883, in relation to district attorneys, and to reinforce

Chapter 15 of the Political Code. We ask this change for the furtherance of justice and with regard to economy.

Third. That you enact a law providing for bonds for costs in criminal actions, and your petitioners as in duty bound will ever pray.

ANTHONY COOPER,

And 80 others of Union county,

Which was referred to the Committee on Railroads.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Temperance to whom was referred Council Bill No. 150,

A bill for an act to amend Section 1 of Chapter 72 of the Laws of 1887 relating to the sale of intoxicating liquors,

Have had the same under consideration and herewith return the same with recommendation that the bill do pass.

Also,

Council Bill No. 149,

A bill for an act to amend Section 2 of Chapter 71 of the Laws of 1887, relating to the sale of intoxicating liquors,

Have had the same under consideration and herewith return the same with recommendation that said bill do pass.

Also,

Council Bill No. 156,

A bill for an act to regulate the sale of intoxicating liquors for medicinal purposes by registered pharmacists in the Territory of Dakota,

Have had the same under consideration and herewith return the same with recommendation that said bill do pass.

G. A. HARSTAD,
Chairman.

Mr. PRESIDENT:

Your Committee on Judiciary, have had under advisement

Council Bills Nos. 19, 26, 29, 33, 40, 41, 42, 73, 134 and 135, and respectfully recommend that:

Council Bill No. 19,

A bill for an act to amend Chapter 50, Laws of the Seventeenth Legislative Assembly, relating to fees and salaries of registers of deeds and county treasurers,

Also,

Council Bill No. 26,

A bill for an act extending the time for return of an execution to 90 days and providing for its renewal,

Also,

Council Bill No. 29,

A bill for an act providing for giving notice to owners of land before issuance of tax deed,

Also,

Council Bill No. 33,

A bill for an act entitled "An act to repeal Chapter 84, of the Session Laws of 1885," providing for struck juries,

Also,

Council Bill No. 40,

A bill for an act to amend Section 14, Chapter 118, of the General Laws of 1881,

Also,

Council Bill No. 41,

A bill for an act to amend Section 2 of Chapter 116 of the Laws of the Seventeenth General Assembly, entitled "An act in relation to the office of Notary Public,"

Also,

Council Bill No. 42,

A bill for an act to repeal Chapter 153 of the Laws of the Seventeenth General Assembly, it being an act entitled "An act to provide an allowance to the Justices of the Supreme Court of the Territory of Dakota, to defray their traveling expenses, etc.,"

Also,

Council Bill No. 73,

A bill for an act entitled "An act to provide when laws shall go into force and effect."

Also,

Council Bill No. 134,

A bill for an act creating the office of district attorney for each judicial district and abolishing the office of district attorney for each county,

Also,

Council Bill No. 135,

A bill for an act regulating criminal prosecution in Justices Courts,

And recommend as follows:

That Council Bills Nos, 19, 26 and 134 do not pass.

That Council Bills Nos. 29 and 40 be reported back with the recommendation that they be referred to the

Committee on Revenue, which committee has similar bills under consideration.

That Council Bills Nos. 33 and 41 do not pass, for the reason that similar bills have been passed.

That Council Bills Nos. 42 and 73 do pass.

That Council Bill No. 135 be amended as follows:

SECTION 1. By striking out the words "the county commissioners" in the fourth line of the printed bill and insert the words, "a county commissioner." Also, after the word "order" in the fourth line, insert the words "in writing." Also, after the word "advice" in the seventh line of said section, insert the words "in writing."

SEC. 2. After the word "advice" in the second line, insert the words "in writing." Strike out the words "county commissioners" in the third line, and insert the words "a county commissioner."

And as amended that it do pass.

S. L. GLASPELL,
Chairman.

MR. PRESIDENT:

Your committee having had under consideration
Council Bill No. 132,

A bill for an act to amend Sections 1 and 2, Chapter 32, of the Session Laws of 1887, entitled "An act to suppress and prevent the spread of contagious and infectious diseases among domestic animals,"

Would respectfully report, and recommend that the same do not pass.

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT:

Your committee having had under consideration
Council Bill No. 91.

A bill for an act entitled "An act to prevent the spread of infectious or contagious diseases among cattle, horses, mules, etc., and to provide for the summary destruction thereof, and to repeal Chapter 32 of the Session Laws of 1887 creating the office of veterinary surgeon,"

Would respectfully recommend that the same do pass.

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary have had under consideration,

Council Bill No. 46.

A bill for an act to amend Sections 36, 46, 47, 48, 49, 50, 51, 52 and 53 of Article 1, Chapter 1, of Title 1, Part 3 of the Civil Code entitled, "A Contract of Civil Marriage."

And respectfully report the same back with the recommendation that it be amended as follows:

Section 1 of the printed bill, by adding to the end of subsection thirty-six, the following: "Where there is no parent or guardian, and the male is between the ages of eighteen and twenty-one years, and the female is between the ages of sixteen and eighteen years, and not otherwise disqualified, license may issue."

Sec. 47, by striking out the words "two dollars," in line 9, of page 2, of the printed bill, and inserting the words "one dollar."

Sec. 48. By substituting in lieu thereof the following:

"Any male person desiring to enter into the marriage relation shall before such relation is consummated, appear personally before the judge of the probate court for the county in which the female resides or the marriage ceremony is to be performed and obtain a license from the judge of such probate court, which license shall be in writing under the official seal of said court and the signature of the judge thereof and numbered and shall contain the full name, age and residence of each of the parties desiring to be united in marriage, and that the affidavit hereinafter prescribed has been duly filed in his office, from which it appears that the parties about to be married are entitled to enter into the marriage relation, and there exists no legal impediments to the consummation thereof.

Before granting such license the said judge of the probate court shall require the applicant therefor to take and subscribe to an affidavit showing:

1. That the affiant is one of the parties for whom such license is to be issued.

2. The full name, age and residence of each of the parties.

3. That the said parties are not related to each other, within the prohibitions prescribed in Sections 38 and 39, of the Civil Code of the Territory of Dakota.

4. That there exists, to deponent's knowledge or belief, no legal impediments to such contemplated marriage.

Any probate judge who shall wilfully and knowingly violate any provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be

fined in any sum not exceeding \$1,000, and shall be removed from his office as probate judge.

Section 49, by striking out all after the word "signature," in line 7, page 4, of the printed bill, and as amended that the bill be passed.

S. L. GLASPELL,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary have had under advisement

Council Bill No. 9,

A bill for an act to amend Chapter 37 of the Criminal Code.

And respectfully report the same back with the recommendation that it do not pass.

S. L. GLASPELL,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary have had under advisement

Council Bill No. 3,

A bill for an act relating to marriage and the registration thereof,

Also,

Council Bill No. 16,

A bill for an act to amend Section 1, Chapter 1. of Title 1 of the Political Code.

Also,

Council Bill No. 81,

A bill for an act entitled "An Act providing for the issuing of marriage licenses and the recording of the same,

And respectfully report the same back with the recommendation that they do not pass.

S. L. GLASPELL,
Chairman.

MR. PRESIDENT:

Your Committee on Counties to whom was referred
Council Bill No. 100,

A bill for an act to amend Chapter 112, Session Laws of 1883.

Beg leave to report that they have had the same under consideration and herewith return the same with the recommendation that it do pass.

Also,

House Bill No. 24,

A bill for an act to amend section 38, of Chapter 28, of the Political Code, as amended by Chapter 143 of the laws of 1887,

Beg leave to report that they have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Also,

Council Bill No. 166,

A bill for an act relating to the appointment of county precinct and township officers,

Having had the same under consideration, do hereby return the same with the recommendation that it do not pass.

Also,

House Bill No. 71,

A bill for an act limiting the the terms of holding the offices of county treasurer and sheriff.

Beg leave to report that they have had the same under consideration and herewith return the same with the recommendation that it be amended as follows:

1. That Section 1 be amended by striking out the words "or sheriff" where they occur in the first line of said section and inserting in lieu thereof the words "sheriff, register of deeds, auditor, judge of probate, district attorney, justice of the peace or county commissioner."

2. That Section 2 of said act be amended by adding thereto the words: "Provided, That in determining the number of terms to which any person shall be eligible, under this act, any term existing at the date of the passage thereof, and any term immediately preceding the same shall be computed."

That said bill as thus amended do pass.

COE I. CRAWFORD,
Chairman.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 2, 1889. }

MR. PRESIDENT :

I have the honor to transmit herewith
House Bill No. 183,

A Memorial to Congress relating to the opening of that portion of the Fort Randall Military Reservation on the east side of the Missouri River in the county of Charles Mix to settlement under the Homestead Law,

Which the House has passed under suspension of the rules, and your favorable consideration thereof is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
February 2, 1889. }

MR. PRESIDENT:

I have the honor to inform the Council that the Speaker of the House has designated as the House members of the Joint Committee to investigate the affairs of the Jamestown asylum, Messrs. Mallory, Baldwin and Logan.

JOHN G. HAMILTON,
Chief Clerk.

Mr. President announced his signature to House Bill No. 73.

Mr. Ericson moved

That the reading of communications in the Journal be dispensed with,

Which motion prevailed.

The Journal of yesterday was read and approved.

MOTIONS AND RESOLUTIONS.

Mr. Van Osdel offered the following resolution, and moved its adoption:

Resolved, That it is the sense of this body that we are opposed to the location of any new institutions by legislative enactment; that we are opposed to making appropriations for new institutions, and for the building of additions to those already constructed, during this session of the legislature.

Mr. Crawford offered the following substitute for Mr. Van Osdel's resolution, and moved its adoption:

Resolved, That there shall be no appropriations made for new institutions by this Legislature,

And demanded a roll call.

The question being upon the substitute,

The roll being called, there were ayes, 6; nays, 17.

Those who voted in the affirmative were:

Messrs. Cooper, Crawford, Harstad, Patten, Soderberg, Van Osdel.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Dollard, Ericson, Glaspell, Halley, Hughes, Lowry, McDonald, Miller Poindexter, Ryan, Washabaugh, Woolhiser, Mr. President.

Mr. Walsh being absent.

So the substitute was lost.

The question being upon the adoption of the resolution, The resolution was lost.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

MR. PRESIDENT:

I have the honor to transmit herewith,
House Bill No. 186,

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

Which the House has passed under suspension of the rules and your speedy favorable consideration thereof is requested.

JOHN G. HAMILTON,
Chief Clerk.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Van Osdel introduced—

Council Bill No. 180,

A bill for an act regulating the annual license fee relating to the sale of intoxicating liquors,

Which was read the first time.

Mr. Soderberg introduced—

Council Bill No. 181,

A bill for an act appropriating money for support and maintenance of the School of Deaf Mutes at Sioux Falls for the ensuing two years.

Which was read the first time.

Mr. Hughes introduced—

Council Bill No. 182,

A bill for an act to provide for the sale of the property of Dakota's exhibit at the World's Industrial and Cotton Centennial Exposition at New Orleans,

Which was read the first time.

Mr. Hughes introduced—

Council Bill No. 183,

A bill for an act to amend the Joint Resolution, approved January 28, 1889, authorizing the Secretary of the Territory to furnish laws to members of the Eighteenth Legislative Assembly,

Which was read the first time.

Mr. Hughes introduced—

Council Bill No. 184,

A bill for an act relating to the Compiled Laws,

Which was read the first time.

Mr. Hughes moved

That the rules be suspended and Council Bill No. 183 be read the second and third times and put upon its final passage.

Which motion prevailed, and

Council Bill No. 183,

A bill for an act to amend the Joint Resolution approved January 28, 1889, authorizing the Secretary of the Territory to furnish laws to the members of the Eighteenth Legislative Assembly,

Was read the second and third times, and

Mr. Ericson offered the following amendment and moved its adoption:

All Codes and Session Laws furnished under the provisions of this act and the act approved January 28, 1889, shall remain the property of the Territory and shall be returned to the Secretary of the Territory at the close of the Eighteenth Session of the Legislative Assembly.

Mr. Poindexter offered the following substitute for the amendment and moved its adoption:

Provided, all members who see fit may leave said laws at the close of the session for the further use of the Territory.

Which motion prevailed.

Mr. Hughes moved to amend Council Bill No. 183, by striking out the following words: "Provided, all members who see fit may leave said laws at the close of the session for the further use of the Territory,

Which motion prevailed.

The question being shall the bill pass,

The roll being called, there were ayes, 14; nays, 4.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Dollard, Halley,

Hughes, Lowry, McDonald, Miller, Poindexter, Ryan, Soderberg, Washabaugh, Woolhiser.

Those who voted in the negative were:

Messrs. Crawford, Ericson, Harstad, Van Osdel.

Absent and not voting:

Messrs. Cameron, Cooper, Glaspell, Patten, Walsh and Mr. President.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Mr. Miller moved

That the rules be suspended and House Bill No 186 be read the first, second and third times and put on its final passage.

Mr. Ericson moved

To amend by striking out "third and put on its final passage,"

Which motion prevailed.

The question being upon the motion as amended

The motion prevailed, and

House Bill No. 186,

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

Was read the first and second times.

Mr. Van Osdel in the chair.

Mr. Stimmel moved

That the rules be suspended, and

House Bill No. 186 be read the third time and put upon its final passage,

Which motion prevailed, and

Mr. McDonald moved

That House Bill No. 186 be read the third time by its title only.

Roll call demanded.

The roll being called there were ayes 17; nays 4.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Crawford, Ericson, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Soderberg, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Dollard, Halley, Ryan, Van Osdel.

Absent and not voting:

Messrs. Crawford, Glaspell and Walsh.

So the motion prevailed, and

House Bill No. 186,

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

Was read the third time by its title only and

The question being shall the bill pass,

The roll being called there were ayes, 18; nays, 3.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Crawford, Ericson, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Soderberg, Van Osdel, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Dollard, Ryan, Washabaugh.

Absent and not voting,

Messrs. Cooper, Glaspell and Walsh.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Washabaugh asked unanimous consent to present a report.

There being no objection

Mr. Washabaugh presented the following report and moved its adoption:

MR. PRESIDENT:

Your Committee on Territorial Affairs, to whom was referred Council Bill No. 171, beg leave to report that they have had the same under consideration and respectfully report the same back and recommend the passage of the annexed bill as a substitute for said Council Bill No. 171, for the reason that we deem said Council Bill 171 objectionable under the restrictive act of Congress, which prohibits special legislation.

F. J. WASHABAUGH,
Chairman.

Which motion prevailed.

Mr. Allin moved

That the rules be suspended and

House Bill No. 2

Be read the second and third times and put upon its final passage.

Which motion prevailed and

House Bill No. 2,

A bill for an act to provide a Constitutional Convention for North Dakota,

Was read the second and third times.

Mr. Crawford offered the following amendment, and moved its adoption.

That Section 5 of said bill be amended by striking out the words "five dollars per day," in the second line of said section, and inserting in lieu thereof the words "three dollars per day."

Which motion was lost.

The question being, shall the bill pass,

The roll being called there were ayes, 20; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Soderberg, Van Osdel, Washabaugh, Woolhiser, Mr. President.

Mr. Ryan voting in the negative.

Absent and not voting:

Messrs. Dollard, Poindexter, Walsh.

So the bill passed, and

The question being as to its title and being put

Its title was agreed to.

Mr. Hughes moved

That the Council now take an informal recess and that Col. Plummer be invited to address the Council,

Which motion prevailed, and

Mr. President announced the Council at recess.

After hearing an address from Col. Plummer the Council was called to order.

Mr. President in the chair.

Mr. Lowry moved

That a vote of thanks be extended to Col. Plummer.

Which motion prevailed.

Mr. Washabaugh moved

That the Council do now adjourn,

Which motion prevailed, and

Mr. President announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

TWENTY-EIGHTH DAY.

BISMARCK, February 4, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the chaplain.

The roll was called and the members all responded to their names.

Mr. Ericson moved

That hereafter the reading of all communications in the Journal be dispensed with.

Which motion prevailed.

The Journal of Saturday was read and approved.

Mr. President announced his signature to House Bills Nos. 6, 20 and 52.

PETITIONS AND COMMUNICATIONS.

Mr. Woolhiser presented the following petition:

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of Dakota Territory, over twenty-one years of age, petition your honorable body to enact a strict prohibitory liquor law containing adequate provisions for its enforcement, and also providing very

heavy fines, penalties and forfeitures for its violation, and for such your petitioners will ever pray.

KATE E. FAULKNER,

And 61 others of Faulk county.

Which was referred to the Committee on Temperance.

Mr. Ericson presented the following petition:

To the Honorable, the Council and House of Representatives of the Territory of Dakota in Legislature Assembled:

The undersigned petitioners, citizens and taxpayers of Union county would respectfully petition and request:

1. That you repeal Chapter 99 of the Session Laws of 1883 known as the gross earnings law. We believe said law to be in conflict with the organic law and the constitution of the United States, and we further believe that the object and design of the statute in question is to relieve certain classes of property from bearing a just and fair share of the burden of taxation to the great injury and expense of other classes.

2. That you repeal Chapter 43 of the Session Laws of 1883 in relation to district attorney and to reinforce Chapter 15 of the Political Code. We ask this change for the furtherance of justice and with regard to economy.

3. That you enact a law providing for bonds for costs in criminal actions, and your petitioners, as in duty bound, will ever pray.

C. A. LEWIS,

And 44 others of Union county.

Which was referred to the Committee on Railroads.

Mr. Cameron presented the following petition:

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of Dakota Territory, over twenty-one years of age, petition your honorable body to enact a strict prohibitory liquor law containing adequate provisions for its enforcement and also providing very heavy fines, penalties and forfeitures for its violation, and for such your petitioners will ever pray.

SUSAN LYLE,

And 13 others of Drayton.

Which was referred to the Committee on Temperance.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Public Printing to whom was referred

House Bill No. 37,

A bill for an act to provide for the payment of lost or

destroyed interest coupons, due July 1, 1886, on Dakota Madison Normal School bonds.

Do hereby return the same with the recommendation that it be referred to the Committee on Judiciary.

I. ATKINSON,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

The Committee on Territorial Affairs introduced—

Council Bill No. 185, (a substitute for No. 171.)

A bill for an act authorizing boards of county commissioners to defray certain expenses incurred in suppressing frauds in county affairs.

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 186.

A concurrent resolution relating to a recess of the Legislature,

Which was read the first time.

Mr. Stimmel introduced—

Council Bill No. 187,

A bill for an act to provide for liens on crops for seed grain furnished on credit, and for the foreclosure of the same,

Which was read the first time.

Mr. Harstad introduced—

Council Bill No. 188,

A bill for an act to amend Chapter 73 of Session Laws of 1887, pertaining to incorporation of cities,

Which was read the first time.

Mr. Harstad introduced—

Council Bill No. 189,

A bill for an act to repeal Section 54, Chapter 28 of Revised Code of 1887 pertaining to revenue,

Which was read the first time.

Mr. Hughes introduced—

Council Bill No. 190,

A bill for an act to provide for the outstanding Territorial warrants drawn on the capitol building fund,

Which was read the first time.

Mr. Ryan introduced—

Council Bill No. 191,

A bill for an act to amend Section 1, Article 19, Chapter 73, Laws of 1887, allowing towns to change organization,

Which was read the first time.

Mr. Ryan introduced—

Council Bill No. 192,

A bill for an act to amend Section 93, Chapter 47, Session Laws of 1887, relating to school and county treasurers,

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 178,

A bill for an act to amend Section 121 of the Code of Civil Procedure, relating to sham and irrelevant defences,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 179,

A bill for an act entitled "An act to amend Paragraph 6, of Section 416 of the Civil Code of the Territory of Dakota, relating to corporations,

Was read the second time and

Referred to the Committee on Incorporations.

Council Bill No. 182,

A bill for an act to provide for the sale of the property of Dakota's exhibit at the World's Industrial and Cotton Centennial Exposition at New Orleans,

Was read the second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 184,

A bill for an act relating to the Compiled Laws,

Was read the second time and

Referred to the Committee on Judiciary.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 113,

A bill for an act to establish a Public School Law for Dakota,

Was read the third time, and

The question being upon the report of the Committee on Education,

The report was adopted.

Council Bill No. 40,

A bill for an act to amend Section 14, Chapter 118, of the General Laws of 1881,

Was read the third time, and

The question being on the report of the Committee,

The report was adopted.

Council Bill No. 29,

A bill for an act providing for giving notice to owners of land before issuance of tax deed,

Was read the third time, and

The question being on the report of the Committee,

The report was adopted.

Council Bill No. 102,

A bill for an act requiring clerks to advise county auditors of officers elected, etc.,

Was read the third time, and

The question being on the report of the Committee,

The report was adopted,

The question being shall the bill pass,

The roll being called there were ayes, 6; nays, 15.

Those voting in the affirmative were:

Messrs. Allin, Cameron, Campbell, Ericson, Harstad, Walsh.

Those voting in the negative were:

Messrs. Atkinson, Cooper, Crawford, Dollard, Glaspell, Halley, Hughes, McDonald, Miller, Poindexter, Ryan, Soderberg, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Lowry, Patten, Van Osdel,

So the bill was lost.

Council Bill No. 108,

A bill for an act entitled "An act to change the name of the religious corporation incorporated under the title of 'The First Bohemian Presbyterian Church of Dakota,'"

Was read the third time, and

The question being upon the report of the committee,

The report was adopted, and

The question being shall the bill pass,

The roll being called, there were ayes, 20; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Dollard, Ericson, Halley, Harstad, Hughes, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Crawford, Glaspell, Lowry and Walsh.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

Council Bill No. 119,

A bill for an act entitled "An act amending Section 7 of Article 16 of Chapter 73 of the Acts of the Seventeenth Legislative Assembly, relating to the incorporation of cities."

Was read the third time and

The question being upon the report of the Committee,

The report was adopted, and

The question being shall the bill pass,

The roll being called there were, ayes, 15; nays, 4.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Harstad, Lowry, Miller, Ryan, Soderberg, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Glaspell, Halley, Van Osdel, Washabaugh.

Absent and not voting,

Messrs. Atkinson, Hughes, McDonald, Patten, Poin-dexter,

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 75.

A bill for an act amending Section 36, Chapter 28, Political Code (Section 1612 of Compiled Laws) in relation to liens upon real estate for taxes due upon personal property,

Was read the third time, and

The question being upon the report of the Committee

The report was adopted.

Mr. Crawford offered the following amendment and moved its adoption:

Add to section 1 the words "Such personal tax shall be a prior and first lien on all personal property of the tax debtor,"

Which motion was lost.

Mr. Ericson offered the following amendment and moved its adoption:

Amend Section 7 by adding thereto "and provided further that the issue by the county treasurer of a tax receipt upon such real property shall be evidence that all prior taxes

thereon are paid unless the non-payment thereof is noted on such tax receipt."

Which motion prevailed.

Mr. Ryan moved

To recommit Council Bill No. 75.

Which motion prevailed.

Mr. Patton asked to present the following reports which request was granted.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 8,

A bill for an act increasing the term of residence before beginning a suit for divorce.

Also,

Substitute for House Bill No. 12,

A bill for an act amending Section 2, Chapter 116, of the Laws of 1887, relating to the office of notaries public,

And find the same correctly engrossed.

J. H. PATTEN,

Chairman.

Mr. Cooper also presented the following report:

MR. PRESIDENT:

The Revenue Committee has considered the following bills:

Council Bill No. 89,

A bill for an act to provide for the levy and collection of poll taxes by incorporated cities,

Also,

Council Bill No. 101,

A bill for an act prohibiting the recording of deeds and other instruments of title until taxes are paid,

Also,

Council Bill No. 109,

A bill for an act providing for the exemption from taxation of fifty dollars in valuation of every quarter section of land in this Territory for each acre of trees grown or growing thereon, not to exceed ten acres,

Also,

Council Bill No. 144,

A bill for an act to amend chapter 31 of the Code of Civil Procedure, and the various sections and amendments thereof relating to the filing of mechanic's liens,

Also,

Council Bill No. 157.

A bill for an act entitled "An act to amend and re-enact Section 56 of Chapter 28 of the Political Code of the Territory of Dakota,"

And recommend that they do not pass.

We also recommend that

Council Bill No. 145,

A bill for an act to provide for making reports and dispose of fines, forfeitures, penalties and costs in criminal cases,

Be amended by inserting "in the district court" after the word "cases" in Line 3, Section 3 of the printed bill, and as so amended that the bill do pass.

M. H. COOPER,
Chairman.

SPECIAL ORDERS.

The hour for Special Order having arrived,

Mr. Washabaugh in the chair,

The Council took up the consideration of

Council Bill No. 110,

A bill for an act to provide for the protection and regulation of primary elections,

Which was read the third time, and

The question being upon the amendment offered by Mr. Stimmel,

The amendment was adopted.

Mr. Poindexter offered the following amendment and moved its adoption:

Amend Council Bill No. 110, Section 6, by adding to the end of said section the following, viz:

"And it shall be a good cause of challenge that a person offering his vote is not of the political party at that time and place holding such primary."

Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 7; nays, 15.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Crawford, Patten, Soderberg, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Cameron, Campbell, Dollard, Ericson, Glaspell,

Halley, Harstad, Hughes, Lowry, McDonald, Miller, Poin-
dexter, Ryan, Washabaugh, Woolhiser.

So the bill was lost.

Absent and not voting:

Messrs. Cooper and Van Osdel.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of
Representatives:

HOUSE OF REPRESENTATIVES, {
February 4, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 177,

A bill for an act defining the boundaries of Ramsey
county,

Which the House has passed and your favorable consid-
eration thereof is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, {
February 4, 1889. }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 20,

A bill for an act defining a subdivision of the Seventh
Judicial District of Dakota Territory, and fixing the terms
of court therein,

Also,

Council Bill No. 183.

A bill for an act to amend the Joint Resolution approved
January 28, 1889, authorizing the Secretary of the terri-
tory to furnish laws to the members of the Eighteenth
Legislative Assembly,

Which the House has passed under suspension of the
rules.

JOHN G. HAMILTON,
Chief Clerk.

Mr. President in the chair.

Mr. Allen moved

That the rules be suspended and House Bill No. 177 be
read the first, second and third times and put on its final
passage,

Which motion prevailed and

House Bill No. 177,

A bill for an act defining the boundaries of Ramsey county,

Was read the first, second and third times. and

The question being shall the bill pass,

The roll being called there ayes, 20; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Harstad, Hughes, McDonald, Miller, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Halley, Lowry, Patten and Poindexter,

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Campbell moved

That House Bill No. 178 be read the first and second times and referred to its appropriate committee.

Which motion prevailed, and

House Bill No. 178,

A Joint Resolution to reimburse Legislative officers for certain expenses,

Was read the first and second times and

Referred to the Committee on Territorial Affairs.

Mr. Dollard moved

That the rules be suspended and House Bill No. 183 be read the first, second and third times and put upon its final passage,

Which motion prevailed, and

House Bill No. 183,

A Memorial to Congress, relating to the opening of that portion of the Fort Randall Military Reservation on the east side of the Missouri River in the county of Charles Mix to settlement under the Homestead Law,

Was read the first, second and third times, and

The question being, shall the bill pass,

The roll being called there were ayes, 15; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Dollard, Ericson, Glaspell, Harstad, Ryan, Soderberg, Van Osdel, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Crawford, Halley, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Walsh.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Van Osdel in the chair.

Council Bill No. 150,

A bill for an act to amend Section 1 of Chapter 72 of the Laws of 1887 relating to the sale of intoxicating liquors,

Was read the third time, and

The question being upon the report of the Committee on Temperance,

The report was adopted.

The question being shall the bill pass,

The roll being called there were, ayes, 19; nays 1.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Ericson, Glaspell, Harstad, Hughes, Lowry, McDonald, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser.

Mr. Dollard voting in the negative.

Absent and not voting;

Messrs. Halley, Miller, Patten, Mr. President.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Council Bill No. 149,

A bill for an act to amend Section 2 of Chapter 71 of the Laws of 1887 relating to the sale of intoxicating liquors,

Was read the third time.

The question being upon the report of the Committee on Temperance,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 20; nays, 1.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Campbell, Cooper, Crawford, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser.

Mr. Dollard voting in the negative.

Absent and not voting:

Messrs. Allin, Miller, Mr. President.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 156,

A bill for an act to regulate the sale of intoxicating liquors for medicinal purposes by registered pharmacists in the Territory of Dakota,

Was read the third time.

Mr. Poindexter offered the following amendment and moved its adoption:

Provided further, That nothing in this act shall prevent a registered pharmacist from selling any of said liquors for medicinal, mechanical, culinary or sacramental purposes to any person presenting a prescription therefor from a licensed and reputable physician,

Which motion prevailed.

Mr. Ericson offered the following amendment and moved its adoption:

Amend Section 4 by adding thereto the following: "Every pharmacist selling liquor in this territory shall, on the first day of every month, file with the county clerk or county auditor of his county, as the case may be, all affidavits and prescriptions upon which he has sold intoxicating liquor, during the preceding month. And every sale of liquor for which the affidavit or prescription shall not be filed as hereinbefore provided, shall be deemed in violation of law."

Which motion prevailed.

Mr. Patton moved

That Council No. 156 be recommitted to the Committee on Temperance,

Which motion prevailed.

Mr. Lowry moved

That Mr. Crawford be excused from attendance at tomorrow's session,

Which motion prevailed.

Council Bill No. 169,

A bill for an act amending Section 3, Chapter 50, of the Political Code,

Was read the third time.

The question being upon the report of the Committee on Revenue,

The report was adopted.

The question being shall the bill pass

The roll being called there were ayes 18; nays 1.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford Ericson, Glaspell, Harstad, Hughes, Lowry, Miller, Poindexter, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser.

Mr. Halley voting in the negative.

Absent and not voting:

Messrs. Dollard, McDonald, Patten, Ryan, Mr. President.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. President in the chair.

Mr. Lowry moved

That the rules be suspended and House Bill No. 176 be read the first, second and third times and put on its final passage.

Which motion prevailed, and

House Bill No. 176,

A bill for an act to provide newspapers for the members of the Legislature and making an appropriation therefor,

Was read the first, second and third times.

Mr. Harstad moved,

That further consideration of House Bill No. 176 be indefinitely postponed.

Which motion prevailed.

Council Bill No. 100,

A bill for an act to amend Section 100, Sub-Chapter 1, and Section 12, Sub-Chapter 2, of Chapter 112, of Session Laws of 1883,

Was read the third time and

The question being upon the report of the Committee on Counties,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 24; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper,

Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

So the bill passed and

The question being as to its title and being put,
Its title was agreed to.

Mr. Hughes moved

That the vote by which House Bill No. 176 was indefinitely postponed be reconsidered,

Which motion prevailed, and
House Bill No. 176,

A bill for an act to provide newspapers for the members of the Legislature, and making an appropriation therefor, was reconsidered.

Mr. Van Osdel offered the following amendment and moved its adoption:

Amend Section 1 as follows: Provided, that not more than one dollar shall be paid for each paper furnished.

Which motion was lost.

Mr. Ericson offered the following amendment, and moved its adoption:

Strike out "or weekly" in Section 1, and insert "or their equivalent in weeklies."

Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 14; nays, 10.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Campbell, Glaspell, Halley, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Walsh, Woolhiser.

Those who voted in the negative were:

Messrs. Allin, Cooper, Crawford, Dollard, Ericson, Harstad, Soderberg, Van Osdel, Washabaugh, Mr. President.

So the bill passed and

The question being as to its title, and being put,
Its title was agreed to.

Mr. Glaspell moved

That the Council do now adjourn.

Which motion prevailed, and

Mr. President announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

TWENTY-NINTH DAY.

BISMARCK, February 5, 1889.

Council met pursuant to adjournment, and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names, except Mr. Crawford, who was excused.

Mr. President announced his signature to House Bills No. 2 and 186.

The Journal of yesterday was read and approved.

PETITIONS AND COMMUNICATIONS.

Mr. Woolhiser presented the following petition:

To the Honorable, the Council and House of Representatives of the Territory of Dakota, in Legislature Assembled:

We, the undersigned citizens, farmers and resident Sportsmen of Kidder county, probably the most widely known and visited migratory bird locality in the Territory, petition that you change the present game laws and make the open season from August 15th to May 15th of the following year, for all migratory birds. Making the open season begin August 15th for prairie chickens. Making it legal to ship any species of migratory birds and waterfowl either in or out of the Territory. Many farmers of this county have, in years past, shot and shipped out of the Territory many of the immense numbers of geese that gather here in the season, and have derived much pecuniary benefit to themselves, and at no detriment to any one, and they feel the present law works an unnecessary hardships to them. And we will forever pray.

S. E. KEPLER,

And 50 others of Kidder county.

Which was referred to the Committee on Agriculture.

Mr. Hughes presented the following petition:

To the Honorable Council and House of Representatives of the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens, farmers and resident sportsmen of Kidder county, probably the most widely known and visited migratory bird locality in the Territory, petition that you change the present game laws and make the open season from August 15th, to May 15th of the following year for all migratory birds. Making the open season begin August 15th for prairie chickens. Making it legal to ship any species of migratory birds and water fowl either in or out of the Territory. Many farmers of this county have in years past shot and shipped out of the Territory many of the immense numbers of geese that gather here in the season and have derived much pecuniary benefit to themselves and at no detriment to any one, and they feel the present law works an unnecessary hardship to them. And we will forever pray.

E. H. CHAMBERLIN,

• And 50 others of Kidder county.

Which was referred to the Committee on Agriculture.

Mr. Woolhiser presented the following petition:

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota, Bismarck, Dakota:

We, the undersigned, citizens of Dakota Territory over twenty-one years of age, petition your honorable body to enact a law granting the elective franchise to the women of Dakota, on the same terms as to men.

We ask this as a matter of expediency, believing her to be, as a class, as sober, as moral and as capable as he. We ask it as a matter of justice, because she submits to the laws and pays her proportion of the tax; because it will better harmonize with the age in which we live, and promote sobriety, peace, morality, education and prosperity.

ALICE M. A. PICKLER,

• And 44 others of Faulk county.

Which was referred to the Committee on Elections.

Mr. Van Osdel presented the following petition:

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of Dakota Territory, over

twenty-one years of age, petition your honorable body to enact a strict prohibitory liquor law, containing adequate provisions for its enforcement, and also providing very heavy fines, penalties, and forfeitures for its violation, and for such your petitioners will ever pray.

MRS. C. E. FLETCHER,
And 52 others of Yankton.

Which was referred to the Committee on Temperance.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Walsh introduced—
Council Bill No. 193.

A bill for an act entitled, "An act to provide for the publication of the laws in certain newspapers,"

Which was read the first time.

Mr. Glaspell introduced—
Council Bill No. 194,

A bill for an act to amend Section 47, Chapter 27, Political Code, entitled, "Elections relating to the qualification of voters,"

Which was read the first time.

Mr. Hughes introduced—
Council Bill No. 195.

A bill for an act to appropriate the sum of five hundred dollars to Benjamin F. Slaughter,

Which was read the first time.

Mr. Patten introduced—
Council Bill No. 196,

A bill for an act appropriating funds for the maintenance of the Normal school at Madison, Dak., for the ensuing two years and for other purposes,

Which was read the first time.

Mr. Halley introduced—
Council Bill No. 197,

A bill for an act to authorize the Territorial Auditor to audit certain vouchers,

Which was read the first time.

Mr. Cameron introduced—
Council Bill No. 198,

A bill for an act to pay Charles W. Thompson for rebate of freights on material for the construction of the Capitol Building at Bismarck, D. T., as per finding of Board of Arbitration in case C. W. Thompson vs. Territory of Dakota,

Which was read the first time.

Mr. Poindexter introduced—

Council Bill No. 199,

A bill for an act to amend Section 409, of Chapter 3, of the Civil Code,

Which was read the first time.

Mr. Van Osdel introduced—

Council Bill No. 200,

A bill for an act appropriating funds for the maintenance of the Dakota Hospital for the Insane at Yankton,

Which was read the first time.

Mr. President announced his signature to House Bill No. 145.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 177,

A bill for an act amending Section 1542 of Chapter 15 of the Political Code, relating to taxation,

Was read the second time and

Referred to the Committee on Agriculture.

Council Bill No. 180,

A bill for an act regulating the annual license fee relating to the sale of intoxicating liquors,

Was read the second time and

Referred to the Committee on Temperance.

Council Bill No. 181,

A bill for an act appropriating money for support and maintenance of the School of Deaf Mutes at Sioux Falls for the ensuing two years.

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 185 (a substitute for No. 171),

A bill for an act authorizing boards of county commissioners to defray certain expenses incurred in suppressing frauds in county affairs.

Was read the second time and

Referred to the Committee on Counties.

Council Bill No. 186,

A concurrent resolution relating to a recess of the Legislature,

Was read the second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 187,

A bill for an act to provide for liens on crops for seed grain furnished on credit, and for the foreclosure of the same.

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 188,

A bill for an act to amend Chapter 73 of Session Laws of 1887, pertaining to incorporation of cities,

Was read the second time and

Referred to the Committee on Cities and Municipal Corporations.

Council Bill No. 189,

A bill for an act to repeal Section 54, Chapter 28 of Revised Code of 1887 pertaining to revenue.

Was read the second time and

Referred to the Committee on Revenue,

Council Bill No. 190,

A bill for an act to provide for the outstanding Territorial warrants drawn on the capitol building fund,

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 191,

A bill for an act to amend Section 1, Article 19, Chapter 73, Laws of 1887, allowing towns to change organization,

Was read the second time and

Referred to the Committee on Cities and Municipal Corporations.

Council Bill No. 192,

A bill for an act to amend Section 93, Chapter 47, Session Laws of 1887, relating to school and county treasurers,

Was read the second time and

Referred to the Committee on Revenue.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 81,

A bill for an act entitled "an Act providing for the issuing of marriage licenses and the recording of the same,

Was read the third time.

Mr. Glaspell moved

That the consideration of Council Bill No. 81 be postponed,

Which motion prevailed.

Mr. Hughes moved

That Council Bills Nos. 3, 46 and 81 be made a special order for 3 p. m. to-morrow.

Which motion prevailed.

Council Bill No. 166,

A bill for an act relating to the appointment of county precinct and township officers,

Was read the third time, and

The question being on the report of the Committee on Counties,

The report was not adopted.

Mr. Van Osdel moved to recommit Council Bill No. 166,

Which motion was lost,

The question being shall the bill pass,

The roll being called there were ayes 9; nays 12.

Those who voted in the affirmative were:

Messrs. Atkinson, Ericson, Halley, Harstad, Patten, Soderberg, Van Osdel, Walsh, Woolhiser.

Those who voted in the negative were:

Messrs. Allen, Campbell, Cooper, Dollard, Glaspell, Lowry, McDonald, Miller, Poindexter, Ryan, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Cameron, Crawford, Hughes.

So the bill was lost.

Council Bill No. 33,

A bill for an act entitled "An act to repeal Chapter 84, of the Session Laws of 1885," providing for struck juries,

Was read the third time and

Mr. Dollard moved to indefinitely postpone further consideration of Council Bill No. 33,

Which motion prevailed.

Council Bill No. 16,

A bill for an act to amend Section 1, Chapter 1, of Title 1 of the Probate Code,

Was read the third time and

Made a Special Order for to-morrow with Council Bills Nos. 3, 46 and 81.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 5, 1889, }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 39,

A bill for an act to establish and maintain a Soldiers' Home in the Territory of Dakota, and providing for the issuing of bonds of the Territory therefor,

Also,

House Bill No. 40,

A bill for an act to amend Section 14, of Chapter 10, Session Laws of 1887, relating to county auditors,

Also,

House Bill No. 41,

A bill for an act entitled "An act to empower incorporated towns in the Territory of Dakota to levy road and poll tax,"

Also,

House Bill No. 94,

A bill for an act amending Section 36 of Sub-Chapter 2 of Chapter 112 of the General Laws of 1888, entitled "An act to provide for the organization of civil townships and the government of the same,"

Also,

House Bill No. 83,

A bill for an act relating to the payment of premium for insurance by the giving of notes,

Also,

House Bill No. 104,

A bill for an act to authorize the discharge of attachments and lis pendens,

Also,

House Bill No. 117,

A bill for an act providing for two justices of the peace in cities or villages having five hundred or more inhabitants,

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

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
February 5, 1889. }

MR. PRESIDENT:

I have the honor to return herewith

Council Bill No. 27,

A bill for an act to amend Section 165 of the Code of Civil Procedure.

With the recommendation of the Committee on Judiciary of the House that said bill be returned to the Council, with the request that it "be corrected and engrossed; it not appearing from such bill or amendments proposed, what the Council intended to pass."

JOHN G. HAMILTON,
Chief Clerk.

Mr. Dollard moved

That the rules be suspended and House Bill No. 39 be read the first and second times and be referred to its appropriate committee.

Roll call demanded.

The roll being called there were ayes, 11; nays, 9.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Dollard, Glaspell, Halley, Lowry, McDonald, Poindexter, Walsh, Washbaugh.

Those who voted in the negative were:

Messrs. Cooper, Ericson, Harstad, Miller, Ryan, Soderberg, Van Osdel, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Cameron, Crawford, Hughes, Patten.

So the motion was lost.

Mr. Crawford being present,

Mr. Ericson moved

To reconsider the vote by which Mr. Dollard's motion was lost.

Roll call demanded.

The roll being called there were ayes 11; nays 13.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Dollard, Ericson, Glaspell, Halley, Hughes, Lowry, McDonald, Poindexter, Washbaugh.

Those who voted in the negative were:

Messrs. Allin, Cameron, Cooper, Crawford, Harstad, Miller, Patten, Ryan, Soderberg, Van Osdel, Walsh, Woolhiser, Mr. President.

So the motion was lost.

Council Bill No. 171,

A bill for an act authorizing the board of county com-

missioners of Lawrence county to defray certain expenses incurred in suppressing fraud in its financial affairs,

Was read the third time and

The question being upon the report of the Committee the report was adopted and,

Council Bill No. 185,

A bill for an act authorizing boards of county commissioners to defray certain expenses incurred in suppressing frauds in county affairs,

Being a substitute for Council Bill No. 171,

Was read the third time.

Mr. Crawford offered the following amendment and moved its adoption:

To amend by adding the following section:

SEC. 2. This act shall also be construed to authorize such commissioners to employ such experts in any cases hereafter arising and provide for the defraying of their expenses as herein provided.

That Section 2 be amended by striking out the number thereof and renumbering the same "3" instead of "2,"

Which motion prevailed, and

The question being shall the bill pass,

The roll being called there were ayes 20, nays 1.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Hughes, Lowry, McDonald, Miller, Patten, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Glaspell, Harstad, Poindexter.

Mr. Halley being absent.

So the bill passed, and

The question being as to its title and being put

Its title was agreed to.

Mr. President announced the appointment of Messrs. Hughes, Washabaugh and Poindexter members of the Joint Committee on the part of the Council to examine and report upon the Compiled Laws.

Mr. Poindexter declined to serve and

Mr. President appointed Mr. Crawford in his stead.

Mr. Van Osdel in the chair.

Mr. President asked to be excused for the balance of the

day and requested that any bill in which he was interested be not acted upon during his absence.

Mr. Washabaugh moved

That the request of the gentleman from Cass be granted.
Which motion prevailed.

Council Bill No. 9,

A bill for an act to amend Chapter 37 of the Criminal Code,

Was read the third time.

The question being upon the report of the Committee on Judiciary,

The report was adopted.

Mr. Dollard moved

To amend Council Bill No. 9 by striking out all of Sections 2 and 3.

Which motion prevailed, and

The question being shall the bill pass,

The roll being called there were ayes, 6; nays, 14.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Dollard, Harstad, Walsh, Woolhiser.

Those who voted in the negative were:

Messrs. Cameron, Campbell, Cooper, Crawford, Ericson, Glaspell, Hughes, Lowry, McDonald, Patten, Ryan, Soderberg, Van Osdel, Washabaugh.

Absent and not voting:

Messrs. Halley, Miller, Poindexter, Mr. President,
So the bill was lost.

Mr. Miller asked to be excused for the balance of the day, which request was granted upon the motion of Mr. Lowry.

Council Bill No. 132,

A bill for an act to amend Sections 1 and 2, Chapter 32. of the Session Laws of 1887, entitled "An act to suppress and prevent the spread of contagious diseases among domestic animals,"

Was read the third time, and

Mr. Cooper moved

That Council Bill No. 132 be laid over.

Mr. Hughes offered the following amendment:

That all Council bills on the subject of Veterinary Surgeon be made special order for Saturday next at three o'clock,

Which motion prevailed.

The question being upon the motion of the gentleman from Codington as amended,

The motion prevailed.

Council Bill No. 26,

A bill for an act extending the time for return of an execution to 90 days and providing for its renewal,

Was read the third time.

The question being upon the report of the Committee on Judiciary,

The report was adopted.

Mr. Crawford offered the following amendment and moved its adoption:

To amend Section 1 of said bill by striking from the 10th and 11th lines of the printed bill the words "and may be repeated as often as necessary."

Roll call demanded.

The roll being called there were ayes, 9; nays, 10.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Campbell, Cooper, Crawford, Halley, Hughes, Ryan, Washabaugh.

Those who voted in the negative were:

Messrs. Allin, Ericson, Glaspell, Harstad, Lowry, Patten, Poindexter, Soderberg, Van Osdel, Woolhiser.

Absent and not voting:

Messrs. Dollard, McDonald, Miller, Walsh and Mr. President,

So the amendment was lost.

Mr. Hughes moved

That the further consideration of Council Bill No. 26 be indefinitely postponed,

Which motion prevailed.

Council Bill No. 19,

A bill for an act to amend Chapter 50, Laws of the Seventeenth Legislative Assembly, relating to fees and salaries of registers of deeds and county treasurers,

Was read the third time.

The question being upon the report of the Committee on Judiciary.

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 9; nays 11.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Ericson, Halley, Hughes, Poindexter, Ryan, Walsh, Washabaugh.

Those who voted in the negative were:

Messrs. Allin, Cameron, Cooper, Crawford, Glaspell, Harstad, Lowry, Patten, Soderberg, Woolhiser.

Absent and not voting:

Messrs. Dollard, McDonald, Miller, Mr. President.

So the bill was lost.

Council Bill No. 134,

A bill for an act creating the office of district attorney for each judicial district and abolishing the office of district attorney for each county,

Was read the third time and

The question being upon the report of the Committee on Judiciary,

The report was adopted.

Mr. Hughes moved

That the further consideration of Council Bill No. 134 be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes, 16; nays, 4.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Cooper, Crawford, Glaspell, Harstad, Hughes, Lowry, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Woolhiser.

Those who voted in the negative were:

Messrs. Campbell, Ericson, Halley, Washabaugh.

Absent and not voting:

Messrs. Dollard, McDonald, Miller, Mr. President.

So the bill was indefinitely postponed.

Council Bill No. 35,

A bill for an act regulating criminal prosecutions in justices courts,

Was read the third time.

The question being upon the report of the Committee on Judiciary,

The report was adopted.

Mr. Dollard offered the following amendment and moved its adoption:

Amend by inserting after the word "upon" in the ninth line, second section, "An affidavit being filed setting forth

facts showing that there is danger that the accused will escape before such authority can be procured.

Which motion was lost.

The question being shall the bill pass,

The roll being called, there were ayes, 14; nays, 7.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Crawford, Ericson, Glaspell, Halley, Hughes, Lowry, McDonald, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh.

Those who voted in the negative were:

Messrs. Atkinson, Campbell, Cooper, Dollard, Harstad, Patten, Poindexter.

Absent and not voting:

Messrs. Miller, Woolhiser, Mr. President.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Patten offered the following report:

Mr. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 27,

A bill for an act relating to costs in justification of sureties.

And find the same correctly engrossed.

Also,

Council Bill No. 183,

A bill for an act to amend Joint Resolution authorizing the Secretary to furnish laws to the members,

And find the same correctly engrossed and enrolled.

J. H. PATTEN,
Chairman.

Council Bill No. 73,

A bill for an act entitled "An act to provide when laws shall go into force and effect."

Was read the third time, and

The question being upon the report of the Committee on Judiciary,

The report was adopted.

Mr. Crawford moved

That the Council do now adjourn,

Which motion was lost.

The question being shall the bill pass,

The roll being called they were ayes 15, nays 4.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Lowry, McDonald, Ryan, Soderberg, Van Osdel, Walsh.

Those who voted in the negative were:

Messrs. Campbell, Hughes, Poindexter, Washabaugh.

Absent and not voting:

Messrs. Atkinson, Miller, Patten, Woolhiser, Mr. President.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Mr. Cameron moved

That the Council do now adjourn,

Which motion prevailed, and

The President pro tem announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

THIRTIETH DAY.

BISMARCK, February 6, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Rev. T. G. Field.

The roll was called and the members all responded to their names except Messrs. Lowry and Crawford.

Mr. McDonald moved

That Mr. Lowry be excused.

Which motion prevailed.

Mr. Ericson moved

That Mr. Crawford be excused.

Which motion prevailed.

Mr. Washabaugh moved

To excuse Mr. Cressy, clerk of the Committee on Appropriations.

Which motion prevailed.

Mr. Van Osdel in the chair.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 6, 1889. }

MR. PRESIDENT :

I have the honor to transmit herewith
House Bill No. 58,

A bill for an act to repeal Chapter 124, of the General Laws of 1887, entitled "An act to create the office of Public Examiner, defining the duties and dividing the Territory into two examiners' districts,

Also,

House Bill No. 69,

A bill for an act to compensate the owner or owners of certain cattle killed in Oliver county, Dakota, on order of the Governor and Territorial Board of Health,

Also,

House Bill No. 72,

A bill for an act to repeal Chapter 32 of the General Laws of 1887, entitled, "An act to suppress and prevent the spread of contagious and infectious diseases among domestic animals,"

Also,

House Bill No, 212,

A Joint Resolution extending the thanks of the People of Dakota to the Hon. P. F. McClure, etc,

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

JOHN G. HAMILTON,
Chief Clerk.

Mr. President in the chair.

The Journal of yesterday was read and approved.

PETITIONS AND COMMUNICATIONS.

Mr. Ericson presented the following petition:

To the Legislative Assembly of the Territory of Dakota:

The undersigned residents and citizens of the Territory of Dakota would respectfully petition your honorable body to enact as a law Council Bill No. 133, entitled, "an act to prohibit the manufacture, sale or giving away of intoxicating liquors, except for medical, scientific and mechanical purposes, etc," as introduced in the Council by Mr. Patten.

For which we will ever pray.

L. B. CHAMBERLAIN,

And 133 others of Union county,

Which was referred to the Committee on Temperance.

Mr. Hughes presented the following communication:

HEADQUARTERS GOVERNOR'S GUARD, }
Co. "A," 1st Inf., D. N. G. }

To the Honorable, the Legislative Assembly of the Territory of Dakota:

WHEREAS, The Governor of the Territory has, in his message to the Legislature, recommended the abolishment of the annual encampment of the militia, and also advised the diminution of the force to only five hundred (500) men; Therefore be it

Resolved, by Co. "A," 1st Inf., "The Governor's Guard," that we most earnestly protest against these measures as calculated to greatly weaken the efficiency of the Territorial militia, if not to work its complete disorganization;

That while we do not desire to increase the expense of the militia, we believe that the annual encampment is essential and necessary as the best incentive to effective organization and pride in usefulness of the service;

That we ask the Legislature now in session in this city to carefully examine this matter before crippling the usefulness of the Territorial militia by carrying out the recommendations of the Governor;

That a copy of these resolutions be sent to Hon. Alexander Hughes and H. S. Parkin, members from this district, and they be requested to present same to the Legislature.

T. J. FLAVIN,
Chairman.

H. W. VAN HOUTEN, Secretary Pro Tem.

Which was referred to the Committee on Military Affairs.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Territorial Affairs to whom was referred

Council Bills Nos. 182, 163, 168, 161, 129, 99, 164 and 15,

Also,

House Bills Nos. 5, 65, 113 and 178,

Beg leave to report that they have had the same under consideration and recommend that said

Council Bill No. 163,

A bill for an act for the maintenance of the public office of the Territory,

Also,

Council Bill No. 182,

A bill for an act to provide for the sale of the property of Dakota's exhibit at the World's Industrial and Cotton Centennial Exposition at New Orleans,

Also,

House Bill No. 178,

A Joint resolution to reimburse legislative officers for certain expenses,

Do pass.

They further recommend that

Council Bills Nos. 99, 129, 161 and 168 do not pass.

That Council Bill No. 15 and House Bill No. 5

Be indefinitely postponed, for the reason that similar bills have already passed the Council.

Your committee herewith return

Council Bill No. 164,

A Joint Resolution calling on the Territorial Secretary for information,

Also,

House Bill No. 65,

A Joint Resolution providing for the appointment of certain committees,

Also,

House Bill No. 113,

A Joint Resolution calling on the Governor for a report regarding salaries, expenditures, etc., for clerical assistance in his office,

Which your said committee return without recommendation.

F. J. WASHABAUGH,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

Council Bills Nos. 78, 120 and 152

Respectfully report and recommend that

Council Bill No. 78,

A bill for an act to legalize certain instruments and the record thereof,

Be amended by adding after the word "affixed," in the sixth line of the printed bill the words "provided that such

instrument is not otherwise defective," and also by striking out the remainder of said section, and as amended that it pass,

Also,

Council Bill No. 152,

A bill for an act to legalize certain instruments and the record thereof,

That it do not pass for the reason that a similar bill has been reported,

Also,

Council Bill No. 120,

A bill for an act to provide security to the public against errors, omissions and defects in abstracts of title to real estate,

That section 1 be amended by striking out the words "five thousand" in line 6 of the printed bill and inserting in lieu thereof the words "three thousand," also, amend Section 2 by striking out the word "five" in line 10 and inserting the word "two," also, amend Section 3 in line 2 by striking out the word "five" and inserting the word "two," also, amend Section 6 by striking out the words "prevent the" and inserting in lieu thereof the words "apply to" and by striking out all after the word "territory" in the third line, and as amended that it pass.

S. L. GLASPELL,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriations having had under consideration,

Council Bill No. 130,

A bill for an act to appropriate funds to pay the Northwest Grain and Fuel company for electric lights placed in the capitol,

Recommend that the same do pass.

HUGH McDONALD,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed bills have examined

Council Bill No. 20,

An act for providing for a subdivision of the seventh Judicial District of the Territory of Dakota and fixing the terms of court therein,

And find the same correctly engrossed and enrolled.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

Your Committee on Immigration beg leave to report on
Council Bill No. 21,
That it do not pass.

P. CAMERON,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Van Osdel offered the following resolution, and moved its adoption:

Resolved, That it is the desire of this body that the President of the Council do appoint Mrs. Arthur Linn to fill the first vacancy that may occur, as assistant Enrolling and Engrossing Clerk.

Which motion prevailed.

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

Resolved, That a committee of three members of the Council be appointed to confer with the Secretary of the Territory in regard to the publication of the laws passed at the present session of the Legislature, to the end that said laws may be published and distributed at the very earliest date possible.

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Walsh introduced—

Council Bill No. 201,

A bill for an act, entitled "An act to provide for filing the bond of township assessors and duties of township clerks,"

Which was read the first time.

Mr. Miller introduced—

Council Bill No. 202,

A bill for an act, entitled "An act to amend Section 1, Chapter 63, Session Laws of 1881, empowering the county commissioners to offer a bounty of three dollars for every wolf killed within the limits of their county,"

Which was read the first time.

Mr. Glaspell introduced—

Council Bill No. 203,

A bill for an act to amend Chapter 102, of the Session Laws of 1883, entitled, "An act to amend Section 13, of Chapter 39, of the Political Code, relating to salary of probate judge."

Which was read the first time.

Mr. Poindexter introduced—

Council Bill No. 204,

A bill for an act for the establishment of a Normal School for the Territory of Dakota at the City of Ashton, in said Territory, and for the government, management and control of same,

Which was read the first time.

Mr. President announced his signature to Council Bill No. 20.

Mr. President announced the appointment of Messrs. Washabaugh, Ericson and Hughes as a committee to wait upon the Secretary of the Territory, in relation to the early publication of the Laws of the Eighteenth Session.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 193,

A bill for an act entitled, "An act to provide for the publication of the laws in certain newspapers,"

Was read the second time and

Referred to the Committee on Public Printing.

Council Bill No. 195,

A bill for an act to appropriate the sum of five hundred dollars to Benjamin F. Slaughter.

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 196,

A bill for an act appropriating funds for the maintenance of the Normal School at Madison, Dak., for the ensuing two years and for other purposes,

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 197,

A bill for an act to authorize the Territorial Auditor to audit certain vouchers,

Was read the second time, and

Referred to the Committee on Counties.

Council Bill No. 198,

A bill for an act to pay Charles W. Thompson for rebate

of freights on material for the construction of the Capitol Building at Bismarck, D. T., as per finding of Board of Arbitration in case C. W. Thompson vs. Territory of Dakota,

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

Council Bill No. 199,

A bill for an act to amend Section 409, of Chapter 3, of the Civil Code,

Was read the second time, and
Referred to the Committee on Insurance.

Council Bill No. 200,

A bill for an act appropriating funds for the maintenance of the Dakota Hospital for the Insane at Yankton,

Was read the second time and
Referred to the Committee on Appropriations.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 41,

A bill for an act to amend Section 2 of Chapter 116 of the Laws of the Seventeenth Legislative Assembly, entitled "An act in relation to the office of Notary Public,"

Mr. Poindexter moved

That the further consideration of Council Bill No. 41 be postponed until next Monday,

Which motion prevailed.

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

Resolved, That the House be requested to return Council Bill No. 108 for the purpose of amendment.

Which motion prevailed.

Mr. President announced his signature to Council Bill No. 183.

Council Bill No. 42,

A bill for an act to repeal Chapter 153 of the Laws of the Seventeenth General Assembly, it being an act entitled "An act to provide an allowance to the Justices of the Supreme Court of the Territory of Dakota to defray their traveling expenses," etc.

Was read the third time, and

The question being upon the adoption of the report of the Committee on Judiciary,

The report was adopted, and

The question being shall the bill pass,

The roll being called there were ayes, 14; nays, 5.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Cooper, Dollard, Ericson, Halley, Harstad, Miller, Poindexter, Soderberg, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Campbell, Glaspell, Hughes, McDonald, Washabaugh.

Absent and not voting:

Messrs. Crawford, Lowry, Patten, Ryan and Van Osdel.

So the bill passed, and

The question being as to its title and being put

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
February 6, 1889. }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 108,

A bill for an act entitled "An act to change the name of the religious corporation incorporated under the title of 'The First Bohemian Presbyterian Church of Dakota,'"

As per request of the Council.

JOHN G. HAMILTON,
Chief Clerk.

SPECIAL ORDERS.

The hour for Special Orders having arrived,
The Council took up the consideration of
Council Bill No. 46.

A bill for an act to amend Sections 36, 46, 47, 48, 49, 50, 51, 52 and 53 of Article 1, Chapter 1, of Title 1, Part 3 of the Civil Code, entitled, "The Contract of Civil Marriage,"

The question being upon the report of the Committee on Judiciary,

The report was adopted,

Mr. Campbell offered the following amendment and moved its adoption:

Amend Council Bill No. 46 by striking out the numbers

2, 54 and 55 as preceding the last three sections and inserting in lieu thereof the figures 53, 2 and 3,

Which motion prevailed.

Mr. Glaspell offered the following amendment and moved its adoption:

To strike out all of lines 1 to 7 inclusive, of page 4, of the printed bill.

Which motion prevailed.

Mr. President announced his signature to House Bills No's. 176, 12, 177, 185 and 8.

Mr. Hughes offered the following amendment to Council Bill No. 46 and moved its adoption:

Strike out "49" wherever it occurs,

Which motion prevailed, and

The question being shall the bill pass,

The roll being called there were ayes, 11; nays, 9;

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Cooper, Ericson, Glaspell, Halley, Miller, Patten, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Campbell, Dollard, Harstad, Hughes, McDonald, Soderberg, Van Osdel, Walsh, Washabaugh.

Absent and not voting:

Messrs. Crawford, Lowry, Poindexter, Ryan,

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Allen moved

That further consideration of Council Bill No. 3 be indefinitely postponed.

Which motion prevailed.

Mr. Van Osdel moved

That further consideration of Council Bill No. 16 be indefinitely postponed.

Which motion prevailed.

Mr. Ericson moved

That further consideration of Council Bill No. 81 be indefinitely postponed.

Which motion prevailed.

Council Bill No. 145,

A bill for an act to provide for making reports and disposal of fines, forfeitures, penalties and costs in criminal cases,

Was read the third time and

The question being upon the report of the Committee on Judiciary,

The report was adopted.

Mr. Dollard offered the following amendment and moved its adoption:

Amend Section 3 by adding in line 2 after the word "county" the words "clerk or."

Which motion prevailed.

Mr. Cooper offered the following amendment and moved its adoption:

Amend Section 2, line 2 by striking out the word "county" where it first occurs in said line.

Which motion prevailed.

Mr. Hughes offered the following amendment and moved its adoption:

Strike out the word "his" in line 2 of Section 3 of the printed bill and insert in lieu thereof the word "the."

Which motion prevailed, and

The question being shall the bill pass,

The roll being called there ayes, 18; nays, 2.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Cooper, Dollard, Ericson, Glasspell, Halley, Harstad, Hughes, McDonald, Miller, Patten, Poindexter, Soderberg, Van Osdel, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Ryan, Walsh.

Absent and not voting:

Messrs. Atkinson, Cameron, Crawford and Lowry.

So the bill passed and

The question being as to its title, and being put,

Its title was agreed to.

Mr. Cooper requested

That Council Bill No. 199 be recalled from Insurance Committee and be referred to the Committee on Incorporations.

There being no objections,

Council Bill No. 199 was recalled from the Committee on Insurance and referred to the Committee on Incorporations.

Mr. Hughes moved

That the rules be suspended and House Bills be taken up.

Which motion prevailed.

FIRST READING OF HOUSE BILLS.

House Bill No. 94,

A bill for an act amending Section 36, Sub-Chapter 2, of Chapter 112, of the General Laws of 1883, entitled "An act to provide for the organization of civil townships and the government of the same,"

Was read the first time.

House Bill No. 104,

A bill for an act to authorize the discharge of attachments and lis pendens,

Was read the first time.

House Bill No. 117,

A bill for an act providing for two justices of the peace in cities or villages having five hundred or more inhabitants,

Was read the first time.

House Bill No. 74,

A bill for an act fixing the liability of railroad corporations for setting fires,

Was read the first time.

House Bill No. 39,

A bill for an act to establish and maintain a Soldiers' Home in the Territory of Dakota and providing for the issue of the bonds of the Territory therefor,

Was read the first time.

House Bill No. 40,

A bill for an act to amend Section 14 of Chapter 10, Session Laws of 1887, relating to county auditors,

Was read the first time.

House Bill No. 41,

A bill for an act entitled "An act to empower incorporated towns in the Territory of Dakota to levy road and poll tax,"

Was read the first time.

House Bill No. 83,

A bill for an act relating to the payment of premiums for insurance by the giving of notes,

Was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 49,

A bill for an act to correct the Public Statutes of the Seventeenth Session of the Legislative Assembly,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 56,

A bill for an act entitled "An act to amend Section 47 of Chapter 29 of the Political Code,"
Was read the second time and
Referred to the Committee on Territorial Affairs.

House Bill No. 60,

A bill for an act to amend Section 35, of Chapter 47, of the Laws of 1887,

Was read the second time and
Referred to the Committee on Education.

House Bill No. 68,

A bill for an act creating and defining a subdivision of the First Judicial District,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 70,

A bill for an act to permit county commissioners to compromise delinquent taxes,
Was read the second time and
Referred to the Committee on Revenue.

House Bill No. 87,

A bill for an act to amend Section 1, Supplement to Session Laws of 1885, being an act to prevent the spread of noxious weeds in the Territory of Dakota,
Was read the second time and
Referred to the Committee on Agriculture.

House Bill No. 115,

A bill for an act to attach the county of Church to the county of McHenry for Judicial purposes,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 122,

A bill for an act prohibiting the collection of fees by attorneys and counselors in certain cases,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 127,

A bill for an act providing for a subdivision of the Seventh Judicial district of the Territory of Dakota,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 175,

A bill for an act establishing a term of court in La Moure county, Territory of Dakota,
Which was read the second time and
Referred to the Committee on Judiciary.

THIRD READING OF HOUSE BILLS.

House Bill No. 21,

A bill for an act to amend Section 70 of Chapter 29 of the Political Code relating to highways, bridges, ferries and road supervisors,
Was read the third time.

Mr. Ericson offered the following amendment and moved its adoption:

Amend Section 1 by adding after the word "tax" in the 24th line of the written bill the words "not exceeding one mill on the dollar,

Which motion prevailed, and

The question being shall the bill pass,

The roll being called there were ayes 13; nays 9.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Poindexter, Soderberg, Van Osdel, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Atkinson, Campbell, Cooper, McDonald, Miller, Patten, Ryan, Walsh, Woolhiser.

Absent and not voting:

Messrs. Crawford, Lowry.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 6, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 186.

A bill for an act authorizing counties to issue bonds to
procure seed wheat for needy farmers resident thereof,

Together with the following message from the governor
vetoing the same:

EXECUTIVE OFFICE, }
February 6, 1889. }

To the House of Representatives:

I herewith respectfully return
House Bill No. 186,

A bill for an act authorizing counties to issue bonds to
procure seed wheat for needy farmers resident thereof,

Without my approval. The objections urged against
House Bill No. 1, (entitled the same as House Bill No. 186)
apply, with very few exceptions, to this bill. The objec-
tions urged against Section 1 of House Bill No. 1 have been
remedied in the present bill, but aside from this, the objec-
tions in my veto to House Bill No. 1 apply with few excep-
tions.

In addition to the objections in my former veto, I would
call attention to act of Congress approved July 30th, 1886,
limiting the indebtedness of municipal corporations and
counties to an amount, in the aggregate, including existing
indebtedness, not exceeding four (4) per centum on the
value of the taxable property within such corporation or
county, to be ascertained by the last assessment for terri-
torial and county taxes. This prohibition I believe would
prevent several counties (which have suffered by loss of
crops) from taking advantage of the proposed law.

I do not deem it necessary to again urge upon your at-
tention the numerous objections that legally existed to
House Bill No. 1, and which as I have heretofore stated,
apply with equal force to the present bill.

I am clearly of the opinion that they not only apply with
equal force, but also, that these objections urged upon the
grounds of public policy in my former veto are not over-
come by any of the provisions of this bill.

In passing, I would call your attention to Section 1704 of
the Civil Code which provides as follows:

“An agreement may be made to create a lien upon prop-

erty, not yet acquired by the party agreeing to give the lien, or not in existence. In such case the lien agreed for attaches from the time when the party agreeing to give it acquires an interest in the thing to the extent of such interest."

It is within the power of every person to give security upon his future crop and this being the case, cannot those who are in need of seed wheat be trusted to solve the problem of their needs without legislation of this kind?

Respectfully,

LOUIS K. CHURCH,

Governor.

And to inform you that the House has passed said House Bill No. 186, the objections of the Governor to the contrary notwithstanding.

JOHN G. HAMILTON,

Chief Clerk.

The question being shall House Bill No. 186 be passed, the objections of His Excellency the Governor to the contrary notwithstanding,

Mr. Cooper moved

That the consideration of House Bill No. 186 be laid over until to-morrow.

Mr. Harstad moved

That the motion be laid upon the table.

Which motion was lost, and

The question being upon the motion of the gentleman from Codington,

The motion prevailed.

House Bill No. 24,

A bill for an act to amend Section 38, of Chapter 28, of the Political Code, as amended by Chapter 143 of the Laws of 1887,

Was read the third time and

The question being upon the report of the Committee on Counties,

The report was not adopted.

The question being shall the bill pass,

The roll being called, there were ayes, 15; nays, 6.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Patten, Poindexter, Ryan, Soderberg, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Cooper, McDonald, Miller, Van Osdel, Walsh, Washabaugh.

Absent and not voting:

Messrs. Cameron, Crawford and Lowry.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 37,

A bill for an act to provide for payment of lost or destroyed interest coupons, due July 1, 1886, on the Madison Normal School bonds,

Was read the third time.

Mr. Hughes moved

That further consideration of House Bill No. 37 be indefinitely postponed,

Which motion prevailed, and

House Bill No. 37 was indefinitely postponed.

House Bill No. 71,

A bill for an act limiting the terms of holding the offices of county treasurer and sheriff,

Was read the third time.

The question being upon the report of the Committee on Counties,

The report was not adopted.

Mr. Dollard moved

That House Bill No. 71 be indefinitely postponed,

Which motion was lost.

Mr. Cooper requested to be excused from attendance for the balance of the day.

There being no objections,

The request was granted.

Mr. Harstad offered the following amendment and moved its adoption:

Amend Section 1 to read as follows:

Sec. 1. That no treasurer, sheriff, register of deeds, auditor or clerk of any county of this territory shall be eligible for election to said offices for more than two terms,

Which motion prevailed.

Mr. Ericson moved

To amend House Bill No. 71 by striking out all officers except treasurer,

Which motion prevailed.

Mr. Washabaugh moved

To amend by inserting "or sheriff" after "treasurer."

Mr. Ericson raised the point of order

That the amendment offered by the gentleman from Lawrence was out of order.

Mr. President decided the point well taken.

Mr. Washabaugh appealed from the decision of the chair

The question being shall the decision of the chair be sustained, and

A roll call being demanded,

The roll being called there were ayes, 9; nays, 10.

Those who voted in the affirmative were:

Messrs. Dollard, Ericson, Glaspell, Harstad, Hughes, Pat-
ten, Ryan, Soderberg, Woolhiser.

Those who voted in the negative were:

Messrs. Allin, Cameron, Campbell, Halley, McDonald,
Miller, Poindexter, Van Osdel, Walsh, Washabaugh.

Absent and not voting:

Messrs. Atkinson, Cooper, Crawford, Lowry, Mr. Presi-
dent.

So the decision of the chair was not sustained.

Mr. Ericson moved

That House Bill No. 71 be recommitted.

Which motion was lost.

Mr. Ericson moved

That House Bill No. 71 be made Special Order for to-
morrow at 3 o'clock.

Which motion prevailed.

Mr. Soderberg moved

That the Council do now adjourn.

Which motion prevailed, and

Mr. President announced that the Council stood ad-
journed.

R. E. WALLACE,
Chief Clerk.

THIRTY-FIRST DAY.

BISMARCK, February 7, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names except Mr. Lowry, who was excused.

Mr. Allen in the chair.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 7, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 47,

A bill for an act appropriating the sum of \$100 to pay for rental of committee rooms during the Seventeenth Legislative Assembly,

Also,

House Bill No. 119,

A bill for an act to authorize foreign executors, administrators and guardians to assign and satisfy judgments and mortgages,

Also,

House Bill No. 121,

A bill for an act entitled, "An act to amend Section 61 of Chapter 28, of the Political Code,"

Also,

House Bill No. 126,

A bill for an act to provide a board for the equalization

of taxes for all incorporated towns and villages in Dakota whose charters contain no provisions for such board,

Also.

House Bill No. 199,

A substitute for Council Bill No. 11, being a bill for an act detaching certain counties from the Seventh Judicial District and attaching them to the Second and Fifth Judicial Districts,

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

JOHN G. HAMILTON,
Chief Clerk.

The Journal of yesterday was read and approved.
Mr. President in the chair.

EXECUTIVE COMMUNICATION.

The following communication was received from His Excellency the Governor:

EXECUTIVE OFFICE, }
February 6, 1889. }

To the Council:

I herewith respectfully return
Council Bill No. 20,

Entitled "An act providing for a subdivision of the Seventh Judicial District of the Territory of Dakota and fixing the terms of court therein."

The intention of this act is to provide that McPherson county shall be a Judicial District and to fix the terms of court therein. Said county is within the limits of the present Seventh Judicial District, and the judge of such district has power under the laws as at present constituted to segregate such county from any county to which the same may be attached for judicial purposes and likewise has power to appoint terms of court therein.

It suggests itself that it is better to allow the judge to exercise the power above referred to at such time as, in his opinion, the public interest will be advanced by so doing.

I am constrained, therefore, to return said bill without my approval.

Respectfully,
LOUIS K. CHURCH,
Governor.

The question being shall
Council Bill No. 20,

A bill for an act providing for a subdivision of the Seventh Judicial district of the Territory of Dakota, and fixing the terms of court therein,

Pass, the objections of His Excellency, the Governor, to the contrary notwithstanding,

Mr. Campbell moved

That Council Bill No. 20 be laid over until to-morrow.

Which motion prevailed.

PETITIONS AND COMMUNICATIONS.

Mr. Stimmel presented the following communication:

HUNTER, Cass Co., D. T., }
February 5, 1889. }

Hon. Smith Stimmel, Bismarck, Dakota:

DEAR SIR: At the regular meeting of our Alliance, February 2d, the following resolution was unanimously adopted:

We, the members of Hunter Farmers' Alliance, No. 527, hereby ask that our representatives in the legislature formulate another bill eliminating objectionable features of the bill vetoed by Governor Church, and embodying essentials to give needy and deserving settlers necessary assistance in procurement of seed grain; and that they exert their utmost endeavors to pass such bill.

Resolved, That a copy of this resolution be forwarded to each of our members of the Legislature.

D. I. EYRES,
Secretary.

Which was referred to the Committee of the Whole.

Mr. Van Osdel presented the following petition:

YANKTON, DAK., Feb. 4, 1889.

To the Honorable Legislative Assembly of the Territory of Dakota:

The undersigned citizens and property owners of the county of Yankton, Dak., respectfully petition your honorable body not to pass a bill prohibiting the sale of liquor in this Territory, fully believing that a proper measure allowing and regulating the sale under proper restrictions and providing a high license, is better for our people and more likely to be enforced and reduce the sale thereof.

Our citizens have shown by their vote last fall that they do not want prohibition in this county, and as the law now

stands, those counties which desire prohibition in their respective localities have that privilege under the present law, and should not compel us to submit to prohibition against the will of the people.

BRANCH & SON, Hardware Merchants,
And 93 others of Yankton.

Which was referred to the Committee on Temperance.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred House Bill No. 87,

A bill for an act to amend Section 1, Supplement to Session Laws of 1885, being an act to prevent the spread of noxious weeds in the Territory of Dakota,

Have had the same under consideration and herewith return the same and recommend that said bill do pass.

Also,

Council Bill No. 148,

A bill for act to provide for the re-establishment and relocation of section posts and boundaries which have been lost or destroyed,

And herewith return the same without recommendation.

Also,

Council Bill No. 177,

A bill for an act amending Chapter 28 of the Political Code, relating to exemptions from taxation,

And herewith return the same with the recommendation that said bill do not pass.

C. A. SODERBERG,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred House Bills Nos. 7, 13, 33, 29, 115, 127 and 175, and Council Bill No. 82,

Respectfully report and recommend that House Bills Nos. 7, 115, 127 and 175 be passed,

Also,

House Bill No. 13,

Recommend that it be amended as follows:

SECTION 1. In the seventh and eighth line of the printed bill, strike out the words, "in the United States for two years;" and in line 8 of said Section strike out the word "ten," and insert in lieu thereof the word "thirty."

SEC. 2. Amend by striking out of lines 3 and 4 of said Section of the printed bill, "of the United States for two years;" also strike out of line 5 of said Section the word "ten," and insert in lieu thereof the word "thirty."

And as amended, that it pass;

Also,

House Bill No. 33,

Recommend that Section 1 be amended by striking out of line 5 of said Section of the printed bill, the word "fifteen," and inserting in lieu thereof the word "ten,"

And as amended, that it pass;

Also,

Council Bill No. 82,

And recommend that it pass.

S. L. GLASPELL,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
Council Bill No. 29,

A bill for an act to repeal Article 1, Chapter 11, and Sections 721 to 733 inclusive, of Chapter 35, of the Code of Civil Procedure, relating to arrest and bail,

Respectfully report the same back with the recommendation that it do not pass.

S. L. GEASPELL,
Chairman.

MR. PRESIDENT:

Your Committee to whom was referred
House Bill No. 4,

Having had the same under consideration, beg leave to report that they return the same herewith with the recommendation that Section 6 of said bill be amended by striking therefrom the words "in Bismarck" where they occur in said section, and inserting in lieu thereof the words, "at the seat of government," and that said bill as thus amended do pass.

COE I. CRAWFORD,
Chairman.

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 135,

A bill for an act regulating criminal prosecution in Justices Courts,

Also,

Council Bill No. 185, (a substitute for No. 171),

A bill for an act authorizing boards of county commissioners to defray certain expenses incurred in suppressing frauds in county affairs.

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

A minority of your Committee on Judiciary to whom was referred

Council Bill No. 125,

A bill for an act to authorize the Attorney General to appoint an Assistant Attorney General,

Respectfully report a disagreement of said Committee and recommend that Council Bill No. 125 do pass.

S. L. GLASPELL,
COE I. CRAWFORD,
GEO. H. WALSH.

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
Council Bill No. 125,

Respectfully report and return the same with the recommendation that it do not pass.

M. H. COOPER,
Chairman pro tem.

Mr. Walsh moved

That the vote by which Council Bill No. 42 was passed be reconsidered.

Mr. Ericson moved

To lay the motion of the gentleman from Grand Forks on the table.

Roll call demanded.

The roll being called there were ayes, 10; nays, 12.

Those who voted in the affirmative were:

Messrs. Allin, Dollard, Ericson, Harstad, Miller, Poin-dexter, Soderberg, Van Osdel, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Atkinson, Cameron, Campbell, Cooper, Crawford, Glaspell, Halley, McDonald, Patten, Ryan, Walsh, Wash-abaugh.

Absent and not voting:

Messrs. Hughes and Lowry.

So the motion to lay on the table was lost.

The question being upon the motion to reconsider the vote by which Council Bill No. 42, was passed;

The roll call was demanded.

The roll being called there were ayes, 10; nays, 13.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Campbell, Crawford, Glasspell, Halley, McDonald, Ryan, Walsh, Washabaugh.

Those who voted in the negative were:

Messrs. Allin, Cooper, Dollard, Ericson, Harstad, Hughes, Miller, Patten, Poindexter, Soderberg, Van Osdel, Woolhiser, Mr. President.

Mr. Lowry being absent.

So the motion was lost.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

The Committee on Education introduced—

Council Bill No. 205,

A bill for an act entitled "An act to revise and harmonize the existing system of public education and abolish the Territorial Board of Education,"

Which was read the first time.

Mr. Miller introduced—

Council Bill No 206.

A bill for an act entitled "An act prohibiting certain animals from running at large,

Which was read the first time.

Mr. Soderberg introduced—

Council Bill No. 207,

A bill for an act to provide money for necessary improvements and for building a girls' dormatory for the Deaf Mute school of Sioux Falls,

Which was read the first time.

Mr. Crawford introduced—

Council Bill No. 208,

A bill for an act relating to the removal of fixtures from mortgaged property,

Which was read the first time.

Mr. Ericson introduced—

Council Bill No. 209,

A bill for an act abolishing foreclosure of mortgages on real estate by advertisement,

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 210,

A bill for an act to amend Section 11, Chapter 5, of the Political Code, relating to vacancies in office,

Which was read the first time.

Also,

Council Bill No. 211,

A bill for an act entitled "An act to prevent the importation of armed men or association of men into this Territory for the purpose of police duty,

Which was read the first time.

Mr. Glaspell introduced—

Council Bill No. 212,

A bill for an act entitled "An act giving police powers to conductors of railway passenger trains,

Which was read the first time.

Mr. Crawford introduced—

Council Bill No. 213.

A bill for an act entitled "An act relating to exemption of property under attachment, execution or other process as to sureties for costs,

Which was read the first time.

Mr. Hughes introduced—

Council Bill No. 214,

A bill for an act to amend Chapter 142 of the Laws passed at the Seventeenth Session of the Legislative Assembly of the Territory of Dakota entitled "An act to provide for the collection of city taxes in incorporated cities of the Territory of Dakota,

Which was read the first time.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

The Council took up the consideration of the following message from the House:

HOUSE OF REPRESENTATIVES, }
February 6, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

Council Bill No. 108,

A bill for an act entitled "An act to change the name of the Religious Corporation incorporated under the title of 'The First Bohemian Presbyterian Church of Dakota,'"

As per request of the Council.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Dollard moved

That the vote by which Council Bill No. 108 was passed be reconsidered,

Which motion prevailed.

Mr. Dollard offered the following amendment and moved its adoption:

Amend Section 1 of Council Bill No. 108 so as to add to first Section: "Provided said Society shall, within six months after the passage and approval of this act, repay to the board of aid of the Presbyterian Church, a sum of money equal to any sum or sums heretofore advanced to it, by said board, together with legal interest thereon."

Which motion prevailed.

Mr. Crawford offered the following amendment and moved its adoption:

Amend by adding the words "And obtain the the consent of the Presbytery in which said church is now situated" after the last word contained in the amendment offered by Mr. Dollard.

Which motion prevailed.

The question being, shall the bill pass,

The roll being called there were ayes, 22; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Halley, Harstad, Hughes, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Glaspell and Lowry.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 186,

A bill for an act authorizing counties to issue bonds to procure seed wheat for needy farmers resident thereof,

The question being shall House Bill No. 186 be passed the objections of His Excellency the Governor to the contrary notwithstanding.

The roll being called there were ayes, 20; nays, 2.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Ericson, Halley, Harstad, Hughes, McDonald, Miller, Patten, Poindexter, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Dollard and Ryan.

Absent and not voting:

Messrs. Glaspell and Lowry.

So the bill passed, the objections of the Governor to the contrary notwithstanding.

SPECIAL ORDERS.

The hour for Special Orders having arrived the Council took up the consideration of

House Bill No. 71,

A bill for an act limiting the term of holding the offices of county treasurer and sheriff.

Mr. Ericson moved

That the further consideration of House Bill No. 71 be indefinitely postponed.

Roll call demanded.

The roll being called there were, ayes, 7; nays, 15.

Those who voted in the affirmative were:

Messrs. Cooper, Dollard, Ericson, Halley, Ryan, Soderberg, Washabaugh.

Those who voted in the negative were:

Messrs. Atkinson, Cameron, Campbell, Crawford, Glaspell, Harstad, Hughes, McDonald, Miller, Patten, Poindexter, Van Osdel, Walsh, Woolhiser, Mr. President.

Absent and not voting,

Messrs. Allin and Lowry.

So the motion was lost.

The question being upon the motion of the gentleman from Lawrence,

The motion prevailed.

Mr. Poindexter offered the following amendment and moved its adoption:

Strike out all after "Territory" in the first line of first section and insert the following, viz:

"Shall be eligible to a re-election to immediately succeed himself."

Which motion was lost.

Mr. McDonald offered the following amendment and moved its adoption:

Amend by striking out all of Section 1, and insert the following:

SEC. 1. That no treasurer, sheriff, auditor or clerk, district attorney or register of deeds of any county in this Territory shall be eligible for election to said offices for more than two successive terms of two years each, provided, that in determining the number of terms to which any person shall be eligible under this act any term existing at the date of the passage thereof and any term immediately preceding the same shall be computed.

Which motion was lost and

The question being shall the bill pass,

The roll being called there were ayes, 12; nays, 11.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Crawford, Glaspell, Harstad, McDonald, Miller, Patten, Van Osdel, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Atkinson, Campbell, Cooper, Dollard, Ericson, Halley, Hughes, Poindexter, Ryan, Soderberg, Washabaugh.

Absent and not voting:

Messrs. Cameron and Lowry.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 7, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 220,

A Joint Resolution recalling House Bill No. 8 from the Governor.

Which the House has passed under suspension of the rules, and your early favorable consideration thereof is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Crawford moved
That the rules be suspended and
House Bill No. 220 be read the first, second and third
times and put upon its final passage,
Which motion prevailed, and
House Bill No. 220,
A Joint Resolution recalling House Bill No. 8 from the
Governor,

Was read the first, second and third times and
The question being shall the bill pass,
The roll being called there were ayes 22; nays none.

Those who voted in the affirmative were:
Messrs. Allin, Atkinson, Cameron, Campbell, Cooper,
Crawford, Dollard, Ericson, Glaspell, Halley, Harstad,
Hughes, Miller, Patten, Poindexter, Ryan, Soderberg, Van
Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:
Messrs. Lowry and McDonald.

So the bill passed and
The question being as to its title and being put
Its title was agreed to.

Call of the house demanded.

The roll being called,
The members all responding to their names except Mr.
Lowry who was excused.

Further proceedings under the call of the house was dis-
pensed with.

Mr. Dollard moved
That the rules be suspended and
Council Bill No. 205
Be read the second time and referred to its appropriate
committee,

Which motion prevailed.

Council Bill 205,
A bill for an act entitled, "An act to revise and harmon-
ize the existing system of public education and abolish the
Territorial Board of Education,"

Was read the second time, and
Referred to the Committee on Education.

Mr. Dollard moved
That 150 extra copies of Council Bill No. 205 be printed.
Which motion prevailed.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 194,

A bill for an act to amend Section 47, Chapter 27, Political Code, entitled "Elections relating to the qualification of voters,

Was read the second time and

Referred to the Committee on Elections.

Council Bill No. 201,

A bill for an act entitled "An act to provide for filing the bond of township assessors and duties of township clerks,"

Was read the second time and

Referred to the Committee on Counties.

Council Bill No. 202,

A bill for an act entitled "An act to amend Section 1, Chapter 63, Session Laws of 1881, empowering the county commissioners to offer a bounty of three dollars for every wolf killed within the limits of their county,"

Was read the second time and

Referred to the Committee on Revenue.

Council Bill No. 203,

A bill for an act to amend Chapter 102, of the Session Laws of 1883, entitled, "An act to amend Section 13, of Chapter 39, of the Political Code, relating to salary of probate judge,"

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 204,

A bill for an act for the establishment of a Normal School for the Territory of Dakota at the City of Ashton, in said Territory, and for the government, management and control of same,

Was read the second time and

Referred to the Committee on Education.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 157,

A bill for an act entitled "An act to amend and re-enact Section 56 of Chapter 28 of the Political Code of the Territory of Dakota,"

Was read the third time.

Mr. Halley moved

That Council Bill No. 157 be indefinitely postponed.

Which motion prevailed.

Council Bill No. 89,

A bill for an act to provide for the levy and collection of poll taxes by incorporated cities,

Was read the third time, and

The question being upon the report of the Committee on Revenue,

The report was adopted.

The question being shall the bill pass,

The roll being called there were, ayes, 5; nays 14.

Those who voted in the affirmative were:

Messrs. Allin, Glaspell, Van Osdel, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Atkinson, Campbell, Cooper, Crawford, Dollard, Ericson, Halley, Harstad, Miller, Patten, Poindexter, Soderberg, Washabaugh, Woolhiser.

Absent and not voting:

Messrs. Cameron, Hughes, Lowry, McDonald, Ryan.

So the bill was lost.

Council Bill No. 101,

A bill for an act prohibiting the recording and filing of deeds and other instruments of title until taxes are paid,

Was read the third time, and

Mr. Miller moved

That Council Bill No. 101 be recommitted to the Committee on Revenue,

Which motion prevailed.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
February 7, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 210,

A bill for a Joint Memorial to the Congress of the United States,

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

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
February 7, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 176,

A bill for an act to provide newspapers for the mem-
bers of the Legislature and making an appropriation there-
for,

Together with the following message from the Governor
vetoing the same:

EXECUTIVE OFFICE, }
February 6, 1889. }

To the House of Representatives:

I hereby respectfully return
House Bill No. 176,

Entitled "An act to provide for newspapers for the mem-
bers of the Legislature and making appropriation there-
for,"

I am unable to approve this bill making an appropriation for
a purchase for the members of both houses of six copies of news-
papers, either daily, or their equivalent in weeklies, as each mem-
ber may choose. It would amount to the purchase of 432 news-
papers per day for the members of the Legislature at an expense
to the public (at a cost of five cents per paper) which would
amount to \$21.60 a day, or \$648 for the balance of the session.

The language of Section 1 is as follows: "To be furnished them
regularly during the Eighteenth Session of the Legislative As-
sembly." If construed to apply to the whole Session, it would
render the Territorial Treasury liable for the sum of \$1,296.

I can see no more reason for an appropriation of this kind than
could be given for an appropriation made for any other private
purpose of the members.

Respectfully,
LOUIS K. CHURCH,
Governor.

And to inform you that the House has passed said
House Bill No. 176, the objections of the Governor to the
contrary notwithstanding.

JOHN G. HAMILTON,
Chief Clerk.

The question being, shall
House Bill No. 176,

A bill for an act to provide newspapers for the members
of the Legislature, and making an appropriation therefor,

Be passed, the objections of the Governor to the contrary notwithstanding,

The roll being called there were ayes, 10; nays, 12.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Glaspell, Hughes, Patten, Poindexter, Walsh, Woolhiser:

Those who voted in the negative were:

Messrs. Cameron, Crawford, Dollard, Ericson, Halley, Harstad, McDonald, Miller, Soderberg, Van Osdel, Washbaugh, Mr. President.

Absent and not voting:

Messrs. Lowry and Ryan.

So the bill was lost.

Mr. Hughes asked unanimous consent to introduce a bill.

There being no objections

Mr. Hughes introduced—

Council Bill No. 215,

A bill for an act to amend Section 2, of Chapter 15, of the General Laws of 1887, relating to lost bonds or coupons,

Which was read the first time, and

Mr. Hughes moved

That the rules be suspended and Council Bill No. 215 be read the second time and referred to appropriate committee,

Which motion prevailed, and

Council Bill No. 215,

A bill for an act to amend Section 2, of Chapter 15 of the General Laws of 1887, relating to lost bonds or coupons,

Was read the second time and

Referred to the committee on Judiciary.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES }
February 7, 1889. }

MR. PRESIDENT:

I have the honor to return herewith,
Council Bill No. 123,

A bill for an act to amend Section 1, Chapter 63, of the Laws of the Sixteenth Legislative Assembly, entitled "An act establishing Territorial and County Boards of Health and providing for the protection of the health of persons and animals,"

Which the House has passed.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
February 7, 1889, }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 6,

A bill for an act to repeal Chapter 84 of the Laws of
1885, entitled "An act providing for Struck Juries,"

Together with the following communication from the
Governor, vetoing the same.

EXECUTIVE OFFICE, }
February 5, 1889. }

To the House of Representatives:

I herewith respectfully return
House Bill No. 6,

Entitled "An act to repeal Chapter 84 of the Laws of
1885, entitled 'An act providing for Struck Juries,'"

Without my approval.

A careful examination of the Laws of 1885 shows that the object
of said law is to place it within the power of litigants to require
greater care in the selection of trial juries. This is not restricted
to any particular class of litigants.

An examination of the law as to the manner of selecting jurors
in both civil and criminal cases, shows that our jury system could
be greatly improved; and I am impressed that the law of 1885 is
a step in the direction of improving the same, and that instead of
being repealed, it could, with propriety and wisdom, be made ap-
plicable to criminal cases.

It may be suggested that the list of persons qualified to serve as
jurors from which the struck jury is selected as provided by sec-
tion 1 in said act, should be greater than forty people, or, in other
words, that in the selection of the jury, the parties litigant should
have a greater number than forty to select from. There could be
no objection to the number being enlarged.

The Act provides for the striking off of names alternately by the
parties interested in the suit until each party has stricken out
twelve. This, in effect, allows each party twelve peremptory chal-
lenges to the array, leaving sixteen jurors to be summoned by the
sheriff from which the first twelve drawn shall be sworn to try
the cause.

It is further provided that the twelve jurors selected may be
challenged for cause.

The Act of 1885 further provides for the selection of the juries in a disinterested manner, as provided by Section 2 of said Act.

It is provided by Section 3, of said act that the party requiring such struck jury shall pay all the fees, costs and expenses for striking the same and for the attendance of each juror, and shall have no allowance therefor in the taxation of costs. This provision operates as a saving to the county.

Section 4 of said act confers upon the judge the power to allow or disallow such jury in his discretion, consequently there is no great danger that the provisions of said act of 1885 will be abused, if any abuse were possible.

Our present jury system is not satisfactory and does not result in bringing into the jury box the best class of jurors, and is not only very expensive to the county, but so general and lax in many of its provisions as to open the door to grave abuses and the wrongful exercise of discretionary powers by those who are clothed with the selection and summoning of juries, especially in the selection of talesmen after the regular panel is exhausted. The power with which officers are clothed in the selection of juries, generally, and especially in the selection of talesmen, is often, I regret to say, exercised, not in the interest of, or in the direction of justice, but in opposition thereto.

I understand it is claimed by those who are interested in the passage of this bill that the provisions of the bill are such that a poor man, or a man with moderate means, cannot afford the expense of a struck jury. This fact need not necessarily militate against the law, (even if it were true), as the law can be so amended as to allow the granting of struck juries to be in the discretion of the judge as it is now and to likewise make the expense of such jury a charge upon the county.

Respectfully,
LOUIS K. CHURCH,
Governor.

And to inform you that the House has passed said House Bill No. 6, the objections of the Governor to the contrary notwithstanding.

JOHN G. HAMILTON,
Chief Clerk.

The question being shall
House Bill No. 6,

A bill for an act entitled "An act to repeal Chapter 84 of the Laws of 1885, entitled 'An act providing for struck juries,'"

Be passed the objections of His Excellency the Governor to the contrary notwithstanding,

Mr. Crawford moved

That further consideration of House Bill No. 6 be laid over until to-morrow,

Which motion prevailed.

Mr. Washabaugh in the chair.

Council Bill No. 144,

A bill for an act to amend Chapter 31 of the Code of Civil Procedure, and the various amendments thereof relating to the filing of mechanic's liens,

Was read the third time.

Mr. Stimmel moved

That the report of the Committee be not adopted.

Which motion was lost.

Mr. Glaspell moved

That the report of the Committee be adopted.

Which motion prevailed.

Call of the House demanded.

The roll being called,

The members all responded to their named except

Messrs. Cooper, Ericson, Hughes, Lowry, Miller, Patten and Woolhiser.

The Sergeant-at-Arms was directed to bring in the absent members.

Mr. Campbell moved

That further proceedings under the call of the House be dispensed with.

Which motion prevailed.

Mr. Stimmel offered the following amendment and moved its adoption:

Amend Section 2, line 7, by striking out the words "seventy-five" and insert instead thereof the words "twenty-five."

Which motion prevailed.

The question being shall the bill pass.

The roll being called there were ayes 8; nays 12.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Crawford, Harstad, Miller, Patten, Van Osdel, Mr. President.

Those who voted in the negative were:

Messrs. Atkinson, Campbell, Cooper, Dollard, Glaspell, Halley, McDonald, Poindexter, Ryan, Soderberg, Walsh, Washabaugh.

Absent and not voting:

Messrs. Ericson, Hughes, Lowry, Woolhiser.

So the bill was lost.

Mr. McDonald moved

That the Council do now adjourn,

Which motion prevailed, and

Mr. President pro tem announced that the Council stood
Adjourned.

R. E. WALLACE,
Chief Clerk.

THIRTY-SECOND DAY.

BISMARCK, February 8, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names except Mr. Lowry, who was excused.

Mr. Walsh in the chair.

The Journal of yesterday was read and approved.

PETITIONS AND COMMUNICATIONS.

Mr. Crawford presented the following petition:

WHITE LAKE, DAK., Feb. 2, 1889.

To the Honorable Council and Members of the House of Representatives of the Eighteenth Legislative Assembly of the Territory of Dakota:

At a regular meeting of Edward Walsh Post No. 41, Department of Dakota, Grand Army of the Republic, it was *Resolved*, That we endorse the movement now being made in the Legislative Assembly for the establishment of a Soldiers' and Sailors' Home in the Territory of Dakota, and we would most respectfully urge the passage of a bill locating some in the city of Pierre.

P. D. DAVIS,
Commander.

Attest: W. J. DOUGHTY, Adjutant.

Which was referred to the Committee on Territorial Affairs.

Mr. Hughes presented the following petition:

To the Honorable Members of the Legislature of Dakota:

The undersigned petitioners, residents and tax payers of the said Territory, most respectfully represent that their desire is that the present appropriation for the maintenance of the Dakota National Guards be continued, and that, if your honorable body should find that the present appropriation is inadequate to provide for an annual encampment of the Dakota National Guards, as now organized, that you increase said appropriation so that the D. N. G. may have an annual encampment of eight days each year, and that said legislation would be in accord with the wishes of your petitioners and the people of the Territory.

L. L. MOORE,

And 180 others of Mitchell, Dakota.

Which was referred to the Committee on Military Affairs.

Also,

To the Legislative Assembly of the Territory of Dakota:

We notice with deep regret the clause in the Governor's message recommending the abandonment of the annual encampment of the Dakota National Guards and affirm our belief that such course would be a virtual disbandment of the whole system. To this we should most strenuously object, believing that the policy of our general government is to foster the National Guards as the nucleus to a grand and almost numberless army well drilled and having the elements of successful battle, almost inbred to be used with little or no apprisemnt in case of danger. We therefore very respectfully but firmly request your honorable body to at least continue the appropriation and your petitioners will ever thankful be.

C. O. G. FULLER,

Captain Company E, 2d Regiment.

GEO. E. MASTERS,

And 109 others of DeSmet.

Which was referred to the Committee on Military Affairs.

Also,

FLANDREAU, Dak., Jan. 15th, 1889.

To the Honorable Members of the Legislature of the Territory of Dakota, at Bismarck Assembled:

We, the undersigned citizens of the Territory of Dakota are opposed to any amendment of the present laws of the said Territory relative to the militia thereof; whereby the annual encampment of the said Territorial Militia will be discontinued, and would hereby respectfully petition your honorable body to allow the present law regarding the same to remain as it now is.

E. C. PARSONS.

And 115 others of Flandreau.

Which was referred to the Committee on Military Affairs.

Also.

To the Honorable Legislative Assembly of the Territory of Dakota:

The undersigned, petitioners, residents and taxpayers of said Territory most respectfully represent that their desire is that the present appropriation for the maintenance of the Dakota National Guards be continued and that if your honorable body should find that the present appropriation is inadequate to provide for an annual encampment for the Dakota National Guards, as now organized, that you increase said appropriation so that the Dakota National Guards may have an annual encampment of eight days each year, and that said legislation would be in accord with the wishes of your petitioners and the people of the Territory.

A. L. BUELL,

And 175 others of Watertown,

Which was referred to the Committee on Military Affairs.

Mr. Stimmel presented the following communication:

To the Honorable Council and House of Representatives of the Territory of Dakota:

WHEREAS, It is manifestly apparent that there is a disposition at the present session of the Legislature at Bismarck to alter and change the general law of the Territory relating to the militia thereof, in decreasing the general appropriation heretofore given and reducing the number of members in each company, and

WHEREAS, Said changes would greatly deteriorate the militia affairs of this Territory both in number and financially, therefore, be it

Resolved, That it is the sense of this City Council of Fargo, Dakota Territory, to petition through our Representatives in the Council and House of Representatives praying that no changes be made in the general militia law of this Territory, and that the general appropriation heretofore given be maintained as heretofore and that the maximum number in each company be not diminished.

The above resolution was adopted by the City Council of the City of Fargo at their regular meeting on the 4th day of February, 1889.

Yours respectfully,

A. O. RUPERT.

Fargo, D. T., Feb. 7, 1889.

Which was referred to the Committee on Military Affairs.

Mr. Walsh presented the following communication:

LARIMORE, Feb. 4, 1889.

DEAR SIR: Permit me to address you on a subject of vital importance to the farmers. I had two car loads of wheat stored in an elevator in this city. On October 8th last, I offered it for sale at the market price to the company who had it in store, and after a correspondence of some weeks the firm finally refused to buy, saying they were simply warehousemen. I might have my wheat check or my wheat by paying all charges against it. In the meantime wheat had dropped 10 cents per bushel. I took it out and sold it to another firm, causing a loss to me of about \$140.

The elevator men claim the right to sell stored wheat when they are not secured against loss by holding it, but the farmer cannot sell except they feel disposed to buy. This is unjust.

You are a respected member of an honorable tribunal and if in your judgment anything can be devised to obtain equal rights for the farmer it would be hailed with gratitude throughout this Territory.

DAVID DICKSON.

Which was referred to the Committee on Warehouse and Grain Grading.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your committee to whom was referred
Council Bill No. 197,

A bill for an act to authorize the Territorial Auditor to audit certain vouchers,

Having had the same under consideration beg leave to report that they return the same herewith and recommend that it do pass.

COE I. CRAWFORD,
Chairman.

MR. PRESIDENT:

Your Committee on Counties, to whom was referred House Bill No. 98,

A bill for an act to define the boundaries of the county of Butte.

Having had the same under consideration, do hereby recommend that the same be amended as follows:

1. That the title to said act be amended by striking therefrom the word "county" and inserting in lieu thereof the word "counties," and by inserting after the word "Butte" therein, the words "and Harding."

Amend Section 1 of said bill

2. By striking out the word "twenty" where it occurs in the 13th line of said section, and insert in lieu thereof the word "fifteen."

3. By inserting in said bill after Section 1 therein the following to be marked Section 2, to-wit:

SEC. 2. (Harding) The county of Harding shall be bounded and described as follows: Beginning on the western boundary line of Dakota Territory where it intersects the parallel of latitude forty-five degrees and forty minutes north; thence running east along said parallel to the one hundred and third meridian of longitude west of Greenwich; thence south along said one hundred and third meridian to the parallel of latitude forty-five degrees and fifteen minutes north; thence west along said parallel to the western boundary line of the Territory of Dakota; thence north along said boundary line to the place of beginning.

4. Changing the number of Section 2 in said bill to Section 3, and of Section 3 to Section 4.

And that the bill as thus amended do pass.

COE I. CRAWFORD,
Chairman.

MR. PRESIDENT:

Your Committee on Revenue to whom was referred Council Bill No. 36,

A bill for an act entitled, "An act to amend Chapter 28, of the Political Code, relating to revenue,

Report the same with the recommendation that in line four (4) of Section one (1), the words and figures "fifteen (15)" be stricken out and the words and figures "twenty-four (24)" be substituted in lieu thereof.

That with the above amendment the bill do pass,

Also,

Council Bill No. 40,

A bill for an act to amend Section 14, Chapter 118 of the General Laws of 1881,

Report the same with the recommendation that it do pass.

Also that

Council Bill No. 63,

A bill for an act providing for the assessment and collection of taxes on real estate and chattel mortgages.

Report the same with the recommendation that it do not pass.

M. H. COOPER,
Chairman.

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed bills have examined

Council Bill No. 145.

A bill for an act to provide for making reports and disposal of fines, forfeitures, penalties and costs in criminal cases.

Also,

House Bill No. 21,

A bill for an act to amend Section 70 of Chapter 29 of the Political Code relating to highways, bridges, ferries and road supervisors,

Also,

Council Bill No. 42,

A bill for an act to repeal Chapter 153 of the Laws of the Seventeenth Legislative Assembly, it being an act entitled "An act to provide an allowance for the Justices of the Supreme court of the Territory of Dakota to defray their traveling expenses, etc,"

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

Your committee to whom was referred
Council Bill No. 193,

A bill for an act entitled, "An act to provide for the publication of the laws in certain newspapers,"

Having had the same under consideration, do hereby return the same with the recommendation that it do pass.

I. ATKINSON,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
House Bills Nos. 49 and 68 and
Council Bill No. 47,

Have had the same under advisement and respectfully report and recommend that

House Bill No. 68

Be passed. Also,

House Bill No 49,

Be returned without recommendation.

Also,

Council Bill No. 47,

That it do not pass.

S. L. GLASPELL,
Chairman.

Mr. Walsh moved

That Prof. Sprague, of the University of North Dakota, Prof. Olson, of the University of South Dakota, Prof. McLouth, of the Agricultural College, and the members of the Boards of Agriculture of the Territory, be granted the privilege of the floor,

Which motion prevailed.

MR. PRESIDENT :

Your Committee on Banks and Banking have considered
Council Bill No. 7,

A bill for an act to amend Section 1100 of the Civil Code,

And recommend that it do pass.

E. C. ERICSON,
Chairman.

REPORT OF SELECT COMMITTEE.

The Select Committee on Examination of the Compiled Laws offered the following report:

To the President of the Council and Speaker of the House of Representatives, Eighteenth Legislative Assembly of the Territory of Dakota:

We, the undersigned, the Joint Committee appointed un-

der the provisions of Council Bill No. 97, "A Joint Resolution for a Joint Committee to examine and report on the advisability of accepting the Compiled Laws of 1887," beg leave to report as follows:

The act under which said compilation was made, Chapter 83, Session Laws of 1887, provides that when the Compiled Laws had been printed and ready for distribution, the Governor should issue his proclamation announcing such fact and his acceptance of such compilation, and thirty days after the date of such proclamation said compilation should go into effect, and thereafter the laws so compiled should be received by all the courts and officers of this Territory and should in all respects be as valid and binding as original enrolled acts approved and filed in the office of the Secretary of the Territory.

Referring to the matter of such proclamation, the Governor speaks as follows in his message to the Legislature: "The compilers completed the work as required by law; and after careful consideration I deemed it wiser to withhold said proclamation and submit the work to the Legislature for consideration and approval, as there was not, by the act providing for such compilation, sufficient time allowed for the examination which a work of the kind required; and the further desire on my part not to risk the creation of questions which would disturb our whole legal system and give rise to endless litigation, I respectfully submit said work for your consideration and action."

Your Joint Committee has had the matter under consideration, and is disposed to consider the views of the Governor as well founded. Had his proclamation been issued it would have made this compilation the latest expression of what the law may be, and would therefore have given it precedence and control in case of discrepancy between the laws as contained in said compilation and those contained in the Revised Codes of 1887, or the subsequent Session Laws. This, of course, was not what was intended by the Legislature, and it might possibly have given rise to conflicts which would increase the difficulties of determining legal questions.

It is the judgment of your Joint Committee that a much better disposition of the matters under consideration would be for this legislature to adopt, with reference to said Compiled Laws, the same policy as that adopted by Congress with reference to a new edition of the Revised Statutes of the United States, which policy was as follows: When it

became necessary to get out a second edition of said revision of the federal statutes, four years after the first edition, Congress provided that the printed volume thereof should be "legal evidence" of the laws therein contained, in all the courts of the United States and of the several states and territories; but that in case of any discrepancy between said second edition and the Session Laws enacted since the first edition, then the statutes as contained in the said Session Laws should have precedence and control. The application of this policy of Congress—certainly a very good precedent for this legislature—would make the Compiled Laws acceptable as legal evidence of what our statutes may be, which evidence would be subject to the same rules as any other evidence not made positively conclusive—thus allowing the Revised Codes of 1877, and the subsequent Session Laws, to remain as the best evidence of what the statutes were at the close of the Seventeenth Session of the Legislative Assembly and preventing any conflicts as to what the law really is. By this means there could not possibly arise any disturbance of our legal system, nor could the difficulties pertaining to construction of statutes be anywise increased.

Your Joint Committee has not had no time, nor does it consider it necessary, to examine in detail the work of the compilers. Such examination is not necessary for the reason that even if there are mistakes therein—and your Committee is assured by some of those who have examined it that the compilation is remarkably free from errors—such mistakes cannot possibly work any harm so long as the sources from which the compilation was made are still allowed to have precedence and control.

Your committee understands that in nearly, if not quite, all the courts in this Territory, the Compiled Laws are by sufferance of the judges permitted to be quoted and referred to in argument, the same as if they had been duly accepted and promulgated; but, of course, a reference to such compilation in legal papers or records could not be permitted until it should have complete legislative sanction. For the purpose of giving them such sanction within the limits mentioned herein, as patterned after the action of Congress with reference to the revised statutes of the United States, your Joint Committee would respectfully recommend the passage of the accompanying bill for an act declaring the admissibility of the Compiled Laws of

1887 as legal evidence of the general statutes of Dakota Territory.

FRANK J. WASHABAUGH,
ALEXANDER HUGHES,
COE I. CRAWFORD,
C. C. NEWMAN,
H. J. MALLORY.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

The following message from the House of Representatives was read:

HOUSE OF REPRESENTATIVES, {
February 7, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 6,

A bill for an act to repeal Chapter 84 of the Laws of 1885, entitled 'An act providing for struck juries,'"

Together with the following communication from the Governor vetoing the same:

EXECUTIVE OFFICE, {
February 5, 1889. }

To the House of Representatives:

I herewith respectfully return
House Bill No. 6,

Entitled "An act to repeal Chapter 84 of the Laws of 1885, entitled 'An act providing for Struck Juries,'"

Without my approval.

A careful examination of the Laws of 1885 shows that the object of said law is to place it within the power of litigants to require greater care in the selection of trial juries. This is not restricted to any particular class of litigants.

An examination of the law as to the manner of selecting jurors in both civil and criminal cases, shows that our jury system could be greatly improved; and I am impressed that the law of 1885 is a step in the direction of improving the same, and that instead of being repealed, it could, with propriety and wisdom, be made applicable to criminal cases.

It may be suggested that the list of persons qualified to serve as jurors from which the struck jury is selected as provided by section 1 in said act, should be greater than forty people, or, in other words, that in the selection of the jury, the parties litigant should have a greater number than forty to select from. There could be no objection to the number being enlarged.

The Act provides for the striking off of names alternately by the

parties interested in the suit until each party has stricken out twelve. This, in effect, allows each party twelve peremptory challenges to the array, leaving sixteen jurors to be summoned by the sheriff from which the first twelve drawn shall be sworn to try the cause.

It is further provided that the twelve jurors selected may be challenged for cause.

The Act of 1885 further provides for the selection of the juries in a disinterested manner, as provided by Section 2 of said Act.

It is provided by Section 3, of said act that the party requiring such struck jury shall pay all the fees, costs and expenses for striking the same and for the attendance of each juror, and shall have no allowance therefor in the taxation of costs. This provision operates as a saving to the county.

Section 4 of said act confers upon the judge the power to allow or disallow such jury in his discretion, consequently there is no great danger that the provisions of said act of 1885 will be abused, if any abuse were possible.

Our present jury system is not satisfactory and does not result in bringing into the jury box the best class of jurors, and is not only very expensive to the county, but so general and lax in many of its provisions as to open the door to grave abuses and the wrongful exercise of discretionary powers by those who are clothed with the selection and summoning of juries, especially in the selection of talesmen after the regular panel is exhausted. The power with which officers are clothed in the selection of juries, generally, and especially in the selection of talesmen, is often, I regret to say, exercised, not in the interest of, or in the direction of justice, but in opposition thereto.

I understand it is claimed by those who are interested in the passage of this bill that the provisions of the bill are such that a poor man, or a man with moderate means, cannot afford the expense of a struck jury. This fact need not necessarily militate against the law, (even if it were true), as the law can be so amended as to allow the granting of struck juries to be in the discretion of the judge as it is now and to likewise make the expense of such jury a charge upon the county.

Respectfully,
LOUIS K. CHURCH,
Governor.

And to inform you that the House has passed said House Bill No. 6, the objections of the Governor to the contrary notwithstanding.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Dollard moved

That the Council take a recess of ten minutes.

Which motion prevailed.

After the recess the Council was called to order by the President in the chair.

The question being shall House Bill No. 6 pass, the objections of His Excellency, the Governor, to the contrary notwithstanding,

The roll being called there were ayes 19; nays 4.

Those who voted in the affirmative were

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Miller, Patten, Poindexter, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Cameron, Hughes, McDonald, Ryan.

Mr. Lowry being absent.

So the bill passed, the objection of the Governor to the contrary notwithstanding.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 8, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 159,

A bill for an act to make it the duty of the county Auditor or clerk to supply civil townships with necessary books and blanks.

Also,

House Bill No. 173,

A bill for an act to amend Section 86, of the Justice Code,

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

JOHN G. HAMILTON,
Chief Clerk.

CONSIDERATION OF EXECUTIVE COMMUNICATIONS.

The following communication from His Excellency the Governor was read:

EXECUTIVE OFFICE, }
February 6, 1889. }

To the Council

I herewith respectfully return

Council Bill No. 20,

Entitled "An act providing for a subdivision of the Seventh Judicial District of the Territory of Dakota and fixing the terms of court therein."

The intention of this act is to provide that McPherson county shall be a Judicial District and to fix the terms of court therein. Said county is within the limits of the present Seventh Judicial District, and the judge of such district has power under the laws as at present constituted to segregate such county from any county to which the same may be attached for judicial purposes and likewise has power to appoint terms of court therein.

It suggests itself that it is better to allow the judge to exercise the power above referred to at such time as, in his opinion, the public interest will be advanced by so doing.

I am constrained, therefore, to return said bill without my approval.

Respectfully,
 LOUIS K. CHURCH,
 Governor.

The question being shall
 Council Bill No. 20,

Be passed, the objections of His Excellency the Governor to the contrary notwithstanding,

The roll being called there were ayes 22, nays 1.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Mr. Cameron voting in the negative.

Mr. Lowry being absent.

So the bill passed the objections of the Governor to the contrary notwithstanding.

Mr. Ericson asked that the members of the Joint Committee appointed to investigate the North Dakota Hospital for the Insane at Jamestown be excused from attendance at to-morrow's session.

There being no objection the request was granted.

Mr. Dollard moved

That the rules be suspended and the vote by which House Bill No. 176

Was lost be reconsidered.

Which motion prevailed.

Mr. Ryan raised the point of order that this matter could not be reconsidered.

Mr. President decided the point not well taken.

Mr. President announced his signature to House Bills No. 220 and 24.

The question being upon Mr. Dollard's motion to reconsider,

Roll call was demanded.

The roll being called there were ayes 11; nays 12.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Glaspell, Halley, Poindexter, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Cameron, Cooper, Crawford, Dollard, Ericson, Harstad, Hughes, McDonald, Miller, Patten, Ryan, Soderberg.

Mr. Lowry, being absent.

So the motion was lost.

Call of the House demanded.

The roll being called the members all responded to their names except Mr. Lowry, who was excused.

On motion further proceedings under the call was dispensed with.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Glaspell introduced—

Council Bill No. 216,

A bill for an act making appropriations for the maintenance of the North Dakota Hospital for the Insane and for other purposes.

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 217,

A bill for an act entitled "An act to amend Sections No. 296 and 635 of the Code of Civil Procedure,"

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 218,

A bill for an act entitled "An act to amend Section 377 of the Civil Code."

Which was read the first time.

Mr. Cameron introduced—

Council Bill No. 219,

A bill for an act to amend Section 399, Chapter 35, of the Penal Code, relating to gambling.

Which was read the first time.

Committee on Compiled Laws introduced—

Council Bill No. 220,

A bill for an act to examine Compiled Laws appointed under Council Bill No. 97,

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No 206.

A bill for an act entitled "An act prohibiting certain animals from running at large,"

Was read the second time and

Referred to the Committee on Agriculture.

Council Bill No. 207,

A bill for an act to provide money for necessary improvements and for building a girls' dormitory for the Deaf Mute school of Sioux Falls,

Was read the second time, and

Referred to the Committee on Appropriations.

Council Bill No. 208,

A bill for an act relating to the removal of fixtures from mortgaged property,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 209,

A bill for an act abolishing foreclosure of mortgages on real estate by advertisement,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 210,

A bill for an act to amend Section 11, Chapter 5, of the Political Code, relating to vacancies in office,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 211,

A bill for an act entitled "An act to prevent the importation of armed men or association of men into this Territory for the purpose of police duty,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 212,

A bill for an act entitled "An act giving police powers to conductors of railway passenger trains,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 213,

A bill for an act entitled "An act relating to exemption of property under attachment, execution or other process as to sureties for costs,"

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 214,

A bill for an act to amend Chapter 142 of the Laws passed at the Seventeenth Session of the Legislative Assembly of the Territory of Dakota entitled "An act to provide for the collection of city taxes in incorporated cities of the Territory of Dakota,"

Was read the second time and

Referred to the Committee on Revenue.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 109,

A bill for an act providing for the exemption from taxation of fifty dollars in valuation of every quarter section of land in this Territory for each acre of trees grown or growing thereon, not to exceed ten acres,

Was read the third time and

The question being upon the report of the committee,
The report was adopted.

Mr. Ericson offered the following amendment and moved its adoption:

Amend by striking out the word "fifty," in line 4, of Section 1, and inserting in lieu thereof the word "ten,"

Which motion was lost.

Mr. Ericson offered the following amendment and moved its adoption:

To strike out the word "fifty" and insert in lieu thereof the word "twenty-five,"

Which motion was lost.

Mr. Ericson offered the following amendment and moved its adoption:

Amend Section 1 by adding thereto the words "and provided further it shall appear by affidavit to the satisfaction

of the board of county commissioners that such trees were planted to the same number and have been cultivated and protected as now required by the Timber Culture Act of the United States,"

Which motion prevailed.

Mr. Patten moved

To indefinitely postpone the further consideration of Council Bill No. 109,

Which motion was lost.

Mr. Hughes moved

That Council Bill No. 109 be made Special Order for tomorrow.

Roll call demanded.

The roll being called they were ayes 10, nays 11.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Cooper, Ericson, Glaspell, Harstad, Miller, Patten, Soderberg, Woolhiser.

Those who voted in the negative were:

Messrs. Allin, Cameron, Crawford, Dollard, Halley, McDonald, Poindexter, Ryan, Van Osdel, Walsh, Mr. President.

Absent and not voting:

Messrs. Hughes, Lowry, Washabaugh.

So the motion was lost.

Mr. Campbell offered the following amendment and moved its adoption:

Adding to Section 1 the words: "This act shall not be construed as repealing the present law relating to exemptions from taxation on account of trees."

Which motion was lost.

Mr. Ryan offered the following amendment and moved its adoption:

That the following words "or smaller tract" be inserted after the words "quarter section of land" in the first line, and that the words "or shall hereafter be" after the words "which timber has been" in the second line.

Which motion was lost.

Mr. Dollard offered the following amendment and moved its adoption:

Add to Section 1 " provided, that exemption herein provided shall be in lieu of all other exemptions from taxation on account of the planting or cultivation of timber."

Which motion was lost.

Mr. Ericson moved

That the enacting clause be stricken out.

Roll call demanded.

The roll being called there were ayes, 9; nays, 11.

Those who voted in the affirmative were:

Messrs. Cooper, Crawford, Glaspell, Miller, Patten, Ryan, Soderberg, Walsh, Woolhiser.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Ericson, Harstad, McDonald, Poindexter, Van Osdel, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Dollard, Halley, Hughes and Lowry.

So the motion was lost.

Mr. Harstad moved to recommit,

Which motion was lost.

Mr. Campbell moved

That the further consideration of Council Bill No. 109 be indefinitely postponed.

Mr. Ericson raised the point of order that a motion to that effect was now pending.

Mr. Crawford made the point of order that under Rule 8 the only question before the House was the motion to recommit.

Mr. Poindexter moved

The previous question.

Mr. Miller moved

We do now adjourn.

Which motion was lost.

Mr. President ruled that the previous question can be put only upon the motion to recommit.

Mr. Poindexter appealed from the decision of the Chair.

The question being shall the ruling of the chair be sustained.

The roll being called there were ayes 13; nays 8.

Those who voted in the affirmative were:

Messrs. Allen, Atkinson, Cameron, Campbell, Cooper, Crawford, Glaspell, Harstad, McDonald, Miller, Patten, Ryan, Soderberg.

Those who voted in the negative were:

Messrs. Dollard, Ericson, Halley, Poindexter, Van Osdel, Walsh, Washabaugh, Woolhiser.

Absent and not voting:

Messrs. Hughes, Lowry, Mr. President.

So the ruling of the Chair was sustained.

The question being shall the previous question be now put,

The question prevailed.

The question being shall Council Bill No. 109 be recommitted.

Roll call demanded.

The roll being called there were ayes, 9; nays, 13.

Those who voted in the affirmative were:

Messrs. Cameron, Crawford, Dollard, Harstad, McDonald, Miller, Ryan, Van Osdel, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Ericson, Glaspell, Halley, Patten, Poindexter, Soderberg, Walsh, Washabaugh, Woolhiser.

Absent and not voting:

Messrs. Hughes and Lowry.

So the motion was lost.

The question being shall the bill pass,

The roll being called there were ayes, 5; nays, 17.

Those who voted in the affirmative were:

Messrs. Crawford, Dollard, McDonald, Ryan, Walsh.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Ericson, Glaspell, Halley, Harstad, Miller, Patten, Poindexter, Soderberg, Van Osdel, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Hughes and Lowry.

So the bill was lost.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed bills have examined

Council Bill No. 108,

A bill for an act to change the name of the religious corporation incorporated under the title of "The First Bohemian Presbyterian Church of Dakota,"

Also,

Council Bill No. 46.

A bill for an act to amend Sections 36, 46, 47, 48, 49, 50, 51, 52 and 53 of Article 1, Chapter 1, of Title 1, Part 3 of

the Civil Code, entitled, "The Contract of Civil Marriage,"
And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

Council Bill No. 143,

A bill for an act to provide for the manner and method
by which the adoption of children may be legalized,

Was read the third time.

The question being on the report of the Committee on
Judiciary,

The report was adopted.

Mr. Washabaugh in the chair.

Mr. Stimmel moved

That Council Bill No. 143 be recommitted to a Select
Committee of three.

Which motion prevailed and

The President pro tem. appointed Messrs. Ericson, Poin-
dexter and Dollard as such Committee.

Council Bill No. 129,

A bill for an act for the appointment of Trus-
tees for the several public institutions of the Territory of
Dakota and to define their terms of office, duties and com-
pensation,

Was read the third time

The question being upon the report of the Committee on
Territorial Affairs,

Mr. Ericson moved

That Council Bill No. 129 be made a special order for
Monday next at 3 o'clock,

Which motion prevailed.

Mr. McDonald moved

That the rules be suspended and House Bills Nos. 175
and 178 be read the third time and put upon their final
passage,

Which motion prevailed, and

House Bill No. 175,

A bill for an act establishing a term of court in La Moure
county,

Was read the third time and

The question being shall the bill pass,

The roll being called, there were ayes, 20; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dol-

lard, Ericson, Glaspell, Halley, McDonald, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Harstad, Hughes, Lowry and Miller.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

House Bill-No. 178,

A Joint Resolution to reimburse Legislative officers for certain expenses,

Was read the third time, and

The question being upon the report of the Committee on Territorial Affairs,

The report was adopted, and

The question being shall the bill pass.

The roll being called there ayes, 20; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, McDonald, Patten, Poindexter, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Mr. Ryan voting in the negative.

Absent and not voting:

Messrs. Hughes, Lowry, Miller.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

The Committee on Enrolled and Engrossed Bills offered the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 123,

A bill for an act to amend Section 1 of Chapter 63 of the Laws of the Sixteenth Legislative Assembly, entitled "An act establishing Territorial and County Boards of Health and providing for the protection of the health of persons and animals."

And find the same correctly enrolled.

J. H. PATTEN,
Chairman.

Mr. Washabaugh moved

That the rules be suspended and the first and second reading of House Bills be taken up.
Which motion prevailed.

FIRST READING OF HOUSE BILLS.

House Bill No. 58,

A bill for an act to repeal Chapter 124, of the General Laws of 1887, entitled "An act to create the office of Public Examiners, defining their duties and dividing the Territory into two examiner districts."

Was read the first time.

House Bill No. 69,

A bill for an act to compensate the owner or owners of certain cattle killed in Oliver county, Dakota, on order of the Governor and Territorial Board of Health,

Was read the first time.

House Bill No. 72,

A bill for an act to repeal Chapter 32 of the General Laws of 1887, entitled, "An act to suppress and prevent the spread of contagious or infectious diseases among domestic animals,"

Was read the first time.

House Bill No, 212,

A Joint Resolution extending the thanks of the People of Dakota to the Hon. P. F. McClure, etc,

Was read the first time.

House Bill No. 47,

A bill for an act appropriating the sum of \$100 to pay for rental of committee rooms during the Seventeenth Legislative Assembly,

Was read the first time.

House Bill No. 126,

A bill for an act to provide a board for the equalization of taxes for all incorporated towns and villages in Dakota whose charters contain no provisions for such board,

Was read the first time.

House Bill No. 210,

A bill for a Joint Memorial to the Congress of the United States,

Was read the first time.

House Bill No. 199,

A substitute for Council Bill No. 11, being a bill for an act detaching certain counties from the Seventh Judicial

District and attaching them to the Second and Fifth Judicial Districts,

Was read the first time.

House Bill No. 121,

A bill for an act entitled "An act to amend Section 61 of Chapter 28 of the Political Code,"

Was read the first time.

House Bill No. 119,

A bill for an act to authorize foreign executors, administrators and guardians to assign and satisfy judgments and mortgages,

Was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 94,

A bill for an act amending Section 36 of Sub-Chapter 2 of Chapter 112 of the General Laws of 1883, entitled "An act to provide for the organization of civil townships and the government of the same,"

Was read the second time and

Referred to the Committee on Counties.

House Bill No. 104,

A bill for an act to authorize the discharge of attachments and lis pendens,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 117,

A bill for an act providing for two justices of the peace in cities or villages having five hundred or more inhabitants,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 74,

A bill for an act fixing the liability of railroad corporations for setting fires,

Was read the second time and

Referred to the Committee on Railroads.

House Bill No. 39,

A bill for an act to establish and maintain a Soldiers Home in the Territory of Dakota and providing for the issue of bonds of the Territory therefor,

Was read the second time and

Referred to the Committee on Territorial Affairs.

House Bill No. 40,

A bill for an act to amend Section 14 of Chapter 10. Session Laws of 1887, relating to county auditors,

Was read the second time and
Referred to the Committee on Counties.

House Bill No. 41,

A bill for an act entitled "An act to empower incorporated towns in the Territory of Dakota to levy road and poll tax."

Was read the second time and
Referred to the Committee on Cities and Municipal Corporations.

House Bill No. 83,

A bill for an act relating to the payment of premiums for insurance by the giving of notes,

Was read the second time and
Referred to the Committee on Insurance.

Mr. Glaspell asked leave to introduce a bill.

There being no objection

Mr. Glaspell introduced—

Council Bill No. 221,

A bill for an act to provide newspapers for the members of the Legislature and making an appropriation therefor.

Mr. Glaspell moved

That the rules be suspended and Council Bill No. 221 be read the first and second time and referred to the appropriate committee,

Which motion prevailed, and
Council Bill No. 221,

A bill for an act to provide newspapers for the members of the Legislature and making an appropriation therefor,

Was read the first and second time and
Referred to the Committee on Judiciary.

Mr. Cooper moved

That the Council do now adjourn,

Which motion prevailed, and

The President pro tem announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

THIRTY-THIRD DAY.

BISMARCK, February 9, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names except

Messrs. Cameron, Ericson and Lowry, who were excused.

The Journal of yesterday was read and approved.

PETITIONS AND COMMUNICATIONS.

Mr. Crawford presented the following petition:

WENTWORTH, Feb. 4th., A. D. 1889.

To the Honorable Council and Members of the House of Representatives of the Eighteenth Legislative Assembly of the Territory of Dakota:

At a regular meeting of J. A. Kellogg Post No. 107, Department of Dakota, Grand Army of the Republic, it was *Resolved*, That we endorse the movement now being made in the Legislative Assembly for the establishment of a Soldiers' and Sailors' Home in the Territory of Dakota, and we would most respectfully urge the passage of a bill locating same in the city of Pierre.

R. R. WENTWORTH.
Commander.

Attest: WILARD PACKARD. Adjutant.

Which was referred to the Committee on Public Buildings.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Territorial Affairs to whom was referred

House Bill No. 39,

A bill for an act to establish and maintain a Soldiers' Home in the Territory of Dakota, and providing for the issue of bonds therefor,

Beg leave to report that they have had the same under consideration, and recommend that the said bill be amended by adding at the end of section 4 the following words: "Provided, however, that the bonds issued under the provisions of this act shall not be sold for less than their par value," and as so amended that said bill do pass.

FRANK J. WASHABAUGH,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
Council Bill No. 210,

A bill for an act to amend Section 11, Chapter 5 of the Political Code, relating to vacancies in office,

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

That Section 2 be amended by adding thereto the words, "provided that this act shall not affect the status of any action now pending in the courts of this Territory relating to the right of any board, office or tribunal to fill such vacancy," and as amended, that it pass.

Also,

Council Bill No. 221,

A bill for an act to provide newspapers for the members of the Legislature and making an appropriation therefor,
And recommend that it pass.

S. L. GLASPELL,
Chairman.

MR. PRESIDENT:

Your Committee on Temperance to whom was referred Council Bill No. 133,

Having had the same under consideration do hereby return the same with the recommendation that it be amended as follows:

1. That after the words "medical, scientific and mechanical" wherever they occur in said bill the words "and sacramental" be inserted.

2. That Section 2 of said bill be amended as follows: By inserting in the eleventh line of the printed bill after the word "permit" the words "for reasonable cause;" by striking from the sixty-first line of the printed bill the words "no appeal shall be allowed from the order of the district court."

3. That Section 28 of said bill be amended by striking from the first line thereof the words "treating or."

4. That Section 32 of this act be amended by adding thereto the words: "It is further provided that any person who is proven to have in his possession a stock of intoxicating liquors with the apparatus used in selling the same at retail shall, upon proof of such fact, be deemed to be guilty of selling such liquors, and the burden of disproving such sales shall rest upon the defendant."

That said act as thus amended do pass.

G. A. HARSTAD,
Chairman.

MR. PRESIDENT:

Your Committee on Insurance, to whom was referred Council Bill No. 72,

A bill for an act entitled "An act to revise and amend Article 2 of Chapter 3 of Title 2 of Part 3 of Division 2 of the Civil Code, entitled 'Insurance Corporations,'"

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

Also,

Council Bill No. 32,

A bill for an act to amend Chapter 69 of the Session Laws of 1885, relating to insurance,

With recommendation that Section 2 therein be amended so as to read as follows:

SEC. 2. Whenever a total loss covered by an insurance policy shall have been sustained on buildings, without fraud on the part of the insured, either in the application,

valuation or in occasioning the loss, the insurance company liable therefor shall pay the full amount of the policy thereon and the liability of said company shall not be discharged by rebuilding the buildings destroyed unless by the written consent of the insured.

That the bill as thus amended do pass.

ROGER ALLIN,
Chairman.

MOTIONS AND RESOLUTIONS.

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

WHEREAS, the reading of the Council Journal at each session necessarily occupies a great deal of time that should otherwise be taken up in the consideration of other business. Therefore, be it

Resolved, That immediately after the roll call of each session the President of the Council be and is hereby authorized to refer the Journal of the previous day's session to a Special Committee of two members of the Council, said committee to be appointed daily, and to report upon the correctness of the Journal upon the following day after such reference.

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Dollard introduced—

Council Bill No 222,

A bill for an act providing for extension of the time for payment of taxes,

Which was read the first time.

Mr. Dollard introduced—

Council Bill No. 223,

A bill for an act to amend Section 55, Chapter 22, Political Code and Section 5, Chapter 49, of the Laws of 1879 relating to penalty for delinquent taxes,

Which was read the first time.

Mr. Crawford introduced—

Council Bill No. 224,

A bill for an act to amend Section 55, Chapter 22, Political Code and Section 5, Chapter 49 of the Laws of 1879. relating to penalty for delinquent taxes,

Which was read the first time.

Mr. Walsh introduced—

Council Bill No. 225,

A bill for an act, entitled "An act to amend Section 298 of Article 5, of Chapter 7, of the Compiled Laws, entitled "University of North Dakota."

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 216,

A bill for an act making appropriations for the maintenance of the North Dakota Hospital for the Insane and for other purposes,

Was read the second time, and

Referred to the Committee on Appropriations.

Council Bill No. 217,

A bill for an act entitled "An act to amend Sections No. 296 and 635 of the Code of Civil Procedure,"

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 218,

A bill for an act entitled "An act to amend Section 377 of the Civil Code."

Was read the second time and

Referred to the Committee on Incorporations.

Council Bill No. 219,

A bill for an act to amend Section 399, Chapter 35, of the Penal Code, relating to gambling,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 220,

A bill for an act to examine Compiled Laws appointed under Council Bill No. 97,

Was read the second time and

Referred to the Committee on Judiciary.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 130,

A bill for an act to appropriate funds to pay the Northwestern Grain and Fuel company for electric lights placed in the capitol building.

Was read the third time.

The question being upon the report of the Committee on Appropriations.

The report was adopted.

The question being shall the bill pass,
The roll being called there were ayes, 17; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford,
Dollard, Glaspell, Halley, Harstad, Hughes, McDonald, Mil-
ler, Ryan, Van Osdel, Walsh, Woolhiser, Mr. President.

Mr. Soderberg voting in the negative.

Absent and not voting:

Messrs. Cameron, Ericson, Lowry, Patten, Poindexter,
Washabaugh.

So the bill passed and

The question being as to its title and being put,
Its title was agreed to.

Council Bill No. 15,

A bill for an act to provide for a constitutional conven-
tion for the portion of Dakota Territory, north of the
Seventh standard parellel,

Was read the third time.

The question being upon the report of the Committee
on Territorial Affairs,

The report was adopted and Council Bill No. 15 was in-
definitely postponed.

Council bill No. 21,

A bill for an act repealing Chapter 66 of the laws of 1885
creating the office of Commissioner of Immigration,

Was read the third time and

Mr. Hughs moved

That the further consideration of Council Bill No. 21 be
indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 13, nays 7.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Crawford, Glaspell, Halley,
Hughes, McDonald, Miller, Ryan, Soderberg, Walsh,
Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Campbell, Cooper, Dollard, Harstad, Poindexter,
Van Osdel, Woolhiser,

Absent and not voting:

Messrs. Cameron, Ericson, Lowry, Patten.

So the motion prevailed and

Council Bill No. 21 was indefinitely postponed.

Council Bill No. 78,

A bill for an act entitled "An act to legalize certain instruments and the record thereof,"

Was read the third time.

The question being upon the report of the Committee on Judiciary,

The report was adopted.

Mr. Van Osdel moved

That the further consideration of Council Bill No. 78 be indefinitely postponed,

Which motion prevailed and

Council Bill No. 78 was indefinitely postponed.

Council Bill No. 182,

A bill for an act to provide for the sale of the property of Dakota's exhibit at the World's Industrial and Cotton Centennial Exposition at New Orleans,

Was read the third time.

The question being upon the report of the Committee on Territorial Affairs,

The report was adopted and

The question being shall the bill pass,

The roll being called there were ayes, 21; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Glaspell, Halley, Harstad, Hughes, McDonald, Miller, Patten, Poindexter, Ryan Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Cameron, Ericson, Lowry.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 168,

A bill for an act for the protection of game,

Was read the third time and

The question being upon the report of the Committee on Territorial Affairs,

The report was adopted.

Mr. Crawford moved

That the further consideration of Council bill No. 168 be indefinitely postponed.

Which motion prevailed, and

Council Bill No. 168 was indefinitely postponed.

Council Bill No. 164,

A joint resolution calling on the Territorial Secretary for information.

Was read the third time.

Mr. Poindexter moved

That Council Bill No. 164 be made a Special Order for 3 p. m. Tuesday next.

Which motion prevailed.

Council Bill No. 163,

A bill for an act for the maintenance of the public offices of the Territory,

Was read the third time, and

The question being upon the report of the Committee on Territorial Affairs,

The report was adopted, and

The question being shall the bill pass,

The roll being called there were ayes, 16; nays, 5.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Crawford, Glaspell, Halley, Harstad, Hughes, McDonald, Miller, Patten, Poindexter, Ryan, Washabaugh Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Cooper, Dollard, Soderberg, Van Osdel, Walsh.

Absent and not voting:

Messrs. Cameron, Ericson and Lowry.

So the bill passed and

The question being as to its title, and being put

Its title was agreed to.

SPECIAL ORDERS.

The time for Special Orders for the day having arrived the Council took up the consideration of Council Bills Nos. 132 and 91.

Mr. Poindexter moved

That the further consideration of Council Bills Nos. 132 and 91 be postponed until Wednesday next.

Which motion prevailed.

Council Bill No. 161,

A bill for an act entitled "An act to provide for the insurance of crops against loss or damage by hail,"

Was read the third time and

The question being upon the report of the Committee on Territorial Affairs,

The report was adopted.

Mr. Hughes moved
That the further consideration of Council Bill No. 161 be indefinitely postponed,
Which motion prevailed and
Council Bill No. 161 was indefinitely postponed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 8, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 12,

A bill for an act to amend Section 2, Chapter 116 of Session Laws of 1887, relating to notaries public,

Together with the following message from the Governor vetoing the same:

EXECUTIVE OFFICE, }
February 7, 1889. }

To the House of Representatives:

I herewith respectfully return, without my approval
House Bill No. 12,

Entitled "An act amending Section 2, Chapter 116 of Session Laws of 1887, relating to Notaries Public."

By Section 2, of Chapter 116. of the Laws of 1887, the fee charged on the appointment of Notaries is made \$5.00 (formally being \$2.00, payable to the Secretary), three-fifths of which shall be paid to the Territorial Auditor for the use of the Executive in the employment of such clerical assistance as he may deem necessary.

The object of this act is to do away with that portion of the fee which goes to the Auditor for payment for clerical assistance in the Governor's office.

There has been a great deal of misrepresentation concerning this act, and, under the circumstances, I feel justified in briefly calling your attention to a few facts in this matter for your consideration.

The business of the executive office has grown greatly during the last twenty-seven years, and it is almost impossible for the Governor to discharge the duties of his office without clerical assistance.

A fee exacted as provided by Chapter 116 of the Laws of

1887 enables the Territory to furnish such assistance, not at the expense of the tax paying portion of the community, but the revenue therefor is derived from those who receive a personal privilege (i. e. appointment of notary) for the discharge of certain duties, through the medium of which they derive a revenue unto themselves by reason of the enjoyment of this privilege.

The first law exacting a notary fee was passed in 1879, Chapter 19, which is as follows:

SEC. 1. The Secretary of the Territory shall be allowed to charge and receive fees for services rendered by him as follows:

For examination of articles of incorporation and issuing certificate of corporate existence or patent upon the same, five dollars.

For recording all papers required by law to be recorded in his office, ten cents per hundred words.

For making transcripts of records or papers in his office, two cents per hundred words.

For his official certificate and impression of the great seal, one dollar.

For issuing commissions, appointing notaries public, commissioners of deeds, and other officers, and making the proper record of the same, two dollars each: *Provided*, that no charge shall be made for the commissions issued appointing the county commissioners of counties about to be organized.

It will be perceived on the examination of this law that the Secretary of the Territory is entitled to receive fees from a large class of cases. As to what fees were received as provided by law, previous to 1879, I have not examined; but if the principle that makes it necessary to deprive the Executive of a reasonable allowance for clerical assistance, enabling him to discharge the duties of his office in keeping with his position, is to be abrogated, no reason can be advanced why the repeal of the entire fees should not be had.

The provisions of law of 1879, Chapter 19, says: "For issuing commissions, appointing notaries public, commissioners of deeds, and other officers and making the proper record of the same, \$2 each." Under and by virtue of this provision, there has been for years past exacted a fee of \$2 for every commission that has been issued from the Secretary's office, whether the same related to the appointment of notaries public or an official appointed to discharge a

public duty. That a fee of \$2 is exacted for all commissions of all classes for the appointment of public officers of all kinds, including militia officers, certainly suggests that such provisions could well be remedied, as it is well known that the emoluments of the Secretary's office are large; and the paltry sum of \$2,600 for the Governor renders it impossible for him to employ from such amount the necessary clerk hire in his own office.

In 1885, by Chapter 48, the Territorial Auditor was authorized to furnish clerical assistance to the executive office, not to exceed \$500 in any one year. By Section 9 of the Laws of 1885 there was appropriated for the Governor's office and for printing \$400. There were no other appropriations subject to the uses of the executive office during the years 1885 and 1886, except the allowance of \$500 for each year from the Government. On examination in the Auditor's office I find, however, that the following sums were paid to my predecessor, the Honorable Gilbert A. Pierce, or for his use:

Warrant.	Date.	Amount.
.....	Jan. 31, 1885.....	\$2,000 00
5703	Aug. 17, 1885.....	446 45
6248	Oct. 8, 1885.....	156 50
6249	Oct. 9, 1885.....	130 00
.....	Printing in Governor's office.....	357 67
.....	Clerk hire from Auditor's office.....	1,125 00
Total.....		\$4,215 62

Add to this the amount of the United States Government allowance of \$500 for the years 1885 and 1886 and it makes a total of \$5,215.62.

I feel justified in calling your attention to these facts on account of the misrepresentation of myself and likewise of the Legislature of 1887, which, very properly, made provision for this office.

Respectfully,
LOUIS K. CHURCH,
Governor.

And also the following report of the House Committee on Judiciary to which said message was referred:

MR. SPEAKER:

Your Committee on Judiciary to which was referred
House Bill No. 12,

A bill for an act amending Section 2, Chapter 116 of Session Laws of 1887, relating to Notaries Public.

Together with the communication of the Governor accompanying the same, containing his reasons for withholding his approval thereof, beg leave to report that it has had the same under consideration.

The committee agrees with His Excellency that "the business of the Governor's office has grown largely during the last twenty-seven years," but respectfully dissent from his conclusion that there has been a great deal of misrepresentation concerning "this act." The committee further agree that the act under consideration enables the Territory to furnish clerical assistance for the Governor out of a fund, not created from the usual source of taxation, but insist that it was the spirit and intent of the act that the Executive should only use so much of the fund as was required for the actual employment of necessary clerical service in his office, and that the surplus, if any, should inure to the benefit of the Territory.

If the Executive had evinced the same desire to inform this body as to the expenditure of this fund during his incumbency, as he has to enlighten it upon the action of his predecessor, he would have saved the Council the trouble of concurring in a Joint Resolution passed by the House calling upon him for an official statement regarding the same. This suggestion is prompted by the sudden and voluntary manner in which His Excellency came to his own relief in explaining his economic direction over the Territorial Veterinarian a few days since.

The committee deem it unnecessary to undertake to devise ways and means to equitably adjust the salary of the Executive and the fees of the Secretary of the Territory, and as to his complainings in this particular, we can only excuse ourselves by making reference to Section 1855 of the Revised Statutes of the United States of 1874, as amended which provides "that for the performance of all official duties imposed by the Territorial Legislatures and not provided for in the Organic Act, the Secretaries of the Territories, respectively, shall be allowed such fees as may be fixed by the Territorial Legislatures." It is a singular coincidence in this connection that the same section prohibits any Territorial Legislature from passing any law by which a Governor of a Territory shall be paid any other compensation than that provided by the laws of the United States.

Therefore, by reason of the action of Congress, it becomes impossible for this Legislature to provide the necessary means for the proper remuneration for the arduous duties of the Executive or to keep him in a style befitting so high a "position," however much we might desire to do so.

Referring to the Governor's reflections upon his predecessor, your committee fail to see the relevancy of the same; but have deemed it proper to make investigation thereof, and find: That his Excellency has misrepresented the expenditures for clerical service in the Executive office by his predecessor, the Hon. Gilbert A. Pierce. In his examination of the Auditor's office he found a total of \$4,215.62 "paid to Governor Pierce, or for his use." He made no explanation, however, and left this House to understand by his summary of the several items that Governor Pierce had received in person, and for clerical service the entire sum named.

The first item, \$2,000, charged against his predecessor was a sum paid through him by the Territorial Commissioner of the New Orleans Exposition for the printing of 50,000 pamphlets, descriptive of Dakota, which were distributed at that Exposition and elsewhere. Not a dollar of this sum was expended for clerk hire in the executive office, or for any service connected therewith.

The second item, \$446.45, was not for clerk hire in the executive office, but for clerical assistance to the Superintendent of the census of 1885, as authorized by section 1, Chapter 30, Laws of 1885.

The third and fourth items, \$156.50 and \$130, were for clerk hire and expenses in presenting the census rolls at the Interior Department at Washington, D. C., and for other expenses made necessary under said Chapter 30. Not a dollar of these sums was for clerical service in the executive office.

The fifth item, \$357.66, was authorized by paragraph 9 of Chapter 9 of the Laws of 1885, appropriating \$400 for printing in the Governor's office. Not a dollar of this sum was used for clerical service in the executive office.

The sixth item, \$1,125, is, as the Governor finds it, and is the only item representing the payment for clerical service in the executive office during Governor Pierce's administration of two years and seven months, which sum is less than one-fourth of the amount paid by the Territory

to the present Executive during the past two years under cover of clerk hire.

Further, the Governor seems to have overlooked the fact that the passage of this act relating to notary commission fees still leaves an appropriation for clerical service in his office twice as large as that provided by the Territory for his predecessor who received from the Insurance department only \$500 per annum. This sum was increased at the beginning of the present administration to \$1,000 per annum.

Your Committee have thus carefully investigated the groundless charges indirectly made but directly intended against Gov. Pierce, not because it deemed it necessary to vindicate his excellent administration, or his high character, but to expose the weakness of the Governor's position in attempting to sustain a measure profitable to himself.

The Committee are of the opinion that the appropriation of \$1,000 per annum above referred to, added to the contingent fund of \$500 per annum provided by the General Government is sufficient for the employment of necessary clerical assistance.

Therefore, the Committee recommends that said bill do pass, the objections of the Governor to the contrary notwithstanding.

M. M. PRICE,
Chairman.

And to inform you that the House has passed said House Bill No. 12, the objections of the Governor to the contrary notwithstanding.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Patten moved

That further consideration of House Bill No. 12 be postponed until Monday next.

Which motion was lost.

The question being shall the bill pass, the objections of His Excellency the Governor to the contrary notwithstanding.

The roll being called there were ayes, 16; nays, 4;

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Crawford, Dollard, Glaspell, Halley, Harstad, Miller, Poindexter, Soderberg, Ven Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Cooper, Hughes, McDonald, Patten.

Messrs. Ericson and Ryan being paired.

Absent and not voting:

Messrs. Cameron and Lowry.

So the bill passed, the objections of His Excellency the Governor to the contrary notwithstanding.

Mr. Glaspell moved

That the rules be suspended and Council Bill No. 221 be read the third time and put on its final passage.

Which motion prevailed, and

Council Bill No. 221,

A bill for an act to provide newspapers for the members of the Legislature and making an appropriation therefor,

Was read the third time, and

The question being upon the report of the Committee on Judiciary,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 15; nays, 5.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Glaspell, Halley, Hughes, Miller, Patten, Poindexter, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Harstad, McDonald, Ryan, Soderberg, Van Osdel.

Absent and not voting:

Messrs. Cameron, Dollard, Ericson, Lowry.

So the bill passed and

Mr. Cooper moved

To amend the the title of Council Bill No. 221 by inserting the words "of the Eighteenth Legislative Assembly,"

Which motion prevailed and

The title as amended was agreed to.

Mr. Miller in the chair.

Council Bill No. 197,

A bill for an act to authorize the Territorial Auditor to audit certain vouchers,

Was read the third time, and

The question being upon the report of the Committee on Counties,

The report was adopted.

Mr. Atkinson offered the following amendment and

moved its adoption:

Amend Council Bill No. 197 by inserting in line 3, Section 1, of printed bill after word "Dakota" the following words: "And Dakota Agricultural College."

Mr. President announced his signature to House Bills Nos. 71 and 178.

Mr. Patten moved

To recommit Council Bill No. 197 to the Committee on Counties,

Which motion was lost.

The question being upon Mr Atkinson's motion

The motion prevailed and

The question being shall the bill pass,

The roll being called there were ayes, 18; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Glaspell, Halley, Harstad, McDonald, Miller, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Cameron, Dollard, Ericson, Hughes, Lowry, Patten.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Cooper requested to be excused from attendance for the remainder of the day,

There being no objections Mr. Cooper was excused.

Mr. President in the chair.

Council Bill No. 120,

A bill for an act to provide security to the public against errors, omissions and defects in abstracts of title to real estate,

Was read the third time.

The question being upon the report of the Committee on Judiciary the report was adopted.

Mr. Washabaugh offered the following amendment and moved its adoption:

Add the following to Section 6: But fees received by register of deeds for abstracts of title shall be paid over by such register of deeds to the County Treasurer for the county general fund, where the fees of such register of deeds office amount to the sum of two thousand dollars or more in any one year.

Roll call demanded.

The roll being called there were ayes 8; nays 11.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Dollard, Halley, Harstad, Van Osdel, Washabaugh, Woolhiser.

Those who voted in the negative were:

Messrs. Campbell, Crawford, Glaspell, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Walsh, Mr. President.

Absent and not voting:

Messrs. Cameron, Cooper, Ericson, Hughes, Lowry.

So the motion was lost.

Mr. Dollard offered the following amendment and moved its adoption:

Add to Section 6: Provided, that such officers shall be liable on their official bonds for the faithful performance of all acts as abstractors.

Which motion prevailed.

Mr. Poindexter moved

That the vote by which the report of the Committee was adopted be reconsidered,

Which motion prevailed.

The question being upon the report of the Committee on Judiciary,

Mr. Walsh moved

That that portion of the report of the Committee as to the passage of the bill be adopted.

Which motion prevailed.

Mr. Poindexter offered the following amendment and moved its adoption:

Strike out "\$5,000" in 6th line of 1st section and insert "\$10,000."

Mr. Glaspell moved

That the Council do now adjourn,

Which motion prevailed, and

Mr. President announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

THIRTY-FIFTH DAY.

BISMARCK, February 11, 1889,

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names except

Messrs. Allin, Cameron, Ericson, Hughes, Lowry and Miller, who were excused.

The President announced

Messrs. Walsh and McDonald as the committee to examine the Journal of Saturday.

PETITIONS AND COMMUNICATIONS.

Mr. Washabaugh presented the following petition:

To the Honorable Members of the Legislative Assembly of the Territory of Dakota:

We, the undersigned resident taxpayers of the County of Butte, Territory of Dakota, believe it would be greatly to the interest of said county to have a district court established therein.

Wherefore, your petitioners respectfully but most earnestly request your honorable body to establish a district court within and for the County of Butte, and to fix the terms and times of holding court therein.

HENRY C. WILSON,

And 65 others of Butte County.

Which was referred to the Committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills report that

Council Bill No. 123,

A bill for an act to amend Section 1 of Chapter 63 of the Laws of the Sixteenth Legislative Assembly, entitled "An act establishing Territorial and County Boards of Health and providing for the protection of the health of persons and animals,"

Was presented to His Excellency the Governor, February 9, at 2:45 p. m.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

Your Committee on Counties to whom was referred

Council Bill No. 124,

Having had the same under consideration beg leave to report that they return the same herewith with the recommendation that it do pass.

COE I. CRAWFORD,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Van Osdel in the chair.

Mr. Stimmel moved

That the printed copy of Council Bill No. 112 be substituted for the original,

Which motion prevailed.

Mr. President in the chair.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Poindexter introduced—

Council Bill No. 236,

A bill for an act requiring railroad companies to grant leases or licenses on their depot grounds for warehouse and elevator purposes and providing forfeitures for refusing to do so.

Which was read the first time.

The Committee on Education introduced—

Council Bill No. 227,

A bill for an act to amend Sections 1 and 2 of Chapter

114 of the Session Laws of 1883, relating to the disposition of lots in towns entered under the act of Congress, approved March 2, 1867, and acts amendatory thereto.

Which was read the first time.

Mr. Hughes introduced—

Council Bill No. 228,

A bill for an act to compensate the owners of certain horses killed by order of the Territorial Veterinary Surgeon.

Which was read the first time.

Mr. Hughes introduced—

Council Bill No. 229,

A bill for an act authorizing corporations to amend their articles of incorporation.

Which was read the first time.

Mr. Crawford introduced—

Council Bill No. 230,

A bill for an act making it the duty of registers of deeds to index marginal releases of real estate mortgages,

Which was read the first time.

Mr. Crawford introduced—

Council Bill No. 231,

A bill for an act to legalize certain acknowledgements taken by one Frank E. Newton a notary public,

Which was read the first time.

Mr. Crawford introduced—

Council Bill No. 232,

A bill for an act to amend Section 14, Chapter 63, Laws of 1883, (205 Compiled Laws) relating to qualifications of persons practicing medicine,

Which was read the first time.

Mr. Cameron introduced—

Council Bill No. 233,

A bill for an act to preserve the waters of Tongue River and its tributaries in Pembina and Cavalier counties for domestic and drinking purposes,

Which was read the first time.

Mr. Hughes introduced—

Council Bill No. 234,

A bill for an act making appropriations for the current and contingent expenses of the Territorial Penitentiary at Bismarck,

Which was read the first time.

Mr. Stimmel introduced—

Council Bill No. 235,

A bill for an act to protect stock breeders and promote the breeding of improved live stock in the Territory of Dakota,

Which was read the first time.

Mr. Dollard moved

That Council Bill No. 227 be read the second time and stand for its third reading,

Which motion prevailed, and

Council Bill No. 227,

A bill for an act to amend Sections 1 and 2 of Chapter 114 of the Session Laws of 1883, relating to the disposition of lots in towns entered under the act of Congress, approved March 2, 1867, and acts amendatory thereto,

Was read the second time.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 99,

A bill for an act entitled "An act to provide for the insurance of crops against loss or damage by hail,"

Was read the third time and

Mr. Crawford moved

That the further consideration of Council Bill No. 99 be indefinitely postponed.

Which motion prevailed.

Council Bill No. 82,

A bill for an act entitled "An act to authorize the discharge of attachments or lis pendens,

Was read the third time and

The question being upon the report of the Committee on Judiciary,

The report was adopted, and

The question being shall the bill pass.

The roll being called there were ayes, 18; nays, none.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Cooper, Crawford, Dollard, Glaspell, Halley, Harstad, McDonald, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Allin, Cameron, Ericson, Hughes Lowry and Miller.

So the bill passed and

The question being as to its title and being put,
Its title was agreed to.

Council Bill No. 148,

A bill for an act to provide for the re-establishment and relocation of section posts and boundaries which have been lost and destroyed,

Was read the third time and,

The question being shall the bill pass,

The roll being called there were ayes 14; nays 4.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Cooper, Crawford, Dollard, Glaspell, Halley, Harstad, McDonald, Patten, Poindexter, Ryan, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Soderberg, Van Osdel, Washabaugh, Woolhiser.

Absent and not voting:

Messrs. Allin, Cameron, Ericson, Hughes, Lowry and Miller.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 152,

A bill for an act to legalize certain instruments and the record thereof,

Was read the third time and

The question being upon the report of the Committee on Judiciary,

The report was adopted.

Mr. Poindexter moved

To indefinitely postpone the further consideration of Council Bill No. 152,

Which motion prevailed.

Council Bill No. 7,

A bill for an act to amend Section 1,100 of the Civil Code,

Was read the third time and

The question being upon the report of the Committee on Judiciary,

The report was adopted.

Mr. Dollard asked that the bill he held until he could frame an amendment.

Mr. Walsh moved

That the rules be suspended and Council Bill No. 120 be taken up,

Which motion was lost.

Mr. Dollard offered the following amendment to Council Bill No. 7, and moved its adoption:

Amend bill by striking out the words, "set up as a" in the seventh line, first section.

Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 13; nays, 5.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Cooper, Crawford, Dollard, Halley, McDonald, Patten, Poindexter, Soderberg, Van Osdel, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Glaspell, Harstad, Ryan, Washabaugh, Woolhiser.

Absent and not voting:

Messrs. Allin, Cameron, Ericson, Hughes, Lowry, Miller,

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 36,

A bill for an act entitled "An act to amend Chapter 28 of the Political Code, relating to revenue,"

Was read the third time and

The question being upon the report of the Committee on Revenue,

Mr. Dollard offered the following amendment to the report of the committee and moved its adoption:

Amend report by striking out amendment recommending 24 per cent. in lieu of 15 per cent.

Roll call demanded.

The roll being called there were ayes, 10; nays, 8.

Those who voted in the affirmative were:

Messrs. Atkinson, Dollard, Harstad, McDonald, Poindexter, Soderberg, Van Osdel, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Campbell, Cooper, Crawford, Glaspell, Halley, Patten, Ryan, Washabaugh.

Absent and not voting:

Messrs. Allin, Cameron, Ericson, Hughes, Lowry and Miller.

So the motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES }
February 11, 1889. }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 221,

A bill for act to provide newspapers for the members of
the Legislature and making an appropriation therefor,

Which has this day passed the House unchanged.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Van Osdel in the chair.

Mr. Dollard moved

That the report of the Committee on Revenue as
amended be adopted.

Mr. Stimmel moved

That Council Bill No. 36 be recommitted.

Which motion was lost.

Mr. President in the chair.

Mr. President announced his signature to House Bill No.
175.

Mr. Van Osdel in the chair.

Mr. Washabaugh moved

To lay the report of the Committee as amended on the
table.

Roll call demanded.

The roll being called, there were ayes 11; nays 6

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Cooper, Crawford, Glaspell,
Halley, McDonald, Patten, Poindexter, Ryan, Washabaugh.

Those who voted in the negative were:

Messrs. Dollard, Harstad, Soderberg, Van Osdel, Wool-
hiser, Mr. President.

Absent and not voting:

Messrs. Allin, Cameron, Ericson, Hughes, Lowry, Miller,
Walsh.

So the motion prevailed.

Mr. President in the chair.

EXECUTIVE COMMUNICATION.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
February 11, 1889. }

To the President of the Council:

I have the honor to inform your honorable body that I have approved

Council Bill No. 123,

Entitled "An act to amend Section 1 of Chapter 63 of the Laws of the Sixteenth Legislative Assembly, entitled 'An act establishing territorial and county boards of health and providing for the protection of the health of persons and animals,'"

And the said bill has been filed in the office of the Secretary.

Respectfully,

LOUIS K. CHURCH,
Governor.

Mr. Crawford offered the following amendment to Council Bill No. 36, and moved its adoption:

Amend by striking out the words "fifteen (15) per cent." where they occur in the 4th line of Section 1, of said printed bill and inserting in lieu thereof the words "twenty-four per cent."

Mr. Van Osdel offered the following amendment and moved its adoption:

Amend the bill by striking out the words and figures "fifteen per cent." where they occur in 4th line of the printed bill and insert "20 per cent." in lieu thereof.

Which motion was lost.

Mr. Crawford demanded a roll call on his amendment.

The roll being called there were ayes, 9; nays, 9.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Cooper, Crawford, Giaspell, Halley, McDonald, Patten, Washabaugh.

Those who voted in the negative were:

Messrs. Dollard, Harstad, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Allin, Cameron, Ericson, Hughes, Lowry, Miller.
So the motion was lost.

Mr. Campbell offered the following amendment and moved its adoption:

Amend Section 2 by striking out of line 12 of the printed bill the following words: "the expiration for the term of redemption," and insert in lieu thereof the following words: "a deed shall be issued therefor."

Strike out all of Section 2 after the word "months" in line 25 of the printed bill and insert in lieu thereof the following words: "before such deed shall issue."

Which motion prevailed.

Mr. Crawford offered the following amendment and moved its adoption:

That Section 4 of Council Bill No. 36 be amended by inserting after the word "notice" in sixth line thereof the words "or making personal service thereof."

Which motion prevailed.

Mr. Washabaugh offered the following amendment and moved its adoption:

Amend Council Bill No. 36 by adding the following words at the end of Section 5:

"Provided, however, that the provisions of this act shall not be construed to apply to sales which have already occurred."

Which motion prevailed.

Mr. Poindexter offered the following amendment and moved its adoption:

Strike out the word "fifteen" in the last line of Section 1 and insert in lieu thereof the word "eighteen."

Mr. Washabaugh moved

To lay the amendment on the table.

Which motion prevailed.

Mr. Washabaugh offered the following amendment and moved its adoption.

Amend Council Bill No. 36 by striking out the words and figures "fifteen (15)" in the fourth line of Section 1 of the printed bill and insert in lieu thereof the words and figures "twenty-four (24)."

Roll call demanded.

The roll being called there ayes, 12; nays, 8.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Campbell, Cooper, Craw-

ford, Ericson, Glaspell, Halley, McDonald, Patten, Ryan, Washabaugh.

Those who voted in the negative were:

Messrs. Dollard, Harstad, Poindexter, Soderberg, Van Osdel, Walsh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Allin, Hughes, Lowry, Miller.

So the motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
February 11, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 230,

A bill for an act increasing the term of residence required before beginning suit for divorce,

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

JOHN G. HAMILTON,
Chief Clerk.

Mr. Ryan offered the following amendment to Council Bill No. 36 and moved its adoption:

That after the word "compliance" in Section 3 the following words be inserted: "With copy of such notice attached or affidavit of publisher," and that the following be added to the end of Section 3: "If the county in its own behalf has purchased property at tax sale, it shall be the duty of the county clerk or auditor to give the notice provided in this act."

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

Council Bill No. 182,

A bill for an act to provide for the sale of the perishable property of Dakota's exhibit at the World's Industrial and Cotton Exposition at New Orleans,

Also,

Council Bill No. 163,

A bill for an act for the maintenance of the public offices of the Territory.

Also,

Council Bill No. 130.

A bill for an act to appropriate funds to pay the Northwestern Grain and Fuel Company for electric lights placed in the capitol building,

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

Mr. Van Osdel offered the following amendment to Council Bill No. 36 and moved its adoption:

Amend Section 4 by adding: "Provided, that the owner or occupant of any land sold for taxes, may redeem at any time within three years after the day of such sale, or at any time before the execution of the deed by the county treasurer."

Which motion prevailed.

Mr. Glaspell offered the following amendment and moved its adoption:

Amend by inserting after the word "months" in line 12 of Section 2 of the printed bill the words, "and not more than four months,"

Which motion prevailed.

Mr. Glaspell moved

That the bill be recommitted to the Committee on Revenue

Mr. President ruled the motion out of order.

Mr. Poindexter moved

That Council Bill No. 36 be committed to a special committee of three.

Which motion prevailed.

Mr. President appointed as such committee Messrs. Poindexter, Glaspell and Dollard.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
February 11, 1889. }

MR. PRESIDENT:

I have the honor to return herewith

Council Bill No. 162,

A bill for an act to amend Section 1 of Chapter 34 of the Laws of 1887, and to authorize building and loan corporations or associations to extend their business beyond the boundaries of the Territory of Dakota, to define their powers and privileges, and for other purposes;

Which the House has passed unchanged.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Ericson asked permission to introduce a petition. There being no objection the request was granted.

Mr. Ericson presented the following petition:

To the Legislative Assembly of the Territory of Dakota:

The undersigned citizens and residents of the Territory of Dakota would respectfully petition your honorable body to enact as a law Council Bill No. 133, entitled "An act to prohibit the manufacture, sale or giving away of intoxicating liquors, except for medical, scientific and mechanical purposes, etc.," as introduced in the Council by Mr. Patten.

For which we will ever pray.

WALDO FOSTER,

And 251 others of Brown County.

Which was referred to the Committee on Temperance.

Mr. Crawford also asked permission to present a communication, which was granted, and

Mr. Crawford presented the following communication:

EAST PIERRE, Dak., Feb. 8, 1889.

Hon. C. I. Crawford, Bismarck, Dak.:

DEAR SIR: We notice with some concern the probable abolition of the office of Territorial Veterinarian, and the repeal of the law for preventing the spread of diseases. While we know nothing of the merits of the complaints in regard to the charges made by the above mentioned official, yet we believe that justice, both to the inhabitants of the Territory and the property interests in live stock, require that the Territory should not take a step backward in this direction. We wish to speak more particularly of the disease known as "glanders" among horses. It is a well known fact that the horse industry is now one of the most prominent ones in Dakota, and we believe the time will soon come when the chief industry of South Dakota will be horse raising. It has been the custom for

years to ship into Dakota, from neighboring States, old and broken down horses for sale, some of which were afflicted with the glanders, the disease having been temporarily suppressed, by the use of strong glandular stimulents. Upon ceasing the use of it, the disease assumes its wonted character, and the animal is in a condition to spread the disease and death, not only among other animals, but to any person who may come in contact with it.

There is scarcely a town in Dakota in which some person will not drive glandered horses, tying the same to the public hitching place, and watering them at the public watering trough, leaving at each of these places the seeds of disease which are communicated by inoculation, to any person or animal who comes into close contact with it. If a man who was broken out with the small-pox should enter in to a crowded church and remain during services thereby exposing the entire congregation to the disease, he would at once become an object of public indignation, and even this would not be so bad as driving glandered horses through public thoroughfares, and hitching them at a public place, for the reason that small pox is a curable disease, and the cases of death from it are very rare, while the man or beast who once becomes inoculated with the glanders is not only certain of death within a short time, but while living is liable to communicate it to all with whom they come in contact with. The lepers of old were ostracised by law, and thus the spread of the disease was prevented, while the repeal of this law would seem to leave no protection to the community against the spread of a disease which is fully as bad as leprosy in every respect.

If the present law is abolished it would seem that there should be some act passed whereby the district attorney should be able to take action against persons who own glandered animals. Just how this could be brought about we are unable to say, but it does seem as though there should be some legal protection both to mankind and animals against the spread of this dreadful disease.

Yours respectfully,

SOUTH DAKOTA LIVE STOCK ASSOCIATION.

Which was referred to the Committee on Territorial Affairs.

Mr. Poindexter also asked permission to present a communication, which was granted.

Mr. Poindexter presented the following communication:

At the annual meeting of the Beadle County Farmers' Institute held at Huron this 7th day of February, 1889, the following resolutions were unanimously adopted and ordered to be transmitted to our members of the Legislature at Bismarck:

Resolved, That it is the sense of Beadle County farmers in institute assembled, that the Eighteenth Legislative Assembly of the Territory be and are hereby respectfully requested to use their utmost ability to repeal existing laws relative to the time of collecting taxes and substitute semi-annual dates for collection of equal parts of taxes;

That such favorable action is respectfully requested as will secure independent school districts instead of, or in addition to, the district township system;

That courts of arbitration be provided similar to the laws in operation in Norway, compelling a submission of all matters of difference to arbitrators, whose decision shall be final unless fraud is shown on the part of the arbitrators;

And, also, the enactment of a law establishing the township system of government similar to that of Michigan, making the chairman of each township board a member of the county board of supervisors and requiring township treasurers to collect the taxes.

J. S. VANARBERG, President.

J. M. CONKLIN, Vice-President.

WM. A. THOMPSON, Secretary.

Which was referred to the Committee on Revenue.

SPECIAL ORDERS.

The hour for Special Orders of the day having arrived,
The Council took up the consideration of
Council Bill No. 41,

A bill for an act to amend Section 2 of Chapter 116 of the Laws of the Seventeenth Legislative Assembly, entitled "An act in relation to the office of notaries public."

Mr. Poindexter moved

That Council Bill No. 41 be postponed till 3 p. m. Friday next.

Mr. Crawford moved

As a substitute for the motion of the gentleman from Spink,

That the bill be indefinitely postponed.

Which motion prevailed.

Mr. Ericson moved

That the further consideration of Council Bill No. 129 be postponed until Friday next at 3 p. m.

Which motion prevailed.

The Committee on Engrossed and Enrolled Bills presented the following report:

Mr. PRESIDENT:

The Committee on Engrossed and Enrolled Bills have examined

Council Bill No. 197,

A bill for an act to authorize the Territorial Auditor to audit certain vouchers,

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

Council Bill No. 40,

A bill for an act to amend Section 14, Chapter 118, of the General Laws of 1881,

Was read the third time, and

The question being upon the report of the Committee on Judiciary,

The report was adopted.

Mr. McDonald offered the following amendment and moved its adoption:

That after the word "exhibit" in fourth line insert the words "under oath."

Which motion prevailed.

Mr. Ericson offered the following amendment and moved its adoption:

Amend by striking out all of Section 1 after the words "thereafter in" in line 14 and insert in lieu thereof the words "the official newspaper or newspapers of said county."

Which motion prevailed.

Mr. Ericson offered the following amendment and moved its adoption:

Strike out the word "quarterly" in line 4 of Section 1, and insert semi-annually,"

Which motion was lost.

Mr. Van Osdel offered the following amendment and moved its adoption:

To strike out the word "provision" in the first line of Section 2, and insert in lieu thereof the word "act."

Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes 13; nays 5.

Those who voted in the affirmative were:

Messrs. Cameron, Cooper, Crawford, Dollard, Ericson, Glaspell, McDonald, Patten, Poindexter, Soderberg, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Atkinson, Campbell, Halley, Van Osdel, Washabaugh.

Absent and not voting:

Messrs. Allen, Harstad, Hughes, Lowry, Miller, Ryan.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. McDonald moved

That the vote by which Council Bill No. 40 was passed be reconsidered.

Mr. Crawford moved

That the motion to reconsider be laid upon the table.

Roll call demanded.

The roll being called there were ayes, 11; nays, 7.

Those who voted in the affirmative were:

Messrs. Cameron, Cooper, Crawford, Glaspell, McDonald, Patten, Soderberg, Van Osdel, Walsh, Woolheiser, Mr. President.

Those who voted in the negative were:

Messrs. Atkinson, Campbell, Dollard, Ericson, Halley, Poindexter, Washabaugh.

Absent and not voting:

Messrs. Allin, Harstad, Hughes, Lowry, Miller, Ryan.

So the motion prevailed.

Mr. Van Osdel in the chair.

Council Bill No. 47,

A bill for an act to authorize courts by their judgment to cancel incumbrances upon and to establish and convey title to real property in certain cases,

Was read the third time.

Mr. Stimmel moved

That further consideration of Council Bill No. 47

Be postponed and made the special order for Thursday next at 3 o'clock.

Which motion prevailed.

The Committee to examine the Journal of Saturday reported as follows:

MR. PRESIDENT:

Your Special Committee to whom was referred the Council Journal of February 9, have compared the same with the printed copy and found it correct.

GEO. H. WALSH.
HUGH McDONALD.

Mr. President in the chair.

Council Bill No. 193,

A bill for an act entitled "An act to provide for the publication of the Laws in certain newspapers,

Was read the third time.

Mr. Van Osdel moved

That Council Bill No. 193 be recommitted.

Mr. Atkinson moved

To amend by referring to the Committee on Federal Relations.

Which motion prevailed.

The question being upon the motion of the gentleman from Yankton as amended.

The motion prevailed.

Mr. Poindexter moved

That Council Bill No. 193 be recalled from the Committee on Federal Relations and be referred to the Committee on Appropriations.

Mr. Crawford moved

That the Council do now adjourn,

Which motion was lost.

The question being upon the motion of the gentleman from Spink.

The motion prevailed.

Mr. Cameron moved

That the Council do now adjourn,

Which motion was lost.

Mr. Walsh asked unanimous consent to have Council Bill No. 120 taken up,

There being no objections the Council took up the consideration of

Council Bill No. 120,

A bill for an act entitled "An act to provide security to the public against error, omission and defects in abstracts of title in real estate."

The question recurring upon the motion of the gentleman from Spink to strike out "\$5,000" in 6th line of 1st section and insert "\$10,000."

Mr. Glaspell moved

That the Council do now adjourn.

Mr. President ruled the motion out of order.

Mr. Crawford moved, that the further consideration of Council Bill No. 120 be postponed and made Special Order for Saturday next at 3 o'clock p. m.

Which motion prevailed.

Mr. Crawford moved

That the Council do now adjourn.

Which motion prevailed, and

Mr. President announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

THIRTY-SIXTH DAY.

BISMARCK, February 12, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names except

Messrs. Allin, Cameron, Ericson, Hughes, Lowry and Miller, who were excused.

Mr. President announced

Messrs. Glaspell and Poindexter as the Committee to examine the Journal of yesterday.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Incorporations to whom was referred

Council Bill No. 151,

A bill for an act prescribing certain duties of telegraph and telephone companies, prohibiting discrimination between patrons, and providing penalties therefor,

Have had the same under consideration and recommend that said bill be amended by striking out the words "out of its order" at the end of the last lines of first section and insert in lieu thereof the words "for set hours." Also in the last line of Section 2 strike out the word "lawful" and insert "unlawful."

And as so amended that the bill do pass.

Also,

Council Bill No. 170,

A bill for an act to prescribe the liabilities of insurance companies in certain cases,

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

Also,

Council Bill No. 179,

A bill for an act entitled, "An act to amend paragraph 6 of Section 416 of the Civil Code of the Territory of Dakota relating to corporations,"

And recommend that the same do not pass.

Also,

Council Bill No. 199,

A bill for an act to amend Section 409 of Chapter 3, of the Civil Code.

Have had the same under consideration and have instructed me to return the bill without recommendation.

Also,

Council Bill No. 218,

A bill for an act entitled an act to amend Section 377 of the Civil Code, and have instructed me to return the same without recommendation.

D. W. POINDEXTER,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred Council Bill No. 203,

A bill for an act to amend Chapter 102 of the Session Laws of 1883, entitled "An act to amend Section 13 of Chapter 39 of the Political Code relating to salary of probate judge,"

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

Also,

Council Bill No. 211,

A bill for an act entitled "An act to prevent the impor-

tation of armed men or associations of men into the Territory for the purpose of police duty,"

And recommend that Section 3 be amended by adding after the first word "or" in the first line of the printed bill the word "any" and as amended that it pass.

Also Council Bill No. 212,

A bill for an act entitled "an act giving police powers to conductors of railway passenger trains."

Have had the same under consideration and recommend that

Section 1 be amended by striking out the word "passenger" in line one of the printed bill and inserting after the word "train" in said line, the words "carrying passengers;" also, that the title of said bill be amended by striking out the words "passenger trains." and adding in lieu thereof the words "trains carrying passengers."

And as amended that it pass.

Also,

Council Bill No. 220,

A bill for an act declaring the admissibility of the Compiled Laws of 1887 as legal evidence of the General Statutes of Dakota Territory,

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

Also,

House Bill No. 81,

A bill for an act to define the Sixth Judicial District of the Territory of Dakota, to subdivide the same, to fix the terms of court therein and for other purposes."

And recommend that it do not pass.

S. L. GLASPELL,
Chairman.

MR. PRESIDENT:

Your Committee on Revenue, to whom was referred Council Bill No. 66,

A bill for an act authorizing the refunding of outstanding county bonds.

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

That Section 8 be stricken out and Sections 9 and 10 be numbered 8 and 9 respectively.

Also,

House Bill No. 27,

A bill for an act to fix the compensation of assessors,

That said bill be amended as follows: That Section 1 be amended so as to read as follows:

SECTION 1. That Section 86, Sub-Chapter 1, Chapter 112, of the Laws of 1883, be and the same is hereby amended by striking out the words and figures "the sum of \$60.00 in any one year" and inserting in lieu thereof "\$60.00 per annum in any one Congressional township."

And recommend that said bills as amended do pass.

M. H. COOPER,
Chairman.

Mr. President announced the appointment of Messrs. Geo. Fay of McIntosh county and J. C. White of Cass County as clerks on the Enrolling and Engrossing force.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Glaspell introduced—

Council Bill No. 237,

A bill for an act defining the liability of railroad corporations for personal injuries,

Which was read the first time.

Mr. Crawford introduced—

Council Bill No. 238,

Joint Resolution providing for payment of the mileage of certain witnesses called before the committee to investigate the Insane Asylum at Jamestown,

Which was read the first time.

Mr. Soderberg introduced—

Council Bill No. 239, (substitute for Council Bill No. 207)

A bill for an act to provide for permanent and necessary improvements for Deaf Mute School at and for Sioux Falls, building girls' dormitory and for other purposes,

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 236,

A bill for an act requiring railroad companies to grant leases or licenses on their depot grounds for warehouse and elevator purposes and providing forfeitures for refusing to do so.

Was read the second time and

Referred to the Committee on Railroads.

Council Bill No. 227,

A bill for an act to amend Sections 1 and 2 of Chapter

114 of the Session Laws of 1883, relating to the disposition of lots in towns entered under the act of Congress, approved March 2, 1867, and acts amendatory thereto,

Was read the second time and
Passed to its third reading.

Council Bill No. 228,

A bill for an act to compensate the owners of certain horses killed by order of the Territorial Veterinary Surgeon.

Was read the second time and
Referred to the Committee on Appropriations.

Council Bill No. 229,

A bill for an act authorizing corporations to amend their articles of incorporation,

Was read the second time and
Referred to the Committee on Incorporations.

Council Bill No. 230,

A bill for an act making it the duty of registers of deeds to index marginal releases of real estate mortgages,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 231,

A bill for an act to legalize certain acknowledgements taken by one Frank E. Newton a notary public,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 232.

A bill for an act to amend Section 14, Chapter 63, Laws of 1883, (205 Compiled Laws) relating to qualifications of persons practicing medicine,

Was read the second time and
Referred to the Committee on Public Health.

Council Bill No. 233,

A bill for an act to preserve the waters of Tongue River and its tributaries in Pembina and Cavalier counties for domestic and drinking purposes,

Was read the second time and
Referred to the Committee on Public Health.

Council Bill No. 234,

A bill for an act making appropriations for the current and contingent expenses of the Territorial Penitentiary at Bismarck,

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 235,

A bill for an act to protect stock breeders and promote the breeding of improved live stock in the Territory of Dakota,

Was read the second time and

Referred to the Committee on Agriculture.

Council Bill No. 222,

A bill for an act providing for extension of the time for payment of taxes,

Was read the second time and

Referred to the Committee on Revenue.

Council Bill No. 223,

A bill for an act to prohibit the contracting for attorney's fees in chattel mortgages, promissory notes and other instruments in writing except in real estate mortgages,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 224,

A bill for an act to amend Section 55, Chapter 22, Political Code and Section 5, Chapter 49 of the Laws of 1879, relating to penalty for delinquent taxes,

Was read the second time and

Referred to the Committee on Revenue.

Council Bill No. 225,

A bill for an act, entitled "An act to amend Section 298 of Article 5, of Chapter 7, of the Compiled Laws, entitled "University of North Dakota."

Was read the second time and

Mr. Walsh moved

That the rules be suspended and Council Bill No. 225, be passed to its third reading,

Which motion prevailed.

Council Bill No. 226,

A bill for an act to provide for appeals and change in the place of trial in cases before police justices and municipal magistrates,

Was read the second time and

Referred to the Committee on Judiciary.

Mr. Crawford

Moved that the rules be suspended and

Council Bill No. 238

Be read the second and third times and put on its final passage.

Which motion prevailed, and

Council Bill No. 238

Was read the second and third times, and

The question being shall the bill pass,

The roll being called there were ayes, 14; nays, 0.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Cooper, Crawford, Dollard, Halley, Harstad, McDonald, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting :

Messrs. Allin, Cameron, Ericson, Glaspel, Hughes, Lowry, Miller, Patten, Poindexter and Ryan.

THIRD READING OF COUNCIL BILLS.

Mr. Van Osdel in the chair.

Council Bill No. 63,

A bill for an act providing for the assessment and collection of taxes on real estate and chattel mortgages, &c..

Was read the third time and

The question being upon the report of the Committee on Revenue,

The report was adopted and

The question being shall the bill pass,

The roll being called there were ayes, 6; nays, 10.

Those who voted in the affirmative were:

Messrs. Dollard, Harstad, Soderberg, Van Osdel, Walsh, Woolhiser.

Those who voted in the negative were:

Messrs. Atkinson, Campbell, Cooper, Crawford, Halley, McDonald, Patten, Ryan, Washabaugh. Mr. President.

Absent and not voting:

Messrs. Allin, Cameron, Ericson, Glaspell, Hughes, Lowry, Miller, Poindexter.

So the bill was lost.

Mr. President in the chair.

Council Bill No. 72,

A bill for an act entitled "An act to revise and amend Article 2 of Chapter 3 of Title 2 of Part 3 of Division 2 of the Civil Code entitled, 'Insurance Corporations,'"

Was read the third time and

The question being upon the report of the committee,

The report was adopted.

Mr. Campbell moved

That Council Bill No. 72 be made a Special Order for 4 p. m. Wednesday.

Which motion prevailed.

The committee to examine the Journal of yesterday made the following report:

MR. PRESIDENT:

Your Special Committee to whom was referred the Council Journal of Feb. 11, 1889, have carefully examined the same and find it correct.

S. L. GLASPELL,
D. W. POINDEXTER.

SPECIAL ORDERS.

Mr. Van Osdel in the chair.

The hour for Special Orders of the day having arrived.

The Council took up the consideration of Council Bill No. 164,

A Joint Resolution calling on the Territorial Secretary for information.

The question being shall the bill pass,

The roll being called there were ayes, 14; nays, 3.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Cooper, Crawford, Dollard, Halley, Harstad, Poindexter, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Glaspell, McDonald, Ryan.

Absent and not voting:

Messrs. Allin, Cameron, Ericson, Hughes, Lowry, Miller, Patten.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 124,

A bill for an act entitled "An act to provide for the relocation of county seats in counties where the same are not located on the line of a railroad and there are no public buildings thereat, or the same are not constructed of brick or stone."

Was read the third time, and

The question being upon the report of the Committee on Counties,

The report was adopted.

Mr. Dollard offered the following amendment and moved its adoption:

Amend Council Bill No. 124 so as to strike out the word "where" in third line, first Section, and insert in lieu thereof "in the county seat of which;" by striking out the word "such" in the fourth line of said Section and inserting in lieu thereof the words, "or there is no record vault the;" by inserting, after the word "seat," in said fourth line, the words, "of such counties;" by striking out the word "which" in the third line, second Section, and inserting in lieu thereof the words, "the county seat of which;" and by inserting after the word "stone," in the fourth line of the said second Section, the words, "or there is no record vault."

Which motion prevailed.

Mr. Harstad moved

That the bill be made a special order for 4 o'clock Friday next.

Which motion was lost.

The question being shall the bill pass,

The roll being called there were ayes, 14; nays, 3.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Cooper, Dollard, Glaspell, Harstad, McDonald, Patten, Poindexter, Ryan Soderberg, Van Osdel, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Crawford, Halley, Woolhiser.

Absent and not voting:

Messrs. Allin, Cameron, Ericson, Hughes, Lowry, Miller, Walsh.

So the bill passed and

Mr. Cameron offered the following amendment to the title of Council Bill No. 124 and moved its adoption:

Add to the title "Or there is no record vault,"

Which motion prevailed, and

Its title as amended was agreed to.

The Committee on Engrossed and Enrolled Bills presented the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 148.

A bill for an act to provide for the re-establishment and

relocation of section posts and boundaries which have been lost and destroyed,

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives.

HOUSE OF REPRESENTATIVES, {
February 12, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
Council Bill No. 197,

A bill for an act authorizing the Territorial Auditor to audit certain vouchers,

Which the House has amended by adding to the title the words: "Dakota Agricultural College," and your concurrence therein is respectfully requested.

Also,

House Bill No. 250,

A bill for an act reappropriating certain balances heretofore appropriated for the use of the University of North Dakota,

And your favorable consideration thereof is requested.

JOHN G. HAMILTON,
Chief Clerk.

Council Bill No. 125,

A bill for an act to authorize the Attorney General to appoint an assistant Attorney General.

Was read the third time and

Mr. Crawford moved

That the minority report be adopted.

Mr. Dollard moved as a substitute

That Council Bill No. 125 be laid over till the return of the author of the bill.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message from the House of Representatives was read:

HOUSE OF REPRESENTATIVES, {
February 12, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 88,

A bill for an act amending Subdivision 6 of Section 3 of Chapter 28 of the Political Code entitled "Revenue,"

Also,

House Bill No. 142,

A bill for an act defining the class of newspapers in which legal notices shall be published,

Also,

House Bill No. 165,

A bill for an act authorizing the Territorial Auditor to audit a claim of John Sundback against the Territory,

Also,

House Bill No. 184,

A bill for an act to repeal Chapter 20 of the Special Laws of 1885, entitled "An act prescribing the duties and regulating the salaries of the county treasurer and register of deeds for Grand Forks county, D. T."

Also,

House Bill No. 202,

A bill for an act to suppress selling, lending, giving away or showing to any minor child any paper or publication principally devoted to illustrating or describing immoral deeds.

Which have passed the House and your favorable consideration is requested.

JOHN G. HAMILTON,
Chief Clerk.

Council Bill No. 225,

A bill for an act entitled "An act to amend Section 298 of Article 5, of Chapter 7, of the Compiled Laws entitled "University of North Dakota,"

Was read the third time, and

Mr. Atkinson moved

That Council Bill No. 225 be laid over until Friday next.

Which motion prevailed.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed bills have examined

Council Bill No. 7,

A bill for an act to amend Section 1,100 of the Civil Code,

Also,

Council Bill No. 82,

A bill for an act entitled "An act to authorize the discharge of attachments and lis pendens,
And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

By unanimous consent the Council took up
House Bill No. 250,

Which was read the first time and

Mr. Walsh moved

That the rules be suspended and House Bill No. 250 be read the second and third times and put on its final passage.

Which motion prevailed and

House Bill No. 250,

A bill for an act re-appropriating certain balances heretofore appropriated for the use of the University of North Dakota,

Was read the second and third times and

The question being shall the bill pass,

The roll being called there were ayes, 12; nays, 6.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Dollard, Glaspell, Halley, Harstad, McDonald, Poindexter, Ryan, Walsh, Washbaugh, Mr. President.

Those who voted in the negative were

Messrs. Cooper, Crawford, Patten, Soderberg, Van Osdel, Woolhiser.

Absent and not voting:

Messrs. Allin, Cameron, Ericson, Hughes, Lowry, Miller.

So the bill passed.

Mr. Cooper moved

To amend the title of House Bill No. 250 by inserting the word "unused" after "certain,"

Which motion was lost and

Its title was agreed to.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

The following message from the House of Representatives was received:

MR. PRESIDENT:

I have the honor to transmit herewith
Council Bill No. 197.

A bill for an act to authorize the Territorial Auditor to audit certain vouchers,

Which the House has amended by adding to the title the words "Dakota Agricultural College."

Mr. Halley moved

That the Council concur in the House amendment to Council Bill No. 197,

Which motion prevailed and

Its title as amended was agreed to.

Mr. Patten moved

That Council Bill No. 133 be laid over until the return of the investigating committee.

Which motion prevailed.

Mr. Van Osdel moved

That the Committee on Temperance be instructed to report on Council Bill No. 180 to-morrow.

Which motion prevailed.

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

Resolved, That the Secretary of the Territory be and he is hereby requested to furnish the Chief Clerk for the use of the Council five thousand letter heads, five thousand envelopes, four dozen lead pencils, four dozen pen holders, four gross pens, five reams of legal cap paper, assortment of rubber bands, one dozen rubber erasers and two ink erasers.

Which motion prevailed,

Council Bill No. 227,

A bill for an act to amend Sections 1 and 2 of Chapter 114 of the Session Laws of 1883, relating to the disposition of lots in towns entered under the act of Congress, approved March 2, 1867, and acts amendatory thereto.

Was read the third time and

The question being shall the bill pass,

The roll being called, there were ayes, 14: nays 0.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Crawford, Dollard, Halley, Harstad, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Washabaugh, Woolhiser, Mr. President,

Absent and not voting:

Messrs. Allin, Cameron, Cooper, Ericson, Glaspell, Hughes, Lowry, McDonald, Miller, Walsh,

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Van Osdel in the chair.

Mr. Campbell moved

That the rules be suspended and the third reading of House Bills be taken up,

Which motion prevailed, and

House Bill No. 4,

A bill for an act authorizing and empowering organized counties of Dakota to erect county buildings for court house and jail purposes and to issue and dispose of bonds to provide funds to provide therefor and to provide for the payment of principal and interest of such bonds,

Was read the third time,

The question being upon the report of the Committee on Counties.

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 14; nays, none.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Cooper, Crawford, Dollard, Halley, Harstad, McDonald, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Mr. President.

Absent and not voting:

Messrs. Allin, Cameron, Ericson, Glaspell, Hughes, Lowry, Miller, Washabaugh, Woolhiser.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. President in the chair.

House Bill No. 5,

A Joint Resolution, being a Memorial for the passage of the pending bill for the opening to settlement of a portion of the Sioux Indian Reservation in Dakota,

Was read the third time.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 4,

A bill for an act to amend Section 14, Chapter 118, of the General Laws of 1881,

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

The question being upon the report of the Committee on Territorial Affairs,

The report was adopted, and House Bill No. 5 was indefinitely postponed.

Mr. Glaspell moved

That the Council do now adjourn,

Which motion prevailed, and

Mr. President announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

THIRTY-SEVENTH DAY.

BISMARCK, February 13, 1889,

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names except

Messrs. Cameron, Ericson, and Lowry who were excused.

Mr. President appointed Messrs. Van Osdel and Crawford as the committee to examine the Journal of yesterday.

PETITIONS AND COMMUNICATIONS.

Mr. Soderberg presented the following petition:

To the Legislative Assembly of the Territory of Dakota:

We, the undersigned, citizens of Sioux Falls and Minnehaha county, Dakota, respectfully protest against the passage of any prohibition law for the Territory of Dakota.

It will be impossible to enforce such a law in any county where a majority of the people are opposed to the same, resulting in a loss of revenue and a multiplication of the number of saloons.

We believe the cause of temperance can be best promoted by high license and stringent restrictions in localities where the majority of the people are opposed to local option.

VIC J. WEST.

And 160 others of Sioux Falls and Minnehaha county,
Which was referred to the Committee on Temperance.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Elections to whom was referred
Council Bill No. 194,

A bill for an act to amend Section 47, Chapter 27, of
the Political Code, entitled "Elections," relating to the
qualifications of voters,

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

A. L. VAN OSDEL,
Chairman.

Mr. PRESIDENT:

Your Committee on Temperance to whom was referred
Council Bill No. 180,

A bill for an act increasing the annual license fee relat-
ing to the sale of intoxicating liquors,

Have had the same under consideration and return said
bill without recommendation.

G. A. HARSTAD,
Chairman.

MR. PRESIDENT :

Your Committee on Judiciary to whom was referred
Council Bill No. 74.

A bill for an act to amend Section 215 of the Code of
Civil Procedure relating to motions to discharge an
attachment,

Have had the same under consideration and recommend
that said bill be amended by adding to Section 1 the words
"provided that the defendant in his answer to the com-
plaint may set up any claim for damages sustained by rea-
son of said attachment, by way of counter-claim," and as
amended that it pass.

Also,

Council Bill No. 231,

A bill for an act to legalize certain acknowledgments taken by one Frank E. Newton, a Notary Public,

And recommend that said bill do pass.

Also,

Council Bill No. 226,

A bill for an act entitled "An act to provide for appeals and for change in the place of trial in cases before police justices and municipal magistrates,"

Recommend that said bill be amended by striking out Section 2, also by re-numbering Section 3, so as to read Section 2. And as amended that it pass.

S. L. GLASPELL,
Chairman.

REPORT OF SELECT COMMITTEE.

MR. PRESIDENT:

Your Select Committee appointed to confer with the Territorial Secretary with reference to the early publication and distribution of the laws passed at the Eighteenth Session of the Legislative Assembly of Dakota Territory, beg leave to report that they have conferred with said Secretary and upon consideration of the matter submitted to them, your committee are of the opinion that the laws thus passed can be copied and ready for the printer within a very few days after the adjournment of this session, by furnishing to the Secretary sufficient clerical force so as to keep the bills copied as fast as they become laws and are placed in the hands of the Secretary. This can be done with the assistance of two or three clerks, and by thus keeping the work up only a few days will be required after the close of the session before all laws so passed can be in the hands of the public printer. Your committee is informed that two weeks is a sufficient length of time for their publication after their reception by the printer, and if this is the case that the laws passed at this session should be pulished and distributed within four weeks from the date of adjournment of the Legislature.

Your committee would, therefore, respectfully recommend that the President of the Council and the Speaker of the House cause to be prepared lists of all the clerks which have been elected or appointed for their respective Houses and committees, and from such lists the President to appoint two from the list of Council clerks and the Speaker to appoint two from the House list daily, making

four in all each day to be at the disposal of the Secretary when needed by him for the purpose of copying and preparing the Laws for the printer.

Respectfully submitted,

F. J. WASHABAUGH,

ALEX. HUGHES,

Committee.

Mr. Washabaugh moved

That the report of the Special Committee be adopted,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Washabaugh introduced—

Council Bill No. 240,

A bill for an act to recover back illegal taxes paid,

Which was read the first time.

Mr. Woolheiser introduced—

Council Bill No. 241.

A bill for an act to change the name of Church county to McCormack county,

Which was read the first time.

Mr. Dollard introduced—

Council Bill No. 242.

A bill for an act to amend Articles 2, 4 and 15, of the Justice Code, relating to place of trial, pleadings, amendments and appeals,

Which was read the first time.

Mr. Soderberg introduced—

Council Bill No. 243,

A bill for an act to amend Section 1, of Chapter 145, of the Laws of 1885, relating to bounty for tree planting,

Which was read the first time.

Mr. Glaspell introduced—

Council Bill No. 244,

A bill for an act to prevent the sending of demands out of the Territory to be sued in a foreign jurisdiction for the purpose of evading the exemption laws of this Territory,

Which was read the first time.

Mr. Hughes introduced—

Council Bill No. 245,

A bill for an act to amend Section 84, of Sub-chapter 1, of Chapter 112, of the General Laws of Dakota, approved

March 9, 1883, entitled "An act to provide for the organization of civil townships and government of the same,

Which was read the first time.

Mr. Hughes introduced—

Council Bill No. 246,

A bill for an act to authorize county commissioners to abate and adjust taxes illegally or unjustly assessed,

Which was read the first time.

Mr. Hughes introduced—

Council Bill No. 247,

A bill for an act to amend Section 28 of Chapter 28 of the Political Code of Dakota Territory,

Which was read the first time.

Mr. Ryan introduced—

Council Bill No. 248,

A bill for an act making an appropriation for an artesian well, the purchase of land and for the current and contingent expenses of the Dakota Reform School at Plankinton,

Which was read the first time.

Wr. Walsh introduced—

Council Bill No. 249,

A bill for an act entitled "An act to provide funds for the construction, furnishing and heating of a science hall for the University of North Dakota at Grand Forks, Dakota,"

Which was read the first time.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 13, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

Council Bill No. 20,

A bill for an act providing for a Subdivision of the Seventh Judicial District of Dakota and fixing the terms of court therein,

Which the House has passed the Governor's objections to the contrary notwithstanding,

And further to inform the Council that the House has concurred in the Council amendments to House Bill No. 21.

JOHN G. HAMILTON,
Chief Clerk.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 237,

A bill for an act defining the liability of railroad corporations for personal injuries,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 239, (substitute for Council Bill No. 207)

A bill for an act to provide for permanent and necessary improvements for Deaf Mute School at and for Sioux Falls, building girls' dormitory and for other purposes,

Was read the second time and

Referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
February 13, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 19,

A bill for an act to give publicity to chattel mortgage sales,

Also,

House Bill No. 182,

A bill for an act to amend Section forty-five (45) of Chapter twenty-one (21) of the Political Code relating to the manner of letting contracts by county boards,

Also,

House Bill No. 194,

A bill for an act entitled "An act to provide for the incorporation of certain classes of benevolent and charitable institutions,"

Which have passed the House and your favorable consideration thereof is requested.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Campbell moved

That the rules be suspended and the consideration of House Bills be taken up.

Which motion prevailed.

FIRST READING OF HOUSE BILLS.

House Bill No. 159,

A bill for an act to make it the duty of the county auditor or clerk to supply civil townships with necessary books and blanks,

Was read the first time.

House Bill No. 173,

A bill for an act to amend Section 86 of the Justice's Code,

Was read the first time.

House Bill No. 230,

A bill for an act increasing the term of residence required before beginning suit for divorce,

Was read the first time.

House Bill No. 88,

A bill for an act amending Subdivision 6 of Section 3 of Chapter 28 of the Political Code entitled "Revenue,"

Was read the first time.

House Bill No. 142,

A bill for an act defining the class of newspapers in which legal notices shall be published,

Was read the first time.

House Bill No. 165,

A bill for an act authorizing the Territorial Auditor to audit a claim of John Sundback against the Territory,

Was read the first time.

House Bill No. 184,

A bill for an act to repeal Chapter 20 of the Special Laws of 1885, entitled "An act prescribing the duties and regulating the salaries of the county treasurer and register of deeds of Grand Forks county, D. T.,"

Was read the first time.

House Bill No. 202,

A bill for an act to suppress selling, lending, giving away or showing to any minor child, any paper or publication principally devoted to illustrating or describing immoral deeds.

Was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 69,

A bill for an act to compensate the owner or owners of certain cattle killed in Oliver county, Dakota, on order of the Governor and Territorial Board of Health.

Was read the second time and

Referred to the Committee on Appropriations.

House Bill No. 72.

A bill for an act to repeal Chapter 32 of the General Laws of 1887, entitled, "An act to suppress and prevent the spread of contagious or infectious diseases among domestic animals,"

Was read the second time and

Referred to the Committee on Public Health.

House Bill No. 212,

A Joint Resolution extending the thanks of the people of Dakota to the Hon. P. F. McClure, etc.,

Was read the second time and

Referred to the Committee on Territorial Affairs.

House Bill No. 47.

A bill for an act appropriating the sum of \$100 to pay for rental of committee rooms during the Seventeenth Legislative Assembly,

Was read the second time and

Referred to the Committee on Appropriations.

House Bill No. 126,

A bill for an act to provide a board for the equalization of taxes for all incorporated towns and villages in Dakota whose charters contain no provisions for such board,

Was read the second time and

Referred to the Committee on Revenue.

House Bill No. 210.

A bill for a Joint Memorial to the Congress of the United States,

Was read the second time and

Referred to the Committee on Territorial Affairs.

House Bill No. 199,

A substitute for Council Bill No. 11, being a bill for an act detaching certain counties from the Seventh Judicial District and attaching them to the Second and Fifth Judicial districts,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 121,

A bill for an act entitled "An act to amend Section 61 of Chapter 28 of the Political Code,

Was read the second time and

Referred to the Committee on Revenue.

House Bill No. 119,

A bill for an act to authorize foreign executors, administrators and guardians to assign and satisfy judgments and mortgages.

Was read the second time and
Referred to the Committee on Judiciary.

THIRD READING OF HOUSE BILLS.

House Bill No. 7,

A bill for an act to amend Sections 1 and 2 of Chapter 10, Laws of 1887.

Was read the third time.

The question being upon the report of the Committee on Judiciary,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 14; nays, 6.

Those who voted in the affirmative were;

Messrs. Allin, Atkinson, Campbell, Cooper, Dollard, Glasspell, Hughes, McDonald, Miller, Poindexter, Ryan, Soderberg, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Crawford, Halley, Harstad, Van Osdel, Walsh, Washabaugh.

Absent and not voting:

Messrs. Cameron, Ericson, Lowry and Patten.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 197,

A bill for an act to authorize the Territorial Auditor to audit certain vouchers and for other purposes,

Also,

Council Bill No. 221,

A bill for an act to provide newspapers for the members of the Eighteenth Legislative Assembly and making an appropriation therefor,

And find the same correctly engrossed and enrolled.

M. H. COOPER,
Chairman pro tem.

Mr. President announced his signature to House Bill No. 21 and Council Bills Nos. 197 and 221.

House Bill No. 13.

A bill for an act to amend Sections 14 and 47 of Chapter 27 of the Political Code relating to the qualification of voters,

Was read the third time, and

The question being upon the report of the Committee on Judiciary,

Mr. Campbell moved

That the report be amended by striking out "in the United States for two years."

Which motion prevailed, and

The report of the Committee as amended was adopted.

Mr. Walsh offered the following amendment and moved its adoption:

Amend line 8, Section 1, printed bill, by striking out "two" and inserting "one;" also strike out "one year" in same line and insert "six months."

Same amendments to Section 2, line 4.

Mr. Crawford moved

To lay Mr. Walsh's amendment on the table.

Roll call demanded.

The roll being called there were ayes, 15; nays, 4.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Crawford, Dollard, Halley, Harstad, Hughes, McDonald, Miller, Poindexter, Ryan, Soderberg, Washabaugh, Woolhiser. Mr. President.

Those who voted in the negative were:

Messrs. Allin, Glaspell, Van Osdel, Walsh.

Absent and not voting:

Messrs. Cameron, Cooper, Ericson, Lowry, Patten.

So the motion prevailed.

Mr. Dollard offered the following amendment and moved its adoption:

Add to Section 2. "Provided, this act shall not be held to deprive any person of the right to vote who is now entitled thereto under the laws of this Territory."

Which motion prevailed.

Mr. Hughes offered the following amendment and moved its adoption:

Strike out the words "one year" in line 8, Section 1, printed bill and in line 4 Section 2, and insert in lieu thereof the words "six months."

Which motion prevailed.

The question being shall the bill pass.

The roll being called there were ayes, 17; nays, 2.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Crawford, Dollard, Glaspell, Halley, Harstad, Hughes, McDonald, Miller, Poin-dexter, Ryan, Soderberg, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Van Osdel and Walsh.

Absent and not voting:

Messrs. Cameron, Cooper, Ericson, Lowry, Patten.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 29,

A bill for an act to repeal Article 1, Chapter 11, and Sections 721 to 733 inclusive, of Chapter 35 of the Code of Civil Procedure, relating to arrest and bail,

Was read the third time and

The question being upon the report of the Committee on Judiciary.

The report was adopted.

Mr. Miller moved

That the further consideration of House Bill No. 29 be indefinitely postponed.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
February 13, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 265,

A Joint Resolution and Memorial to Congress in regard to the enactment of a law permitting certain counties to issue bonds,

Which has passed the House under suspension of the rules and your favorable consideration thereof is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

House Bill No. 33,

A bill for an act to amend Article 7 of Chapter 12 of the Code of Civil Procedure,

Was read the third time and
The question being upon the report of the Committee on
Judiciary

The report was adopted.

Mr. Poindexter offered the following amendment and
moved its adoption:

Amend section 1 by adding thereto "and necessary ex-
penses for travel and subsistence."

Mr. Atkinson moved

To strike out the word "subsistence,"

Which motion prevailed.

The question being upon the motion of the gentleman
from Spink,

The motion was lost.

Mr. Crawford offered the following amendment and
moved its adoption:

Amend House Bill No. 33 by adding thereto, Section 5,
to read as follows: "SEC. 5. This act shall not be in
force and take effect until after the 1st day of July, 1889."

Mr. Washabaugh moved

To amend Mr. Crawford's amendment by striking out
the word "July" and inserting in lieu thereof the word
"May,"

Which motion prevailed.

The question recurring upon the motion of the gentle-
man from Hughes as amended

The motion prevailed and

The question being shall the bill pass,

The roll being called there were ayes 15; nays 4.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Cooper, Crawford, Dollard,
Glaspell, Halley, Harstad, Miller, Patten, Poindexter, Ryan,
Soderberg, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Allin, McDonald, Van Osdel, Walsh.

Absent and not voting:

Messrs. Cameron, Ericson, Hughes, Lowry, Woolhiser.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

The committee to examine the Journal of yesterday
made the following report:

MR. PRESIDENT:

Your Special Committee to whom was referred the Council Journal of Feb. 12, 1889, for examination have had the same under consideration and have carefully examined the same, and find it correct.

A. L. VAN OSDEL,
COE I. CRAWFORD.
Committee.

SPECIAL ORDERS.

The hour for Special Orders for the day having arrived, the Council took up the consideration of
Council Bill No. 91,

A bill for an act entitled "An act to prevent the spread of infectious or contagious diseases among horses, mules, etc. and to provide for the summary destruction of such diseased animals, and to repeal Chapter 32 of the Session Laws of 1887 creating the office of Veterinary Surgeon."

Also,

Council Bill No. 132.

A bill to amend Sections 1 and 2, Chapter 32 of the Session Laws of 1887, entitled "An act to suppress and prevent the spread of contagious and infectious diseases among domestic animals."

Also,

House Bill No. 72,

A bill for an act to repeal Chapter 32 of the General Laws of 1887, entitled "An act to suppress and prevent the spread of contagious or infectuous diseases among domestic animals."

Mr. Washabaugh moved

That the report of the Committee on Public Health on Council Bill No. 91 be adopted,

Which motion prevailed.

Mr. McDonald moved

To strike out "Nasal Gleet,"

Which motion prevailed.

Mr. Van Osdel in the chair.

Mr. Cooper moved

That a committee of three, of which Mr. President shall be chairman, be appointed to whom all bills on this subject shall be referred,

Which motion prevailed, and

The President pro tem

Appointed as such Committee Mr. President and Messrs. Washabaugh and Poindexter.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. PRESIDENT:

The Committee on Engrossed and Enrolled Bills have examined

Council Bill No. 162,

A bill for an act to amend Section 1 of Chapter 34 of the Laws of 1887, and to authorize building and loan corporations or associations to extend their business beyond the boundaries of the Territory of Dakota, to define their powers and privileges and for other purposes,

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have presented to His Excellency the Governor for his approval, at 3:15 p. m.,

Council Bill No. 197,

A bill for an act to authorize the Territorial Auditor to audit certain vouchers and for other purposes,

Also,

Council Bill No. 221,

A bill for an act to provide newspapers for the members of the Eighteenth Legislature Assembly and making an appropriation therefor,

J. H. PATTEN,
Chairman.

Mr. Woolhiser moved

That the rules be suspended and House Bill No. 127 be read the third time and put on its final passage,

Which motion prevailed.

House Bill No. 127,

A bill for an act providing for a subdivision of the Seventh Judicial District of the Territory of Dakota,

Was read the third time, and

The question being upon the report of the Committee on Judiciary,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 21; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Glaspell, Halley, Harstad, Hughes, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Cameron, Ericson, Lowry.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

The Committee on Territorial Affairs asked leave to make a report,

There being no objection they submitted the following report:

MR. PRESIDENT,

Your Committee on Territorial Affairs to whom was referred

Council Bill No. 34,

A bill for an act to repeal Chapter 124 of the Session Laws of 1887, creating the office of Public Examiner.

Also.

House Bill No. 56,

A bill for an act to amend Section 47 of Chapter 29 of the Political Code.

Beg leave to report that they have had the same under consideration and recommend that both of said Bills do pass.

F. J. WASHABAUGH, Chairman.

Mr. President detailed Messrs. Stanley and Torry to report to the Secretary for duty to-morrow.

Mr. President announced his signature to Council Bill No. 162.

Mr. Atkinson moved

That the rules be suspended so that the vote by which Council Bill No. 63 was lost might be reconsidered,

Which motion prevailed.

Mr. Atkinson moved,

That the vote by which Council Bill No. 63 was lost be reconsidered.

Roll call demanded.

The roll being called there were ayes, 11; nays, 9.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Dollard, Harstad, Miller, Poindexter, Soderberg, Van Osdel, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Campbell, Cooper, Crawford Glaspell, Halley, Hughes, Patten, Ryan, Washabaugh.

Absent and not voting:

Messrs. Cameron, McDonald, Ericson and Lowry.

Mr. Crawford moved a call of the House.

The roll being called

The members all responded to their names except Messrs. Cameron, Ericson and Lowry, who were excused, and Mr. McDonald.

The sergeant-at-arms was instructed to bring in Mr. McDonald.

Mr. President in the chair.

Mr. McDonald being present further proceedings under the call of the House was dispensed with.

So the vote by which Council Bill No. 63 was lost was reconsidered and

Council Bill No. 63,

A bill for an act to deduct the value of mortgages thereon from the assessed value of property, to tax such mortgages and for other purposes

Was again read and after considerable discussion

Mr. Poindexter moved

The previous question.

The question being, shall the main question be now put,

The motion prevailed.

Mr. Crawford moved that the Council do now adjourn.

Which motion was lost and

The question being, shall the bill pass,

The roll being called there were ayes 7; nays 14.

Those who voted in the affirmative were:

Messrs. Allin, Dollard, Harstad, Soderberg, Van Osdel, Walsh, Woolhiser.

Those who voted in the negative were:

Messrs. Atkinson, Campbell, Cooper, Crawford, Glaspell, Halley, Hughes, McDonald, Miller, Patten, Poindexter, Ryan, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Cameron, Ericson, Lowry.

So the bill was lost.

Mr. Crawford moved

That the Council do now adjourn,

Which motion prevailed, and

Mr. President announced that the Council stood adjourned.

R. E. WALLACE, Chief Clerk.

THIRTY-EIGHTH DAY.

BISMARCK, February 14, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names except

Messrs. Cameron, Ericson, and Lowry, who were excused.

Mr. President appointed Messrs. Ryan and Soderberg as the committee to examine the Journal of yesterday.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Glaspell presented the following communication:

FARGO, Dak., Feb. 2, 1889.

To the Honorable Council and House of Representatives of the Legislative Assembly of the Territory of Dakota:

SIRS: The members of the Fargo Lodge, No. 125, Brotherhood of Railroad Brakemen, kindly petitions your honorable body for due consideration to bills presented by the Brotherhood of Locomotive Firemen, viz: Council Bills Nos. 211, 212 and 237, which meet with our hearty approval, being beneficial to railroad brakemen.

Yours Respectfully,

FARGO LODGE, No. 125,
Brotherhood of Railroad Brakemen.

Which was referred to the Committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Counties to whom was referred

Council Bill No. 201,

Having had the same under consideration beg leave to report that they return the same herewith with the recommendation that it do pass.

COE I. CRAWFORD,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Council Bill No. 80,

A bill for an act to attach the county of Hettinger to to the county of Stark for judicial purposes,

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

Also,

Council Bill No. 84,

A bill for an act entitled "An act to authorize foreign executors, administrators and guardians to assign and satisfy judgments and mortgages,"

And report the same back without recommendation.

Also,

Council Bill No. 111,

An act to amend Section 2, Chapter 52 of the Session Laws of 1879, relating to the admissability of a certain class of testimony in certain casses,

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

Also,

Council Bill No. 237,

A bill for an act defining the liability of railroad corporations for personal injuries,

And recommend that the bill do pass.

Also,

House Bill No. 117,

An act providing for two justices of the peace in cities or villages of five hundred or more inhabitants,

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

Also,

House Bill No. 75,

An act to amend Sections 678, 679 and 680, and repealing Sections 681 and 682 of the Code of Civil Procedure, relating to damages to persons and property by railroad corporations,

And recommend that the same be passed.

Also,

Council Bill No. 160,

A bill for an act entitled "An act to authorize county commissioners to designate the successors of out-going county justices of the peace,"

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

Also,

Council Bill No. 184,

A bill for an act relating to the Compiled Laws,

And recommend that said bill do pass.

Also,

Council Bill No. 178,

A bill for an act to amend Section 121 of the Code of Civil Procedure, relating to sham and irrelevant defenses,

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

S. L. GLASPELL,
Chairman.

REPORT OF SELECT COMMITTEE:

MR. PRESIDENT:

Your special committee to whom was referred

Council Bill No. 143,

Respectfully return the same and recommend that it do not pass, and would recommend as a substitute therefor the passage of the bill hereto annexed, entitled "An act to amend Section 112 of the Civil Code, relating to the adoption of children."

ROBERT DOLLARD.
D. W. POINDEXTER.
S. L. GLASPELL.

A BILL

For an act entitled "An act to amend Section 112 of the Civil Code, relating to the adoption of children."

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

SECTION 1. That Section 112 of the Civil Code is amended to read as follows:

Section 112. The person adopting a child, and the child adopted and the other persons whose consent is necessary must appear before the probate judge of the county where the person adopting resides, and the necessary consent must thereupon be filed, and an agreement be executed by

the person adopting, and filed with the probate court, to the effect that the child shall be adopted and treated in all respects as his own lawful child should be treated; Provided that the appearance, by an instrument in writing duly executed and acknowledged may be entered by any person, except the child, whose consent is necessary.

SEC. 2. This act shall take effect from and after its passage and approval.

MOTIONS AND RESOLUTIONS.

Mr. Crawford moved

That a committee of three be appointed to wait upon the Secretary to see if stationery can be obtained,

Which motion prevailed and

Mr. President appointed Messrs. Crawford, Glaspell and Miller as such committee.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Crawford introduced—

Council Bill No. 250,

A bill for an act changing the name of Oneida township in Sanborn county to Alwilda,

Which was read the first time.

Mr. Dollard introduced—

Council Bill No. 251,

A bill for an act entitled "An act providing for a landlord's lien on crops, and for the enforcement thereof by distress."

Which was read the first time.

The Special Committee introduced—

Council Bill No. 252,

A bill for an act entitled "An act to amend Section 112 of the Civil Code relating to the adoption of children,"

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 240,

A bill for an act to recover back illegal taxes paid,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 241,

A bill for an act to change the name of Church county to McCormack county,

Was read the second time and

And referred to the Committee on Counties.

Council Bill No. 242,

A bill for an act to amend Articles 2, 4, and 15, of the Justice Code, relating to place of trial, pleadings, amendments and appeals,

Was read the second time and
Referred to the Committee on Education.

Council Bill No. 243,

A bill for an act to amend Section 1, of Chapter 145, of the Laws of 1885, relating to bounty for tree planting.

Was read the second time and
Referred to the Committee on Agriculture.

Council Bill No. 244,

A bill for an act to prevent the sending of demands out of the Territory to be sued in a foreign jurisdiction for the purpose of evading the exemption laws of this Territory,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 245,

A bill for an act to amend Section 84, of Sub-Chapter 1, of Chapter 112, of the General Laws of Dakota, approved March 9, 1883, entitled "An act to provide for the organization of civil townships and government of the same,"

Was read the second time and
Referred to the Committee on Counties.

Council Bill No. 46,

A bill for an act to authorize county commissioners to abate and adjust taxes illegally or unjustly assessed,

Was read the second time and
Referred to the Committee on Revenue.

Council Bill No. 247,

A bill for an act to amend Section 28 of Chapter 28 of the Political Code of Dakota Territory,

Was read the second time and
Referred to the Committee on Revenue.

Council Bill No. 248,

A bill for an act making an appropriation for an artesian well, the purchase of land and for the current and contingent expenses of the Dakota Reform School at Plankinton,

Was read the second time and
Referred to the Committee on Appropriations.

Council Bill No. 249,

A bill for an act entitled "An act to provide funds for the construction, furnishing and heating of a science hall for the University of North Dakota at Grand Forks, Dakota,"

Was read the second time and
Referred to the Committee on Appropriations.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 220,
Report of Special Committee to examine Compiled Laws
appointed under Council Bill No. 97,

The question being upon the report of the Committee
on Judiciary,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 16; nays, 3.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Cooper, Crawford, Dollard,
Glaspell, Halley, Harstad, Hughes, McDonald, Miller, Pat-
ten, Poindexter, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Van Osdel, Walsh.

Absent and not voting:

Messrs. Cameron, Ericson, Lowry, Ryan. Soderberg.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of
Representatives:

HOUSE OF REPRESENTATIVES }
February 14, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

A Joint Resolution extending the time in which the
Joint Committee to investigate the affairs of the James-
town Asylum shall report,

Which has passed the House under suspension of the
rules and your speedy concurrence therein is respectfully
requested.

JOHN G. HAMILTON,
Chief Clerk.

EXECUTIVE COMMUNICATION.

The following communication was received from His Excellency, the Governor:

EXECUTIVE OFFICE,
February 14, 1889. }

To the Council:

I herewith respectfully return without my approval Council Bill No. 221,

Entitled "An act to provide newspapers for the members of the Eighteenth Legislative Assembly and to make an appropriation therefor."

This appropriation is in the nature of an appropriation for private purposes, and, as I stated in my veto of House Bill No. 176, "I can see no more reason for an appropriation of this kind than could be given for an appropriation made for any other private purpose of the members."

The expense to the Territory for newspapers for members of the Legislature at the last session amounted to \$877.25,—such appropriation, however, was not approved by the present Executive.

The appropriation made by Council Bill No. 86 for the furnishing of postage stamps to the members of the Legislature, which was approved by the Executive, provides that the same shall be for official use, and is not of a personal nature.

On the 29th of January a Joint Resolution to accomplish the purpose provided for in this bill was vetoed, and on the 6th inst. House Bill No. 176, entitled "An act to provide for newspapers for the members of the Legislature and making an appropriation therefor" was likewise returned without approval.

In this connection I would call your attention to Rule 29 of your honorable body, which reads as follows:

"The rules of parliamentary practice comprised in Cushing's Manual shall govern the Council in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and order of the Council, and the joint rules of the Council and the House of Representatives."

I would likewise call your attention to Rule 50 of the House which reads as follows:

"The rules of parliamentary practice adopted by the House of Representatives of the United States shall govern

the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House and the joint rules and orders of the Council and House of Representatives."

In accordance with parliamentary practice in Congress and in all deliberative bodies, a bill once rejected, another of the same substance cannot be brought in again the same session. Hakew., 158; 6 Grey, 392.

A veto of a similar measure having heretofore been sustained, the judgement of the Legislature must stand as against such appropriation.

The substance of the resolution above referred to and of House Bill No. 176 is identical with this bill and this bill is not a matter for consideration without violation of all parliamentary precedent and the rules of your House and of Congress above referred to.

Respectfully,

LOUIS K. CHURCH,
Governor.

Mr. Campbell moved

That the consideration of the message from the Governor be laid over till to-morrow.

Which motion prevailed.

Mr. President announced his signature to House Bills Nos. 250 and 4.

Mr. Crawford moved

That the rules be suspended and House Bill No. 269 be read the first, second and third times and put on its final passage.

Which motion prevailed, and
House Bill No. 269,

A Joint Resolution, providing for an extension of time in which the Joint Committee to investigate the affairs of the Jamestown Insane Asylum may report,

Was read the first, second and third times, and

The question being shall the bill pass,

The roll being called there were ayes, 19; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Glaspell, Halley, Harstad, Hughes, McDonald, Miller, Patten, Poindexter, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Cameron, Ericson, Lowry, Ryan, Soderberg.

So the bill passed and
The question being as to its title and being put,
Its title was agreed to.

Mr. Hughes moved

That the rules be suspended and House Bill No. 265 be read the first, second and third times and put on its final passage,

Which motion prevailed and
House Bill No. 265,

A Memorial to Congress in regard to the enactment of a law permitting certain counties to issue bonds,

Was read the first, second and third times and

The question being shall the bill pass,

The roll being called there were ayes, 16; nays, 2.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Glaspell, Halley, Harstad, Hughes, Patten, Poin-dexter, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. McDonald, Miller.

Absent and not voting:

Messrs. Cameron, Ericson, Lowry, Ryan, Soderberg, Van Osdel.

So the bill passed and

The question being upon its title and being put

Its 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 presented to His Excellency the Governor for his approval at 3 p. m.

Council Bill 162,

A bill for an act to amend Section 1 of Chapter 34 of the Laws of 1887, to authorize building and loan corporations or associations to extend their business beyond the boundaries of the Territory of Dakota, to define their powers and privileges, and for other purposes.

J. H. PATTEN,
Chairman.

The Special Committee appointed to wait upon the Secretary in regard to stationery for the Council made the following report:

MR. PRESIDENT:

Your Special Committee appointed to interview the Secretary of the Territory in regard to furnishing stationery for the members of the Council beg leave to report that they have so interviewed the said officer and are by him informed that upon the receipt of a written request from any member for stationery, naming the kind and amount wanted, he will deliver the amount wanted by messenger.

COE I. CRAWFORD,
S. L. GLASPELL,
JOHN MILLER.

SPECIAL ORDERS.

Mr. Allin in the chair.

The hour for Special Orders for the day having arrived, the Council took up the consideration of Council Bill No. 47.

A bill for an act to authorize courts by their judgment to cancel encumbrances upon and to establish and convey title to real property in certain cases.

Mr. Stimmel moved

That Council Bill No. 47 be committed to the Committee on Judiciary,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 14, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith House Bill No. 273,

A bill for an act amending an act of the Eighteenth Legislative Assembly entitled "An act authorizing counties to issue bonds to procure seed wheat for needy farmers, resident thereof,"

Which the House has passed under suspension of the rules, and your favorable consideration thereof is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

Mr. President in the chair.

Council Bill No. 199,

A bill for an act to amend Section 409 of Chapter 3, of the Civil Code.

Was read the third time.

Mr. Hughes moved

That Council Bill No. 199 be made a special order for tomorrow at 4 p. m.

Which motion prevailed.

Mr. Hughes moved

That the rules be suspended and House Bill No. 273 be read the first, second and third times and put on its final passage.

Which motion prevailed and

House Bill No. 273,

A bill for an act amending an act of the Eighteenth Legislative Assembly entitled "An act authorizing counties to issue bonds to procure seed wheat for needy farmers resident therein,"

Was read the first, second and third times and

The question being shall the bill pass,

The roll being called they were ayes, 16; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Glaspell, Harstad, Hughes, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Mr. President.

Absent and not voting:

Messrs. Cameron, Crawford, Dollard, Ericson, Halley, Lowry, Washabaugh and Woolhiser.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 210.

A bill for an act to amend Section 11, Chapter 5 of the Political Code, relating to vacancies in office,

Was read the third time.

The question being upon the report of the Committee on Judiciary

The report was adopted.

The question being shall the bill pass

The roll being called there were ayes, 16, nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Glaspell, Harstad, Hughes, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Mr. President.

Absent and not voting:

Messrs. Cameron, Crawford, Dollard, Ericson, Halley, Lowry, Washabaugh and Woolheiser.

So the bill passed and

The question being as to its title and being put,
Its title was agreed to.

Council Bill No. 125,

A bill for an act to authorize the Attorney-General to appoint an Assistant Attorney-General.

The question being upon the motion to adopt the minority report,

The motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 17; nays, 1.

Those who voted in the affirmative were:

Messrs. Allen, Atkinson, Campbell, Cooper, Crawford, Dollard, Glaspell, Harstad, Hughes, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Walsh, Washabaugh.

Mr. Woolhiser voting in the negative.

Absent and not voting:

Messrs. Cameron, Ericson, Halley, Lowry, Van Osdel,
Mr. President.

So the bill passed and

The question being as to its title and being put,
Its title was agreed to.

Mr. Cooper asked unanimous consent to make a report.

There being no objections, Mr. Cooper presented the following report:

MR. PRESIDENT:

Your Committee on Revenue to whom was referred
House Bill No. 30,

A bill for an act to amend Sections 6, 7 and 8 of Chapter 49 of the General Laws of 1879,

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

M. H. COOPER,
Chairman.

Mr. President in the chair.

Council Bill No. 203,

A bill for an act to amend Chapter 102 of the Session Laws of 1883, entitled "An act to amend Section 13 of Chapter 39 of the Political Code relating to salary of probate judge,"

The question being upon the report of the Committee on Judiciary, the report was adopted.

Mr. Crawford offered the following amendment and moved its adoption:

Amend Council Bill No. 203 by striking out the words "by adding to Section 1 the following" where they occur in the first and second lines of the printed bill and inserting in lieu thereof the words "so as to read as follows: And in counties having a population of over three thousand people the judge of the probate court of each of said counties shall receive a salary of three hundred dollars per annum in addition to the foregoing fees, to be paid quarterly by the county."

Mr. Walsh offered the following amendment and moved its adoption:

Amend the amendment of the gentleman from Hughes by striking out "3,000" and add "500."

Which motion was lost.

The question recurring upon the amendment of the gentleman from Hughes,

The amendment was lost.

Mr. Crawford offered the following amendment and moved its adoption:

That Council Bill No. 203 be amended by striking out Section 1 of said bill and insert in lieu thereof the following:

SECTION 1. That Chapter 102 of the Session Laws of 1883 be and the same is hereby amended so as to read as follows: "In all organized counties in this Territory the judge of probate shall receive a salary of three hundred dollars per annum in addition to the foregoing fees to be paid quarterly by the county."

Roll call demanded.

The roll being called there ayes, 5; nays, 13.

Those who voted in the affirmative were:

Messrs. Campbell, Crawford, Halley, Ryan, Woolhiser.

Those who voted in the negative were:

Messrs. Atkinson, Cooper, Glaspell, Harstad, Hughes, McDonald, Miller, Patten, Soderberg, Van Osdel, Walsh, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Allin, Cameron, Dollard, Ericson, Lowry, Poin-dexter.

So the motion was lost.

The question being shall the bill pass,

The roll being called there were ayes, 14; nays, 4.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Cooper, Crawford, Glaspell, Halley, Hughes, McDonald, Miller, Patten, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Harstad, Ryan, Soderberg, Van Osdel.

Absent and not voting:

Messrs. Allen, Cameron, Dollard, Ericson, Lowry and Poindexter.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

The Committee to examine the Journal of yesterday made the following report:

MR. PRESIDENT:

Your Special Committee to whom was referred the Council Journal of February 13th for examination have had the same under consideration and have carefully examined the same. Your committee recommends that the words "and for other purposes" in reference to Council Bill No. 197 on page 9 of the printed Journal be stricken out, and that the vote on the question of reconsideration of Council Bill No. 63 on page 15 of the printed Journal be corrected so as to read as follows: "The roll being called there were ayes, 11; nays, 9."

C. A. SODERBERG,
J. C. RYAN,
Committee.

Mr. Soderberg moved

That the report be adopted.

Which motion prevailed.

Council Bill No. 226,

A bill for an act, entitled "An act to provide for appeals and for change in the place of trial in cases before police justices and municipal magistrates",

Was read the third time and

The question being upon the report of the Committee on Judiciary,

The report was adopted.

The question being shall the bill pass,

The roll being called, there were ayes, 13; nays, none.

Those who voted in the affirmative were:

Messrs. Campbell, Cooper, Crawford, Dollard, Giaspell, Halley, Harstad, McDonald, Poindexter, Soderberg, Walsh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Allin, Atkinson, Cameron, Ericson, Hughes, Lowry, Miller, Patten, Ryan, Van Osdel, Washabaugh.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 66,

A bill for an act authorizing the refunding of outstanding county bonds,

Was read the third time, and

The question being upon the report of the Committee on Revenue,

The report was adopted.

Mr. Hughes offered the following amendment and moved its adoption:

That Section 1 of the bill be amended by adding at the end of the last line thereof the following: "or whenever said indebtedness can be refunded at a lower rate of interest,"

Which motion prevailed.

Mr. Dollard offered the following amendment and moved its adoption:

Amend by inserting in 7th line, 2d section, before the word "board" the words "chairman of the,"

Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 16; nays, 2.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cooper, Crawford, Dollard, Giaspell, Halley, Harstad, Hughes, Poindexter, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser. Mr. President.

Those who voted in the negative were:

Messrs. Campbell and Patten;

Absent and not voting:

Messrs. Cameron, Ericson, Lowry, McDonald, Miller, Van Osdel,

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 151,

A bill for an act prescribing certain duties of telegraph and telephone companies, prohibiting discrimination between patrons, and providing penalties therefor,

Was read the third time and

The question being upon the report of the Committee on Incorporations,

The report was adopted.

Mr. Poindexter offered the following amendment and moved its adoption:

Amend Section 4 by inserting after the word "other" in 9th line of 4th Section the words "or greater."

Which motion prevailed.

Mr. Dollard moved

That the vote by which the report of the Committee on Incorporations was adopted be reconsidered.

Which motion prevailed.

The question being upon the report of the Committee on Incorporations,

Mr. Dollard offered the following amendment and moved its adoption:

Amend the report of the Committee by striking out the recommendation to insert the word "unlawful" in the 12th line of Section 2 instead of "lawful."

Which motion prevailed and

The question being upon the report of the Committee on Incorporations as amended

The report was adopted.

Mr. Crawford offered the following amendment and moved its adoption:

To amend Council Bill No. 151 by inserting after the word "requiring" in the 10th line of Section 2 thereof, in printed bill the word "as,"

Which motion prevailed and

The question being shall the bill pass,

The roll being called there were ayes, 12; nays, 3.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cooper, Crawford, Dollard, Patten, Poindexter, Soderberg, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Halley, Ryan, Van Osdel.

Absent and not voting:

Messrs. Cameron, Campbell, Ericson, Glaspell, Harstad, Hughes, Lowry, McDonald, Miller.

So the bill passed and
The question being as to its title and being put
Its title was agreed to.

The Committee on Enrolled and Engrossed Bills made
the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 13,

A bill for an act to amend Sections 14 and 47 of Chapter 27 of the Political Code, relating to the qualifications of voters,

Also,

House Bill No. 33,

A bill for an act to amend Article 3 of Chapter 12 of the Code of Civil Procedure,

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

Council Bill No. 179,

A bill for an act entitled "An act to amend Paragraph 6, of Section 416 of the Civil Code of the Territory of Dakota, relating to corporations,"

Was read the third time and

The question being upon the report of the Committee on Incorporations, the report was adopted.

Mr. Soderberg moved

That the further consideration of Council Bill No. 179 be indefinitely postponed,

Which motion prevailed.

Council Bill No. 218,

A bill for an act entitled "An act to amend Section 377 of the Civil Code."

Was read the third time.

Mr. Campbell offered the following amendment and moved its adoption:

Amend by inserting the words "or members" after the word "stockholders" in line 9, Section 1; also, insert the words "or member" after the word "stockholder" in line 22, Section 1.

Mr. Dollard moved

That Council Bills Nos. 218 and 229 be committed to a special committee of three,

Which motion prevailed.

Mr. Miller moved

That the Special Committee to whom was referred Council Bills Nos. 91 and 132 and House Bill No. 72 be increased from three to five members.

Which motion prevailed, and

Mr. President appointed Messrs. Miller and Hughes as the additional members.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
February 14, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
Substitute for House Bill No. 114,

A bill for an act to amend Section 14, of Chapter 67, of the General Laws of 1887, entitled "An act to amend Chapter 70 of the Session Laws of 1885," relating to county mutual insurance companies,

Which the House has passed under suspension of the rules, and your favorable consideration thereof is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Poindexter moved

That the Council do now adjourn.

Which motion prevailed, and

Mr. President announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

THIRTY-NINTH DAY.

BISMARCK, February 15, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names.

Mr. President appointed Messrs. Crawford and Halley as the committee to examine the Journal of yesterday.

PETITIONS AND COMMUNICATIONS.

Mr. Ericson presented the following petition:

To the Honorable Legislative Assembly of the Territory of Dakota:

The undersigned residents and citizens of the Territory of Dakota would respectfully petition your honorable body to enact as a law Council Bill No. 133, entitled, "An act to prohibit the manufacture, sale or giving away of intoxicating liquors, except for medical, scientific and mechanical purposes, etc.," as introduced in the Council by Mr. Patten.

For which we will ever pray.

ELI JONES,

And 54 others of Valley Springs.

Which was referred to the Committee on Temperance.

Mr. Ericson also presented the following petition:

To the Legislative Assembly of the Territory of Dakota:

The undersigned residents and citizens of the Territory of Dakota would respectfully petition your honorable body to enact as a law Council Bill No. 133, entitled "An act to prohibit the manufacture, sale or giving away of intoxicating liquors, except for medical, scientific and mechanical purposes, etc.," as introduced in the Council by Mr. Patten.

For which we will ever pray.

N. A. KIRK,

And 80 others of Union county.

Which was referred to the Committee on Temperance.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Council Bill No. 28,

Beg leave to report that they have had the same under consideration and herewith return the same and recommend the following amendments:

1. Amend Section 1 by striking out all of said Section after the word "served" in line 31 of the written bill, and inserting in lieu thereof the words, "at least twelve days prior to the day mentioned therein for the taking thereof. When the deposition is to be taken out of the Territory, said notice shall be served at

least thirty days prior to the time named therein for taking said deposition; provided, the time herein required may be shortened or extended by the court for sufficient cause; and, provided further, that should the party desire to serve such notice for any reason required that the time of serving said notice be less than herein provided, he may serve with said notice a copy of all interrogatories which he may desire to propound to the deponent, in which case the same time may be given for the taking of a deposition out of the Territory as is provided in the taking of a deposition within the Territory."

That the bill as thus amended do pass.

S. L. GLASPELL,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Council Bill No. 219,

A bill for an act to amend Section 399, Chapter 35 of the Penal Code relating to gambling,

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

Also,

Council Bill No. 128,

A bill for an act to make persons holding unrecorded conveyances bound by decrees entered in actions to foreclose liens,

And recommend that it be amended by inserting after the title the following words: "Be it Enacted by the Legislative Assembly of the Territory of Dakota."

Also, by adding an additional section, to read as follows:

SEC. 2. This act shall take effect and be in force from and after its passage and approval,

And as amended that it pass.

Also,

Council Bill No. 47,

A bill for an act to authorize courts by their judgment to cancel encumbrances upon, and to establish and cause to be conveyed the title to, real property in certain cases,

And recommend that it be amended as follows: That all after the enacting clause be stricken out and the following substituted:

SECTION 1. That in all actions arising under Chapter 29 of the Code of Civil Procedure of this Territory and in actions brought for the satisfaction of record of mortgages and other liens upon real property whenever the defendant

is not found within the jurisdiction of the court and service of summons therein is made on such defendant by publication or whenever any defendant in such action refuses or neglects to make a conveyance or cancel an encumbrance pursuant to the judgment of the court, the court shall have power by its judgment to determine and establish the title to the property in question to annul, cancel and remove any and all conveyances and encumbrances constituting a cloud upon such title, and whenever a conveyance of such property is directed to be made by such judgment, and likewise in actions for the specific performance of contracts relating to real property in this Territory, whenever the defendant is not found within the jurisdiction of the court, and service of summons therein is made on such defendant by publication, or whenever any defendant in such action refuses or neglects to convey the property involved in the suit pursuant to the judgment of the court this shall be done in behalf of such defendant by a trustee appointed by the court for that purpose.

SEC. 2. This act shall take effect and be in force from and after its passage and approval."

And as amended that the bill do pass.

Also,

Council Bill No. 244,

A bill for an act to prevent the sending of demands out of the Territory to be sued in a foreign jurisdiction for the purpose of evading the exemption laws of this territory,

Have had the same under consideration and recommend that said bill do pass,

Also,

Council Bill No. 209,

A bill for an act abolishing foreclosure of mortgages on real estate by advertisement,

And recommend that said bill do pass.

S. L. GLASPELL,
Chairman.

MR. PRESIDENT:

Your Committee on Insurance to whom was referred Council Bill No. 175,

A bill for an act amending Sections 2, 9, 10, 12, 27, 29, 32 and 33 of Chapter 69 of the Session Laws of 1885 relative to insurance.

Have had the same under consideration and recommend that said bill be amended by adding the following after Section 8:

SEC. 9. That Section forty-one of Chapter sixty-nine, Laws of 1885, be and the same is hereby amended to read as follows: "Section forty-one, Article 1. Any number of persons not less than twenty-five (25) residing in this Territory, who shall collectively own real estate herein of not less than twenty-five thousand dollars (\$25,000) in value, may associate themselves and become incorporated for the purpose of mutual insurance against loss or damage by hail, tornadoes, cyclones and hurricanes, by complying with the provisions of this section.

Article 2. They shall organize by adoption and signing articles of incorporation, which shall contain:

1. The name of the corporation, which shall not be the same as that previously assumed by any other corporation in the Territory.

2. The general nature of its business and the place of the principal office or headquarters.

3. The names and residence and the value of the real estate owned by the persons respectively, so associating to form such corporation.

4. The time of the commencement and the period of the duration of such corporation.

5. The number, names and places of residence of the directors, and of the president, secretary and treasurer of such corporation for the first year of its existence, and the time and place of the election of their successors.

Article 3. Such articles shall be acknowledged by the persons signing the same in the manner by law provided for the acknowledgment of deeds, and shall be filed for record in the office of the Territorial Auditor.

Article 4. The Territorial Auditor shall before filing such articles submit the same to the Attorney-General, who shall examine said articles, and if he find the same to have been executed in conformity to law, he shall endorse the word "approved" thereon, and date, sign and return the same to the Auditor of the Territory who shall thereupon file the same in the records in his office, and shall issue under his hand and official seal and deliver to the said corporation his certificate to the effect that such corporation has been duly incorporated under the provisions of this act, and is authorized to transact business from and after the date thereof. Such certificates shall be recorded in the office of the register of deeds of the county wherein such corporation shall have its principal office, and said certificate and records and any certified

copies of such records shall be received in all the courts of this Territory as prima facie evidence that such corporation has been duly organized and created under the laws of the Territory of Dakota.

Article 5. Upon the issuance of such certificate, the persons therein named shall be and become a corporation and authorized to transact the business of mutual insurance against loss or damage to property by hail, tornadoes, cyclones and hurricanes in such manner and upon such terms as in and by its by-laws may be provided. It shall have perpetual succession, sue and be sued, contract and be contracted with, implead and be impleaded by its corporate name in any of the courts of this Territory, and shall possess the usual powers and be subject to the usual duties of corporations.

Article 6. The general management of the business of said corporation shall be vested in directors, each of whom shall, during his term of office, be a policy holder in said corporation. Such directors shall be elected annually and shall hold their offices for one year, and until their successors are elected and qualified. The directors shall choose from their own number a president, secretary and treasurer, whose respective terms of office shall be one year, and whose duties and compensation shall be such as may be in the by-laws of the corporation provided.

Article 7. Such corporation, before commencing its business, shall prepare and adopt by-laws which shall describe the duties of its officers, the manner, place and time of electing them, the directors, the scheme and manner of transacting its business, and such other rules and regulations as may be deemed essential for the government of the corporation and the management of its affairs. Such by-laws shall not be amended, changed, suspended or repealed except in the manner therein set forth, and a copy of the same and of any subsequent amendments thereto, or changes therein, shall be by the secretary forthwith filed with the Territorial Auditor, who shall safely keep the same in his office.

Article 8. Such corporation is authorized to issue policies of insurance, signed by its president and secretary, agreeing to pay to the person assured thereby all loss and damage to the property insured, which he may sustain, by hail, tornadoes, cyclones and hurricanes for a period of not more than five (5) years, and not exceeding in amount the sum specified in such policy.

Article 9. Every holder of a policy of such insurance shall be a member of the corporation. He shall have the right to participate in the election of directors and shall be eligible to election to any office in such corporation; he shall be liable to the corporation for his pro rata share of all losses and damages by hail, tornadoes, cyclones and hurricanes sustained by any other member, and also for his pro rata share of the expenses of the management of the business of such corporation, and shall be bound and subject to the by-laws thereof.

Article 10. The corporation shall, in and by its by-laws, provide for the manner in which such insurance shall be effected, and the terms and conditions thereof; the time and manner in which losses by it sustained under its policies of insurance shall be determined, proved, adjusted and paid; the time and manner in which assessments shall be made upon its members for their respective pro rata share of such losses, and the time, manner and place in which and the person to whom such assessments shall be paid. It shall also, in and by its by-laws, provide such other regulations, terms and conditions as it may be necessary for effectively and fully carrying out its scheme of insurance, and the said by-laws in force at the time of the date of any policy of insurance, issued by the corporation, shall have the force and effect of law in the determination of all questions and claims arising under such policy between the holder thereof and the said corporation.

Article 11. The said corporation shall also, in and by its by-laws, provide the manner, terms and conditions upon which any member thereof may withdraw or be suspended or expelled therefrom.

Article 12. The secretary of the corporation shall prepare and submit to the members thereof, at each annual meeting, a detailed statement of the condition of such corporation, and its transactions for the preceding year, showing the date and number of policies issued, to whom the same were issued, and the amounts respectively insured thereby, the number of assessments made during the year, and the amount actually paid in upon each assessment, respectively; the losses sustained during the year, and whether the same have been paid or adjusted, or remain unpaid or unadjusted or are disputed; the number of members of the corporation, the number of new members received during such year, their names, and res-

idence of members who have withdrawn or been suspended or expelled from the corporation during the year; the policies and respective numbers thereof which have been cancelled during the year, and an itemized statement of the expenses of such corporation during such year, and of the amount and condition of its funds, and such other matters as may be of interest to the members. A copy of such annual statement shall, within thirty (30) days after such meeting, be filed and preserved by the Territorial Auditor.

Article 13. No corporation formed under this act shall continue for a longer period than thirty (30) years.

Article 14. No corporation formed under this act shall insure any property outside of the Territory of Dakota, nor any property other than detached dwellings and farm buildings, and their contents, and live stock while on the premises or running at large, and hay, grain and other farm products while growing or while in the shock, stack, bin, crib or granary upon such premises; nor shall it insure any property whatever in any incorporated city or village.

Article 15. All the books, papers and files of such corporation shall at all times be open to the examination of any member thereof, or his agent or attorney; and any such members, agent or attorney, shall at all times have the right to make such copies of such books, papers and files as he may wish to have.

Article 16. The articles of association may be amended in any respect which might have been lawfully made a part of such original articles at any annual meeting of the members of the corporation, upon a vote of two-thirds of the members present at such meeting.

SEC. 10. That Section 16 of Chapter 69 Laws of 1885 be and the same is hereby amended by adding to said section the following words:

And the proof of publication herein required shall be filed with the Territorial Auditor within three months from the time of the filing of the annual statement."

And as amended that it do pass.

ROGER ALLIN,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs to whom was referred

Council Bill No. 122,

A bill for an act to provide a system of Territorial Accounts,

Beg leave to report that they have have had the same under consideration and recommend that said bill be amended by striking out of Section 12 in line two the words "and assistance," and by inserting the word "and" after the word "books" in the second line of said Section 12, and that as thus amended it do pass.

Your Committee have also had under consideration House Bill No. 210,

A Memorial to the Congress of the United States
And recommend that it pass.

F. J. WASHABAUGH,
Chairman.

MR. PRESIDENT:

Your Committee on Education to whom was referred Council Bill No. 204,

A bill for an act for the establishment of a Normal school for the Territory of Dakota at the city of Ashton in said Territory and for the government, management and control of the same,

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

Strike out all after the words "provided however" near the close of Section 14 and insert in lieu thereof the following: "That no part of said land shall be sold for a less sum per acre than the sum provided in the act of Congress admitting said state and of the constitution thereof,"

And that as so amended the bill do pass.

Also,

Council Bill No. 174.

A bill for an act entitled "An act for the establishment of a Normal school for the Territory of Dakota at the city of Wahpeton in said Territory and for the government and management of the same,

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

Strike out all after the words "provided however" near the close of Section 14 and insert in lieu thereof the following: That no part of said land shall be sold for a less sum per acre than the sum provided in the act of Congress admitting said state and of the constitution thereof,

And as so amended the bill do pass.

ROBERT DOLLARD,
Chairman.

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred
Council Bill No. 206,

A bill for an act prohibiting certain animals from running at large,

Have had the same under consideration and recommend that the words "in counties having over seven thousand inhabitants" in line one (1) of Section one (1) be stricken out, and as so amended that the bill do pass.

Also,

Council Bill No. 243,

A bill for an act to amend Section 1 of Chapter 145 of the Laws of 1885, relating to bounty for tree planting,

And recommend said bill do pass.

C. A. SODERBERG,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Washabaugh offered the following resolution and moved its adoption by a rising vote:

It having come to the knowledge of the members of the Council of the Eighteenth Legislative Assembly of Dakota Territory that our highly esteemed colleague, Col. Robert Lowry of Huron, has been grievously stricken with sorrow by the sudden death of his youngest son, we, his associates, hereby offer to him this expression of our sincere sorrow and our tenderest sympathy.

Ordered, That this be entered on our Journal and an engrossed copy, signed by the President and attested by the chief clerk, be transmitted to Col. Lowry.

Which motion prevailed.

Mr. Crawford moved

That a committee of two be appointed to whom all bills relative to artesian wells be referred,

Which motion prevailed.

Mr. President appointed Messrs. Crawford and Ericson as such committee.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Campbell introduced—

Council Bill No. 253,

A bill for an act to change the name of Groten college,

Which was read the first time.

Mr. Glaspell introduced—

Council Bill No. 254,

A bill for an act to amend Sections 4 and 5 of Chapter 124.

Which was read the first time.

Mr. Washabaugh introduced—

Council Bill No. 255,

A bill for an act to amend Section 2 of a Special Law passed by the Fifteenth Legislative Assembly of Dakota Territory, approved March 9, 1883, entitled, "An act to authorize Lawrence county to issue bonds to be used in refunding and paying off its outstanding indebtedness and to provide for the payment of the same,"

Which was read the first time.

Mr. Crawford introduced—

Council Bill No. 256,

A bill for an act providing for the collection and compilation of the Statistics of the Territory of Dakota,

Which was read the first time.

The Council took up the consideration of
Council Bill No. 221,

A bill for an act to provide newspapers for the members of the Eighteenth Legislative Assembly, and to make an appropriation therefor,

And the message of His Excellency, the Governor, in relation thereto.

The question being shall the bill pass, the objections of His Excellency, the Governor, to the contrary notwithstanding,

The roll being called there were ayes, 17; nays, 7.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Glaspell, Halley, Hughes, Lowry, Miller, Patten, Pioidexter, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Cameron, Ericson, Harstad, McDonald, Ryan, Soderberg, Van Osdel.

So the bill passed the objections of His Excellency the Governor to the contrary notwithstanding.

Call of the house demanded.

The roll being called the members all responded to their names except Mr. Allin.

The sergeant-at-arms was directed to bring in Mr. Allin.

Mr. Allin being present further proceedings under the call was dispensed with.

Mr. Atkinson asked to be excused.

There being no objection the request was granted.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 205,

A bill for an act to revise and harmonize the existing system of public education and to abolish the Territorial Board of Education,

Was read the third time.

Mr. Ericson moved

That Council Bill No. 205 be made a Special Order for Wednesday next at 3 p. m.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 15, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 215,

A bill for an act to amend Section 7 of Chapter 43 of the General Laws of 1883, entitled "An act to create the office of district attorney for the several counties of Dakota Territory, and for other purposes,"

Also,

House Bill No. 218,

A bill for an act to repeal Section 401 of Chapter 35 of the Penal Code.

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

JOHN G. HAMILTON,
Chief Clerk.

Mr. Dollard asked unanimous consent to present a communication.

There being no objection, Mr. Dollard presented the following communication:

It was our pleasure to mail you yesterday a copy of the bill introduced by Hon. H. F. Hunter for the action of the present legislature. This bill was prepared by our board

and provides for a uniform system of schools for Dakota. It embodies all the suggestions and recommendations of the educational associations of North and South Dakota. We think the increased salary, lengthened term of office and added power of the county superintendents will commend the bill to your favorable consideration. There are many improvements upon our present law without making radical changes in what will effect the local organization. The changes have been suggested by our experience in the office and have been made at the request of many county superintendents. We invite your most careful reading and consideration of this bill and if you can approve of it we hope your interest in education will prompt you to write to your representatives in the Legislature the members of the two educational committees and any other member with whom you may be acquainted, urging them to support this bill and aid in its passage. Please do this promptly, as the Session is now very far advanced and another bill prepared by a person wholly unacquainted with our educational work is pressing for attention. Now is the time for the educational public to stand together in support of this measure or see our work take a step backward and fall into the hands of those entirely out of sympathy with the highest aim and scope of public education. We hope you will comply with our request and that you will be free to write us, making such suggestions as in your opinion will improve our bill without making sweeping changes. Let us hear from you soon.

I am Very Truly Yours,
GEO. A. McFARLAND,
Secretary.

The Committee to locate the North Dakota Agricultural College presented the following report:

MR. PRESIDENT:

The undersigned members, being a minority of the Committee to whom was referred the matter of locating the North Dakota Agricultural College, beg leave to report as follows:

Your Committee met for the purpose of considering the matter, and appointed a sub-committee of Messrs. Hughes, Allen and Miller to visit Fargo and Valley City and report upon the merits of the respective sites proposed by the people of the two localities for the location of the college,

such sub-committee performed their duties as assigned them and reported to your Committee.

That the citizens of Fargo offered the choice of three locations; one consisting of eighty acres of platted land adjoining the best residence portion of the city; another consisting of ten acres within the platted portion of the city, which said sub-committee did not consider desirable; third, a tract of twenty-five acres situated within one-half mile of the business portion of the city, on, or immediately adjacent to the main business street, or thoroughfare of the city and also adjoining section 36, a school section, on two sides of which the land is platted into lots and is a portion of the city of Fargo, which twenty-five acre tract was also platted into lots and a very valuable and desirable tract upon which to locate the college buildings. Either of these tracts the city of Fargo offered to donate for college purposes and executed an agreement in writing signed by some twenty of the leading and most responsible citizens, guaranteeing to perfect the title to the last mentioned tract within nine months after the passage of the bill locating the college thereon.

The said Committee further reported:

That they considered the last tract especially valued for college purposes on account of its near proximity to the thickly settled portion of the city, and especially on account of the superior quality of the soil not only of this tract but of the school section adjoining which they reported as undoubtedly one of the finest, most valuable and best adapted sections of land in the territory for the purposes of an experimental station and agricultural college.

The sub-committee further suggested that the location was especially desirable from the fact that the system of city water mains from which the city obtains its supply of water passes the twenty-five acre tract in question and further, that a permanent nine inch sewer extending to the Red River commenced within a few rods of said tract and could be used for the purpose of furnishing ample sewerage to the college buildings without expense to the buildings; and further, that the system of electric lighting by which the city was lighted was soon to be extended immediately past the tract in question. The sub-committee further reported that they had visited Valley City and examined two tracts of land offered by the citizens of that city upon which to locate the college. One consisting of eighty acres, located south of the city, upon a high bluff,

which the said committee did not deem desirable on account of its inaccessibility.

The other, located about one half mile from the resident portion of the city adjoining a school section, but they found the quality of the soil of such tract and of the school section light with considerable sand and gravel, the land being high rolling prairie, and extending down the bluff and across the Cheyenne river, and not specially adapted to the purpose required. The sub-committee suggest as a solution of the controversy between Fargo and Valley City that the location of two Normal Schools and an Agricultural College be recommended, one at Fargo, one at Valley City and one of the Normal Schools at Wahpeton, and suggested farther that the Representatives of Cass and Barnes should settle the location of the College between themselves. Thii suggestion proved unavailing, the Representatives from Barnes declining to accept the location of a Normal School at Valley City in any event.

The report of the sub-committee was unanimous in regard to the superiority of the sight offered by Fargo.

In view of the report of the sub-committee and in support thereof, we feel constrained to make this report, believing, as we do, that such location upon a tract of land with the quality of soil and as valuable as the one proposed, and adjoining a section as valuable, as especially adapted, for the purposes of an agricultural college and experimental station as the one in question is shown to be by the report of the sub-committee, and which will undoubtedly be donated by the United States for that purpose, upon the request of this Legislature, will be for the best interests of North Dakota and of the institution you are proposing to locate.

A farther cogent reason we would urge upon your attention as a further reason for the location of this institution at Fargo is the fact that by far the largest portion of the agricultural interests of North Dakota and at least five-sixths thereof are centered in the Red River Valley, with conditions of soil, climate and moisture identical with the proposed location, which is central and easily accessible from all parts of North Dakota.

To summerize, we consider the location at Fargo and upon the tract mentioned very much superior to that of Valley City on account of the immensely greater value of the land, the great superiority of the soil, its immediate proximity to the resident portion of the city, and to a com-

pleted system of water supply, sewerage, gas and electric lights. The fact that it possesses an abundant supply of water for stock purposes and the further fact that Cass county, with an assessed valuation of about twelve millions of dollars, is paying into the treasury between one-fifth and one-sixth of the entire revenue received from North Dakota, and about four times the amount paid by Barnes county, the city of Fargo alone paying as much Territorial tax as the county of Barnes, which entitles the county of Cass to very great consideration.

She has never asked nor made any effort to secure any other institution. In view of all these facts, and the further reason that the location of the Agricultural College at Fargo, has been tacitly conceded to Cass county by the whole Territory as soon as the Territory was in condition to make a suitable appropriation therefor, and an additional experimental station can be located in a suitable place to benefit the portion of the Territory west of the Red River Valley as soon as its agricultural interests shall develop sufficiently to require it,

We would recommend the passage of Council Bill No. 172, locating the Agricultural College at Fargo, providing the citizens of that city, within the nine months proposed, secure to the Territory the title to the twenty-five (25) acres of land included in their proposition.

ALEXANDER HUGHES,
G. A. HARSTAD,
SMITH STIMMEL,
JOHN MILLER.

MR. PRESIDENT:

A majority of your Select Committee to whom was referred

Council Bills Nos. 69 and 172,

Beg leave to report as follows:

That Council Bill No. 69 be amended by striking out the word "forty" in line 6 of Section 1 and inserting in lieu thereof the word "eighty," and by striking out the words "adjacent to" in same line and insert insert in lieu thereof the words "within one mile of."

Amend line 3, Section 2, of said printed bill by inserting after the word "Governor" the words "by and with the consent of the Council." Insert at the end of Section 2 "provided that not more than one member of said board shall be a resident of Barnes county."

Also, after Section 6 add Sections 7 and 8, which shall read as follows:

SEC. 7. There is hereby established an agricultural experiment station in connection with said agricultural college, and under the direction of the board of trustees of said college, for the purpose of conducting experiments in agriculture, according to the terms of Section 1 of an act of Congress, approved March 2, 1887, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several states under the provisions of an act approved July second, eighteen hundred and sixty-two, and of the acts supplementary thereto."

SEC. 8. The assent of the Legislature of Dakota is hereby given in pursuance of the requirements of Section 9 of said act of Congress, approved March 2, eighteen hundred and eighty-seven, to the grant of money therein made and to the establishment of an experiment station, in accordance with Section one of said last mentioned act, and assent is hereby given to carry out all and singular the provisions of said act.

And renumber Section 7, Section 9, and as thus amended the bill do pass.

And that the further consideration of Council Bill No. 172 be indefinitely postponed.

S. L. GLASPELL,
HUGH McDOMALD,
ROGER ALLIN,
PETER CAMERON,
GEO. H. WALSH.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 250,

A bill for an act changing the name of Oneida township in Sanborn county to Alwilda,

Was read the second time and

Referred to the Committee on Counties.

Council Bill No. 252,

A bill for an act entitled "An act to amend Section 112 of the Civil Code, relating to the adoption of children,"

Was read the second time and

Referred to the Committee on Judiciary.

Mr. Dollard asked unanimous consent to make a report. Which was granted.

MR. PRESIDENT:

Your Committee on Education to whom was referred
Council Bill No. 242,

A bill for an act to amend Articles 2, 4 and 15 of the
Justices Code relating to change of venue, pleadings,
amendments and appeals,

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

ROBERT DOLLARD,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House
of Representatives:

HOUSE OF REPRESENTATIVES, }
February 15, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 196,

A bill for an act to amend Section 70 of Chapter 28 of the
Political Code, and Chapter 145 of the General Laws of
1887, relating to the redemption of lands sold for taxes,

Which the House has passed and your favorable consid-
eration thereof is respectfully requested.

Also,

Council Bill No. 238,

A Joint Resolution providing for payment of the mileage
of certain witnesses called before the Committee to inves-
tigate the Insane Asylum at Jamestown.

Which the House has passed.

JOHN G. HAMILTON,
Chief Clerk.

The Committee to examine the Journal of yesterday
made the following report:

MR. PRESIDENT:

Your Special Committee, to whom was referred the
Council Journal of February 14th for examination, having
had the same under consideration, and having examined
the same, report that they find the same correct.

COE I. CRAWFORD,
JAS. HALLEY.

THIRD READING COUNCIL BILLS.

Council Bill No. 211,

A bill for an act entitled "An act to prevent the import-

ation of armed men, or association of men, into this territory for the purpose of police duty,"

Was read the third time, and

The question being upon the report of the Committee on Judiciary,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes 12, nays 7, viz:

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Glaspell, Lowry, Poindexter, Ryan, Soderberg, Walsh, Washabaugh, Woolheiser,

Those who voted in the negative were:

Messrs. Crawford, Ericson, Harstad, Miller, Patten, Van Osdel, Mr. President,

Absent and not voting:

Messrs. Cameron, Dollard, Halley, Hughes and McDonald.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 32,

A bill for an act entitled, "An act to amend Chapter 69 of the Session Laws of 1885, relating to insurance,"

Was read the third time, and

The question being upon the report of the Committee on Insurance,

Roll call was demanded.

The roll being called there were ayes, 12; nays, 7.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Glaspell, Lowry, Poindexter, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser.

Those who voted in the negative were:

Messrs. Crawford, Ericson, Harstad, Miller, Patten, Van Osdel, Mr. President.

Absent and not voting:

Messrs. Cameron, Dollard, Halley, Hughes, McDonald.

Call of the House demanded.

The roll being called the members all responded to their names except

Messrs. Hughes, McDonald and Miller.

The Sergeant-at-Arms was instructed to bring in the absent members.

The members all being present further proceedings under the call was dispensed with.

So the report of the Committee on Insurance was adopted.

Mr. Ericson offered the following amendment and moved its adoption:

To amend Council Bill No. 32 by striking out Section 2 thereof and renumbering the subsequent sections.

Roll call demanded.

The roll being called, there were ayes, 15; nays, 9.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper Crawford, Ericson, Glaspell, Halley, Hughes, Lowry, McDonald, Miller, Patten, Ryan, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Cameron, Dollard, Harstad, Poindexter, Soderberg, Van Osdel, Walsh, Woolhiser.

So the motion prevailed.

Mr. Ryan moved

That the further consideration of Council Bill No. 32 be indefinitely postponed.

- Roll call demanded.

The roll being called there were ayes 10; nays 14.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Glaspell, Halley, Harstad, Lowry, Ryan, Washabaugh, Woolhiser.

Those who voted in the negative were

Messrs. Campbell, Cooper, Crawford, Dollard, Ericson, Hughes, McDonald, Miller, Patten, Poindexter, Soderberg, Van Osdel, Walsh, Mr. President.

So the motion was lost.

Mr. Hughes offered the following amendment and moved its adoption:

Amend Section 1 by adding the word "willful" after the word "any" in the third line,

Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 14; nays, 9.

Those who voted in the affirmative were:

Messrs. Campbell, Cooper, Crawford, Dollard, Ericson, Hughes, McDonald, Miller, Patten, Poindexter, Soderberg, Van Osdel, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Cameron, Glaspell, Halley, Harstad,
Lowry, Ryan, Washabaugh, Woolhiser.

Mr. Atkinson being excused.

So the bill passed and

The question being as to its title and being put,
Its title was agreed to.

SPECIAL ORDERS.

The hour for Special Orders for the day having arrived
the Council took up the consideration of

Council Bill No. 129,

A bill for an act to provide for the appointment of trustees for the several public institutions of the Territory of Dakota and to define their terms of office, duties and compensation,

Mr. Washabaugh moved

That further consideration of Council Bill No. 129 be postponed until to-morrow at 3 p. m.

Which motion prevailed.

Council Bill No. 41,

A bill for an act to amend Section 2 of Chapter 116 of the Laws of the Seventeenth Legislative Assembly entitled "An act in relation to the office of notaries public,"

Was read the third time and

Mr. Cameron moved

That the further consideration of Council Bill No. 41 be indefinitely postponed.

Which motion prevailed.

Mr. President announced his signature to House Bill No. 265.

Council Bill No. 72,

A bill for an act entitled "An act to revise and amend Article 2 of Chapter 3 of Title 2 of Part 3 of Division 2 of the Civil Code, entitled 'Insurance Corporations,'"

Was read the third time, and

Mr. Dollard moved

That the further consideration of Council Bill No. 72 be indefinitely postponed.

Mr. Crawford moved

To lay the motion to indefinitely postpone on the table.

Which motion was lost.

Roll call demanded on the motion to indefinitely postpone.

The roll being called there were ayes 10; nays 10.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Dollard, Halley, Harstad, Hughes, Lowry, Poindexter, Ryan, Soderberg.

Those who voted in the negative were:

Messrs. Cooper, Crawford, Ericson, Glaspell, Miller, Patten, Van Osdel, Walsh, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Atkinson, Cameron, McDonald, Woolhiser.

So the motion was lost.

Mr. Van Osdel moved

To strike out Sections 2, 3 and 4 of the bill.

Roll call demanded.

The roll being called, there were ayes 11; nays 10.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Glaspell, Halley, Harstad, Lowry, Soderberg, Van Osdel, Walsh.

Those who voted in the negative were:

Messrs. Crawford, Dollard, Ericson, Hughes, Miller, Patten, Poindexter, Ryan, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Cameron, McDonald and Woolheiser.

So the motion prevailed.

Mr. Crawford offered the following amendment and moved its adoption:

That Council Bill No. 72 be amended by inserting in the 9th line of Section 1, after the word "circulation" in the printed bill, the words, "of not less than five hundred subscribers,"

Which motion prevailed.

Mr. Glaspell offered the following amendment and moved its adoption:

Insert as Section 2: The assured may show, by competent evidence, that any misrepresentations contained in any policy or application of insurance were not made by his fraud or deceit, any stipulation in the application or policy to the contrary notwithstanding,

Which motion prevailed.

Mr. Van Osdel moved to re-number the sections.

Which motion prevailed.

Mr. Cooper offered the following amendment and moved its adoption:

Amend Section 1 by inserting after the word "circula-

tion" in line 20 the following words: "Of not less than 500 subscribers,"

Which motion prevailed.

Mr. Van Osdel offered the following amendment and moved its adoption:

Strike out of Section 4 as renumbered, all after the word "shall" in the first line to the word "four" in the second line of said section,

Which motion prevailed.

EXECUTIVE COMMUNICATION.

A sealed communication having been received from His Excellency the Governor the Chamber was cleared, the doors closed and the Council spent some time in executive session.

After the doors were opened

Mr. Miller moved

To recommit Council Bill No. 72,

Which motion was lost.

Mr. Allin moved

That the further consideration of Council Bill No. 72 be postponed until March 8th.

Roll call demanded.

The roll being called there were ayes, 12; nays, 11.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Halley, Harstad, Hughes, Lowry, Patten, Ryan, Soderberg, Woolhiser.

Those who voted in the negative were:

Messrs. Cooper, Crawford, Dollard, Ericson, Glaspell, McDonald, Miller, Poindexter, Walsh, Washabaugh, Mr. President.

Mr. Van Osdel being absent.

So the motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives.

HOUSE OF REPRESENTATIVES, }
February 15, 1889. }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 149,

A bill for an act to amend Section 2, of Chapter 71, of the Laws of 1887, relating to the sale of intoxicating liquors.

Also,

Council Bill No. 150,

A bill for an act to amend Section 1, of Chapter 72, of the Laws of 1887, relating to the sale of intoxicating liquor.

Which the House has passed.

JOHN G. HAMILTON,
Chief Clerk.

SPECIAL ORDERS.

The hour for Special Orders of the day having arrived the Council took up the consideration of

Council Bill No. 199,

A bill for an act to amend Section, 409 of Chapter 3, of the Civil Code.

Mr. Crawford offered the following amendment and moved its adoption:

Amend Council Bill No. 199 as follows:

Amend Section 1 by striking out the words "to the debts for the risks of insurance companies" in the first and second lines of the printed bill and insert in lieu thereof the words "to the policy risks of insurance companies on which no loss has occurred."

The question being shall the bill pass,

The roll being called there were ayes, 16; nays, 4.

Those who voted in the affirmative were:

Messrs. Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Harstad, Miller, Woolhiser.

Absent and not voting:

Messrs. Halley, Lowry, Hughes, McDonald.

So the bill passed

And the question being upon its title and being put,

Its title was agreed to.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 203,

A bill for an act to amend Chapter 102 of the Session Laws of 1883, relating to the salary of Probate Judge,

Also,

Council Bill No. 125.

A bill for an act to authorize the Attorney General to appoint an assistant Attorney General.

Also,

Council Bill No. 151.

A bill for an act prescribing certain duties of telegraph and telephone companies, prohibiting discrimination between patrons and providing penalties therefor,

Also,

Council Bill No. 226.

A bill for an act to provide for an appeal and for change in the place of trial in cases before police justices and municipal magistrates,

Also,

Council Bill No. 66.

A bill for an act authorizing the refunding of outstanding county bonds,

And find the same correctly engrossed.

J. H. PATTEN,

Chairman.

Mr. President announced his signature to House Bill No. 269.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
February 15, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 221,

A bill for an act to create and establish the county of Meade, and for other purposes.

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

JOHN G. HAMILTON,

Chief Clerk.

Mr. Washabaugh moved

That the third reading of House Bills be taken up.

Which motion prevailed and

House Bill No. 39,

A bill for an act to establish and maintain a Soldiers' Home in the Territory of Dakota and providing for the issue of the bonds of the Territory therefor.

Was read the third time.

Mr. Crawford moved

That he be permitted to withdraw the bill introduced by him for the location of a Soldiers' Home at Pierre and the offer of the citizens of Pierre donating certain property for that purpose.

Mr. Ryan moved

That House Bill No. 39 be Referred to the Committee on Appropriations.

Mr. Hughes moved

To lay Mr. Ryan's motion on the table.

Roll call demanded.

The roll being called there were ayes, 14; nays, 10.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Dollard, Glaspell, Halley, Hughes, Lowry, Miller, Poindexter, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Cameron, Cooper, Crawford, Ericson, Harstad, McDonald, Patten, Ryan, Soderberg, Van Osdel.

So the motion prevailed.

During roll call Mr. Ryan asked to be excused from voting.

Mr. Ericson objecting.

Mr. Washabaugh moved

That the gentleman be excused.

Which motion was lost,

Mr. president announced his signature to House Bill No. 273.

Mr. Walsh in the chair.

Mr. Van Osdel offered the following amendment and moved its adoption:

I move that where the amount 45,000 occurs in the bill, it be stricken out.

Mr. Hughes moved

That the amendment be laid upon the table.

Roll call demanded.

The roll being called there were ayes, 15; nays, 9.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Dollard, Glaspell, Halley, Hughes, Lowry, McDonald, Miller, Poindexter, Walsh, Washabaugh.

Those who voted in the negative were:

Messrs. Crawford, Ericson, Harstad, Patten, Ryan, Soderberg, Van Osdel, Woolhiser, Mr. President.

So the motion to lay on the table prevailed.

A call of the House demanded.

The members all being present.

Mr. Washabaugh moved

That further proceedings under the call of the House be dispensed with.

Which motion prevailed.

Mr. Washabaugh moved

The previous question.

Roll call demanded.

The roll being called there were ayes, 12; nays, 12.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Dollard, Glaspell, Halley, Hughes, Lowry, McDonald, Poindexter, Walsh, Washabaugh.

Those who voted in the negative were:

Messrs. Cameron, Cooper, Crawford, Ericson, Harstad, Miller, Patten, Ryan, Soderberg, Van Osdel, Woolhiser, Mr. President.

So the motion was lost.

Mr. Van Osdel moved

To strike out \$45,000 where it occurs in the bill and insert \$10,000.

Mr. Hughes moved

To lay the motion of the gentleman from Yankton upon the table.

Roll call demanded.

The roll being called there were ayes, 12; nays, 12.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Dollard, Glaspell, Halley, Hughes, Lowry, McDonald, Poindexter, Walsh, Washabaugh.

Those who voted in the negative were:

Messrs. Cameron, Cooper, Crawford, Ericson, Harstad, Miller, Patten, Ryan, Soderberg, Van Osdel, Woolhiser, Mr. President.

So the motion was lost.

Mr. Stimmel moved

As a substitute for the motion of the gentleman from Yankton that House Bill No. 39 be referred to a committee to consist of the members from South Dakota.

Mr. Lowry moved

To lay the motion upon the table.

Roll call demanded.

The roll being called there were ayes, 14; nays, 10.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Crawford, Dollard, Glaspell, Halley, Hughes, Lowry, McDonald, Miller, Poindexter, Walsh, Washabaugh.

Those who voted in the negative were:

Messrs. Cameron, Cooper, Ericson, Harstad, Patten, Ryan, Soderberg, Van Osdel, Woolhiser, Mr. President.

So the substitute was laid upon the table.

The question recurring upon the motion of the gentleman from Yankton,

The motion was lost.

Mr. Ericson moved

That the Council do now adjourn.

Roll call demanded.

The roll being called there were ayes, 10; nays, 14.

Those who voted in the affirmative were:

Messrs. Cameron, Cooper, Crawford, Ericson, Harstad, Miller, Patten, Ryan, Soderberg, Van Osdel.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Campbell, Dollard, Glaspell, Halley, Hughes, Lowry, McDonald, Poindexter, Walsh, Washabaugh, Woolhiser, Mr. President.

So the motion was lost.

Mr. Hughes moved

The previous question.

The question being shall the main question be now put,

Roll call was demanded.

The roll being called there were ayes, 13; nays, 11.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Dollard, Glaspell, Halley, Hughes, Lowry, McDonald, Poindexter, Walsh, Washabaugh.

Those who voted in the negative were:

Messrs. Cooper, Crawford, Ericson, Harstad, Miller, Patten, Ryan, Soderberg, Van Osdel, Woolhiser, Mr. President.

So the motion prevailed and

The question being shall the bill pass,

The roll being called there were ayes, 15; nays, 9.

Those who voted in the affirmative were;

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Dollard, Glaspell, Halley, Hughes, Lowry, McDonald, Poin-dexter, Walsh, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Crawford, Ericson, Harstad, Miller, Patten, Ryan, Soderberg, Van Osdel, Woolhiser.

So the bill passed and

The question being as to its title and being put,
Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
February 15, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

A resolution which the House has unanimously passed by a rising vote.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Crawford moved

That the rules be suspended and the Joint Resolution just received from the House of Representatives be read the first, second and third times.

Which motion prevailed, and

Joint Resolution tendering a vote of thanks to the Representatives and friends of Dakota in Washington for their noble work in our behalf,

Was read the first, second and third times, and

The question being shall the Joint Resolution pass.

Mr. Hughes moved

That the vote be taken by a rising vote.

Which motion prevailed, and

The bill passed by a unanimous rising vote.

Mr. Crawford moved

That the Council do now adjourn,

Which motion prevailed, and

The President pro tem announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

FORTIETH DAY.

BISMARCK, February 16, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names.

Mr. President appointed Messrs. Ericson and Cameron as the Committee to examine the Journal of yesterday.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Patten presented the following petition:

To the Legislative Assembly of the Territory of Dakota:

The undersigned residents and citizens of the Territory of Dakota would respectfully petition your honorable body to enact as a law Council Bill No. 133 entitled "An act to prohibit the manufacture, sale or giving away of intoxicating liquors, except for medical, scientific and mechanical purposes, etc." as introduced in the Council by Mr. Patten.

For which we will ever pray.

MARTIN A. SATTER,

And 64 others of Vilas, Miner county.

Which was referred to the Committee on Temperance.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Revenue to whom was referred House Bill No. 3,

A bill for an act amending Chapter 13 of the Laws of the Seventeenth Legislative Assembly,

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

Also,

House Bill No. 70,

A bill for an act to permit county commissioners to compromise county taxes,

Having had the same under consideration recommend to amend Section 1 by inserting after the word "lots," in line two of printed bill the words "or other real estate."

Also, to strike out all of Section 1 after the word "abating" in sixth line and substituting in lieu thereof the words: "a portion of the delinquent taxes and penalty on said property."

And as so amended recommend that it do pass.

MR. PRESIDENT:

Your Committee on Revenue to whom was referred

Council Bill No. 214,

For an act to amend Chapter 142 of the laws passed at the Seventeenth Session of the Legislative Assembly of the Territory of Dakota, entitled, "an act to provide for the collection of city taxes in incorporate cities of the Territory of Dakota,

Also,

House Bill, No. 95,

For an act providing for the taxation of telegraph lines.

Also,

Council Bill No. 202,

A bill for an act to amend Section 1, Chapter 63, Session Laws of 1881, empowering the county commissioners to offer a bounty of five dollars for every wolf killed within the limits of their county,

Recommend that the same do pass.

M. H. COOPER,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

Council Bill No. 190,

A bill for an act to provide for the refunding of the outstanding Territorial warrants drawn on the capitol building fund,

Have had the same under consideration and recommend that said bill do pass,

Also,
 Council Bill No. 228,
 A bill for an act to compensate the owner of certain
 horses killed by order of Territorial veterinary surgeon,
 And recommend that the same be indefinitely postponed.
 HUGH McDONALD,
 Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Van Osdel introduced—
 Council Bill No. 257,
 A bill for an act for the relief of G. W. Vanderhill and
 H. J. Southwick,
 Which was read the first time.

Mr. Crawford introduced—
 Council Bill No. 258,
 A bill for an act locating an asylum for the blind at
 Pierre, Dakota,
 Which was read the first time.

Mr. Ryan introduced—
 Council Bill No. 259,
 A bill for an act to amend Chapter 100 of the Laws of
 1887, known as the Military Code of Dakota,
 Which was read the first time.

Mr. Ryan introduced—
 Council Bill No. 260,
 A bill for an act to aid in procuring pensions for dis-
 abled soldiers residing in Dakota Territory,
 Which was read the first time.

Mr. Dollard introduced—
 Council Bill No. 261,
 A bill for an act entitled an act to protect young and
 growing trees,
 Which was read the first time.

EXECUTIVE COMMUNICATION.

The following communication was received from His
 Excellency the Governor.

EXECUTIVE OFFICE, }
 February 15, 1889. }

To the President of the Council:

I have the honor to inform your honorable body that I
 have approved

Council Bill No. 162,

Entitled "An act to amend Section 1 of Chapter 34 of the Laws of 1887, and to authorize building and loan corporations to extend their business beyond the boundaries of the Territory of Dakota, to define their powers and privileges and for other purposes,"

And said bill has been filed in the office of the Secretary.

Respectfully,

LOUIS K. CHURCH,
Governor.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 180,

A bill for an act regulating the annual license fee relating to the sale of intoxicating liquors,

Was read the third time and

Mr. Crawford offered the following amendment and moved its adoption:

Amend Council Bill No. 180 by striking out Sections 3 and 4 from said bill.

Which motion prevailed.

Mr. Van Osdel offered the following amendment and moved its adoption:

Amend Section 2 by adding at the end of said section the following: Provided, That one-third of all county license fees collected by county treasurer for the sale of intoxicating liquors sold by persons within incorporated villages, towns or cities shall be paid into the city, town or village treasury.

Mr. Washabaugh moved

To amend by striking out "one third" and inserting "one half."

Which motion was lost.

The question being upon the motion of the gentleman from Yankton,

The motion was lost.

Mr. Glaspell offered the following amendment and moved its adoption:

Amend by striking out all of Section 1, also that the Sections be renumbered.

Roll call demanded,

The roll being called there ayes, 9; nays, 15.

Those who voted in the affirmative were:

Messrs. Cameron, Dollard, Glaspell, Halley, Hughes, McDonald, Ryan, Walsh, Washabaugh.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Ericson, Harstad, Lowry, Miller, Patten, Poindexter, Soderberg, Van Osdel, Woolhiser, Mr. President.

So the motion was lost.

Mr. Washabaugh offered the following amendment and moved its adoption:

Amend Council Bill No. 180 by inserting in first line of Section 5, after the word "act," the following: "both special and general,"

Which motion prevailed.

Mr. Ericson moved

That Sections 5 and 6 be renumbered,

Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 18; nays, 6.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Campbell, Cooper, Crawford, Ericson, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Dollard, Glaspell, Halley, Harstad, Woolhiser.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 74,

A bill for an act to amend Section 215, of the Code of Civil Procedure relating to motions to discharge an attachment,

Was read the third time and

The question being upon the report of the Committee on Judiciary,

The report was not adopted and

The question being shall the bill pass,

The roll being called, there were ayes, 9; nays, 15.

Those who voted in the affirmative were:

Messrs. Allin, Cooper, Crawford, Glaspell, Halley, Harstad Patten, Ryan, Woolhiser.

Those who voted in the negative were:

Messrs. Atkinson, Cameron, Campbell, Dollard, Ericson, Hughes, Lowry, McDonald, Miller, Poindexter, Soderberg, Van Osdel, Walsh, Washabaugh, Mr. President.

So the bill was lost

SPECIAL ORDERS.

The hour for Special Orders for the day having arrived, the Council took up the consideration of

Council Bill No. 120,

A bill for an act entitled "An act to provide security to the public against errors, omission and defects in abstracts of titles to real estate."

The question being upon the motion of the gentleman from Spink to strike out "\$5,000" in 6th line of 1st Section and insert "\$10,000,"

The motion was lost.

Mr. Ericson moved

To strike out "\$5,000" and to insert "\$3,000" in lieu thereof.

Roll call demanded.

The roll being called there were ayes, 7; nays, 15.

Those who voted in the affirmative were:

Messrs. Allin, Crawford, Ericson, Glaspell, Patten, Soderberg, Woolhiser.

Those who voted in the negtive were:

Messrs. Atkinson, Cameron, Campbell, Cooper, Halley, Harstad, Hughes, McDonald, Miller, Poindexter, Ryan, Van Osdel, Walsh, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Dollard and Lowry.

So the motion was lost.

Mr. Walsh offered the following amendment and moved its adoption:

Add the following to Section 6:

"But fees received by register of deeds for abstracts of title shall be paid over by such register of deeds to the county treasurer, for the county general fund, where the fees of such register of deeds office amount to the sum of two thousand dollars or more in any one year,"

Which motion was lost.

Mr. Ericson offered the following amendment and moved its adoption:

To amend Section 3 by striking out the words, "Upon

complaint of five owners of real estate in said county," in lines 4 and 5.

Which motion prevailed.

Mr. Hughes moved to amend by striking out Section 6.

Which motion was lost.

Mr. Cooper offered the following amendment and moved its adoption:

Strike out the word "not" and the words "prevent the" in line 1 Section 6 and all following the word "Territory" in line 3. Insert "apply to" in line 1 in lieu of the words "prevent the."

Mr. Poindexter offered the following amendment and moved its adoption:

Add to the amendment of Mr. Cooper "provided they shall not be allowed clerk hire for such work when the fees of the treasurer or register amount to over \$2,000."

Which motion was lost.

Mr. Atkinson moved to lay Mr. Cooper's amendment on the table.

Which motion prevailed.

Mr. Hughes offered the following amendment and moved its adoption:

"Persons furnishing abstracts under the provisions of this act are not authorized to charge a greater amount for such abstracts than is now or may hereafter be authorized by law to be charged by register of deeds for like services."

Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 21; nays, 2.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser.

Those who voted in the negative were:

Messrs. Ericson and Mr. President.

Mr. Glaspell being absent.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

EXECUTIVE COMMUNICATION.

The following communication was received from His Excellency, the Governor:

EXECUTIVE OFFICE, {
February 16, 1889. }

To the Council

I herewith respectfully return
Council Bill No. 197,

A bill for an act to authorize the Territorial Auditor to audit certain vouchers of the Dakota School of Mines, University of Dakota and Dakota Agricultural College,
Without my approval.

The object of this bill, as indicated by Section 1, is to enable the trustees of the Dakota School of Mines, the Agricultural College and the University of Dakota to draw all the remaining balances of the various funds (unexpended) appropriated by former Legislatures. The language of the acts making these various appropriations generally includes the provision "or so much thereof as may be necessary," and "for the ensuing two years."

The object of this bill, so far as the same relates to the Dakota School of Mines, is to enable the board of trustees to obtain the unexpended balances in the various funds for the purpose of transferring and using them for a different purpose than that for which the appropriation was originally made.

The amount and the natures of the balances that will be placed at the disposal of the trustees of the School of Mines to be used for any purpose which they deem proper, are as follows:

Constructing Metallurgical Laboratory and furnishing same	\$	1	33
Engineering Instruments		104	47
Completion of Chemical Laboratory		71	11
Teachers and Janitors			39
Reports on Mineral Resources and Printing		453	90
Teachers and assistants, balance March 12, 1887		2,426	42
Fuel, lights, apparatus, etc.		572	30
Total		\$3,629	92

And in this connection I desire to call your attention to a letter to the president of the board of trustees of the Dakota School of Mines, written in June, 1887, as follows:

EXECUTIVE OFFICE, }
June 2, 1887. }

A. J. Simmons, Esq.,
Pres. Board of Trustees,
Rapid City, Dakota.

DEAR SIR: Your letter of May 12th at hand and contents noted. I regret exceedingly that I am compelled to differ with you as to the propriety of changing the unexpended balance of \$1,463.01 from the Teachers' Fund to the Contingent Fund. There is no authority of law for anything of this kind. And to use appropriations made by the Legislature in this way would be setting a bad precedent that would lead to gross abuse in the different institutions. It is natural to suppose that the Legislature appropriates certain sums for certain purposes, and where they fail to make an appropriation the natural presumption is that they deemed an appropriation unnecessary. To establish a precedent of this character would be, to an extent, ignoring the appropriations made and diverting them from the object for which the Legislature makes them. I can see no way out of the difficulty, and for any oversight in preparing the appropriations. I cannot see how the matter is to be remedied before the meeting of the next Legislature.

Respectfully,
L. K. CHURCH.

The bill, as far as the Agricultural College is concerned, will place at the disposal of the board for any purpose that they may deem proper the following unexpended balances:

Heating and furnishing (bond fund).....	\$	6	20
Shop furnishing and tools (bond fund).....		65	15
Chemical laboratory and apparatus (bond fund)		102	64
Water and sewerage (bond fund).....		88	36
Forestry (bond fund)		171	49
Library (bond fund)		2	89
Janitors, engineers and firemen.....		2	64
Fuel and lights.....		211	59
Mathematical instruments and apparatus.....		25	92
Wells, cisterns and pump.....		173	11

BALANCE MARCH 3, 1888.

President's, professors' and teachers' fund.....	1,667	63
Construction		13
Steam heating appliances.....	6	20
Farm additions and improvements.....		15
Bond premiums (bond fund)	2	15

Secretary	41 67
Janitor	8 34
Fuel and lights	42
Teachers and professors (1884).....	250 00
Total	\$ 2,836 68

The amount and nature of the unexpended balances that will be placed at the disposal of the board of trustees for the Dakota University are as follows:

Construction of east wing (bond fund).....\$	06
Apparatus.....	54 06
Library.....	12 66
Incidentals.....	5 88
Secretary.....	5 81
President.....	75 00
Furnishing east wing.....	02
Completion and deficiency (bond fund).....	27
Lights and fuel, balance March 12, 1887.....	238 72
Janitor and engineer, balance March 12, 1887.....	518 62
Secretary, balance March 12, 1887.....	83 33
President, balance March 12, 1887.....	50 00
Professors and teachers, balance March 12, 1887.....	5,750 20
Contingent expenses, balance March 12, 1887.....	120 08
Dormitory and waterworks, balance March 12, 1887.....	525 12
Lights, fuel and janitors, balance March 12, 1887.....	4 24
Total.....	\$7,444 07

It is claimed that this sum is to be used in the payment of certain deficiencies that exist in the Fuel and Lights Fund, and for damages to the buildings occasioned by a storm, and for other purposes. Should an examination show that the appropriation of 1887 was insufficient for fuel and lights, no good objection could be offered for not providing for the same if the fund appropriated for that purpose was used with discretion as long as it lasted, and as far as making an appropriation to cover damages by storm, that, certainly would be proper; but the practice of the territorial institutions, at each session of the Legislature, applying for appropriations for deficiencies should be discountenanced and the various boards should be impressed with the necessity of confining their expenditures within the amounts appropriated.

The following circular was issued from the Executive office and sent to each member of the board of trustee of, not only above named institutions, but all of the Territorial institutions:

TERRITORY OF DAKOTA,
 EXECUTIVE OFFICE,
 Bismarck, June 27, 1887. }

GENTLEMEN:

I would call your attention to the necessity of keeping the expenditure for each of the Territorial institutions within the limit of the appropriation made by the Legislature and see that the expenditures for 1887 does not encroach on that part that should be reserved for 1888, and if possible have a surplus when your next report is made.

The appropriations are liberal, and should you exceed your appropriation you are running the risk of incurring a personal liability. Should the present incumbent remain as the Executive, he will at the next session of the Legislature look with disfavor on all legislation making any appropriation for deficiencies. The fact that there has been legislation in the past making appropriations for deficiencies will be no precedent for the future.

Further, no fund or part of any fund must be used for any other purpose than that which the Legislature designated in making the appropriation.

Respectfully,

LOUIS K. CHURCH,
 Governor.

The effect of this bill is to increase the amount appropriated for these institutions by \$13,910.67.

The appropriations made by the Legislature March 11, 1887. for these institutions for maintenance are as follows:

Dakota school for Mines.....	\$20,000
Agricultural College.....	37,900
Dakota University.....	43,200

These appropriations, in my opinion, were amply sufficient for all ordinary purposes.

In any case where a deficiency arises by reason of the payment of salaries, no good reason can be advanced why the same should be now remedied by another appropriation, as the amount available for that purpose for any institution was indicated by law and known by every board of trustees. The trustees should have fixed the salaries of their various professors and employes so that no deficiency could arise.

Respectfully,

LOUIS K. CHURCH,
 Governor.

The question being shall Council Bill No. 197 pass, the objections of His Excellency the Governor to the contrary notwithstanding.

Mr. Ericson moved

That the further consideration of Council Bill No. 197 be postponed until Monday next at 4 o'clock p. m.

Which motion prevailed.

Mr. Allin in the chair.

Council Bill No. 129,

A bill for an act to provide for the appointment of trustees for the several public institutions of the Territory of Dakota and to define their terms of office, duties and compensation.

Was read the third time, and

Mr. Crawford offered the following amendment and moved its adoption:

Amend Section 1 of Council Bill No. 129 by striking therefrom the words "at this session of the Legislative Assembly" where they occur in the 15th line of the printed bill.

Mr. Glaspell moved

To recommit Council Bill No. 129 to a Special Committee.

Roll call demanded.

The roll being called there were ayes, 10; nays, 12.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Cooper, Glaspell, McDonald, Patten, Poindexter, Van Osdel, Walsh, Washabaugh.

Those who voted in the negative were:

Messrs. Cameron, Crawford, Dollard, Ericson, Harstad, Hughes, Lowry, Miller, Ryan, Soderberg, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Atkinson and Halley.

So the motion was lost.

The question being upon the motion of the gentleman from Hughes,

The motion was lost.

Mr. Van Osdel moved

That the further consideration of Council Bill No. 129 be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes, 10; nays, 13.

Those who voted in the affirmative were:

Messrs. Allin, Cooper, Crawford, Glaspell, Halley, Lowry, Patten, Poindexter, Van Osdel, Walsh.

Those who voted in the negative were:

Messrs. Atkinson, Cameron, Campbell, Dollard, Ericson, Harstad, Hughes, Miller, Ryan, Soderberg, Washabaugh, Woolhiser, Mr. President.

Mr. McDonald being absent.

So the motion was lost.

Mr. Ryan offered the following amendment and moved its adoption.

To be added to Section 1: "Provided, that not more than two trustees of the same board shall be appointed from the same county in which the public institution is located."

Mr. Hughes moved,

To amend the amendment by striking out "two" and inserting "one."

Which motion was lost.

The question being on the motion of the gentleman from Aurora,

The motion prevailed.

Mr. Crawford offered the following amendment and moved its adoption:

Strike out all of Section 1 after the words "the University of North Dakota," in the 13th line of said printed bill.

Roll call demanded.

The roll being called there were ayes, 9; nays, 15.

Those who voted in the affirmative were:

Messrs. Allin, Cooper, Crawford, Glaspell, Lowry, Patten, Poindexter, Van Osdel, Washabaugh.

Those who voted in the negative were:

Messrs. Atkinson, Cameron, Campbell, Dollard, Ericson, Halley, Harstad, Hughes, McDonald, Miller, Ryan, Soderberg, Walsh, Woolhiser, Mr. President.

So the motion was lost.

Mr. Ericson moved to strike out Section 5,

Which motion prevailed.

Mr. Ericson offered the following amendment and moved its adoption:

Amend Section 3 by substituting "twelve" for "six" in line 1 and substituting "forty (40)" for "twenty (20)" in line 2.

Mr. Hughes moved

To lay the amendment on the table.

Roll called demanded.

The roll being called they were ayes, 16; nays, 8.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Dollard, Harstad, Hughes, Lowry, Miller, Patten, Poindexter, Soderberg, Van Osdel, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Cameron, Crawford, Ericson, Glaspell, Halley, McDonald, Ryan, Walsh.

So the motion prevailed.

Mr. Ericson offered the following amendment and moved its adoption:

Amend Section 3 by inserting "twelve" in lieu of "six" in line 1, and "twenty-four" in lieu of "twenty (20)" in line 2.

Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 14; nays, 10.

Those who voted in the affirmative were:

Messrs. Allen, Atkinson, Cameron, Cooper, Dollard, Ericson, Harstad, Hughes, Miller, Patten, Ryan, Soderberg, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Campbell, Crawford, Glaspell, Halley, Lowry, McDonald, Poindexter, Van Osdel, Walsh, Washabaugh.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. President in the chair.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 238,

A Joint Resolution providing for the payment of the mileage of certain witnesses called before the committee to investigate the Insane Asylum at Jamestown,

Also,

Council Bill No. 149,

A bill for an act to Amend Section 2 of Chapter 71 of

the Laws of 1887, relating to the sale of intoxicating liquors,

- Also,

Council Bill No. 150,

A bill for an act to amend Section 1, Chapter 72, Laws of 1887, relating to the sale of intoxicating liquors,

And find the same correctly engrossed and enrolled.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Engrossed and Enrolled Bills have examined

Council Bill No. 210,

A bill for an act to amend Section 11, Chapter 5 of the Political Code, relating to vacancies in office,

Also,

Council Bill No. 199,

A bill for an act to amend Section 409 of Chapter 3 of the Civil Code,

Also,

Council Bill No. 32,

A bill for an act entitled "An act to amend Chapter 69 of the Session Laws of 1885, relating to Insurance Companies,"

Also,

Council Bill No. 211,

A bill for an act entitled "An act to prevent the importation of armed men or association of armed men into this Territory for the purpose of police duty,"

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

Mr. President announced his signature to Council Bills Nos. 149, 150 and 238.

Messrs. Ericson and Cameron were excused as the committee to examine the Journal of yesterday.

Mr. President appointed Messrs. Ryan and Cooper as such committee.

Mr. Crawford moved

That the rules be suspended and the second reading of Council bills and first and second reading of House bills be taken up,

Which motion prevailed.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 251,

A bill for an act entitled "An act providing for a landlord's lien on crops, and for the enforcement thereof by distress,"

Was read the second time and

Referred to the Committee on Agriculture.

Council Bill No. 253,

A bill for an act to change the name of Groten college,

Was read the second time and

Referred to the Committee on Education.

Council Bill No. 254,

A bill for an act to amend Sections 4 and 5 of Chapter 124,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 255,

A bill for an act to amend Section 2 of a Special Law passed by the Fifteenth Legislative Assembly of Dakota Territory, approved March 9, 1883, entitled "An act to authorize Lawrence county to issue bonds to be used in refunding and paying off its outstanding indebtedness and to provide for the payment of the same,"

Was read the second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 256,

A bill for an act providing for the collection and compilation of the Statistics of the Territory of Dakota,

Was read the second time and

Referred to the Committee on Counties.

FIRST READING OF HOUSE BILLS.

House Bill No. 182,

A bill for an act to amend Section Forty-five of Chapter Twenty-one of the Political Code relating to the manner of letting contracts by county boards.

Was read the first time.

House Bill No. 194,

A bill for an act entitled "An act to provide for the incorporation of certain classes of benevolent and charitable institutions."

Was read the first time.

Substitute for House Bill No. 114,

A bill for an act to amend Section 14, of Chapter 67, of

the General Laws of 1887, entitled "An act to amend Chapter 70 of the Session Laws of 1885," relating to county mutual insurance companies.

Was read the first time.

House Bill No. 215,

A bill for an act to amend Section 7 of Chapter 43 of the General Laws of 1883, entitled "An act to create the office of district attorney for the several counties of Dakota Territory, and for other purposes,"

Was read the first time.

House Bill No. 218,

A bill for an act to repeal Section 401 of Chapter 35 of the Penal Code,

Was read the first time.

House Bill No. 196,

A bill for an act to amend Section 70 of Chapter 28 of the Political Code, and Chapter 145 of the General Laws of 1887, relating to the redemption of lands sold for taxes,

Was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 159,

A bill for an act to make it the duty of the county auditor or clerk to supply civil townships with necessary books and blanks,

Was read the second time and

Referred to the Committee on Counties.

House Bill No. 173,

A bill for an act to amend Section 86 of the Justice's Code,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 230,

A bill for an act increasing the term of residence required before beginning suit for divorce,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 88,

A bill for an act amending Subdivision 6 of Section 3 of Chapter 28 of the Political Code entitled "Revenue,"

Was read the second time and

Referred to the Committee on Revenue.

House Bill No. 142,

A bill for an act defining the class of newspapers in which legal notices shall be published,

Was read the second time and

Referred to the Committee on public printing.

House Bill No. 165,

A bill for an act authorizing the Territorial Auditor to audit a claim of John Sundback against the Territory,

Was read the second time and

Referred to the Committee on Territorial Affairs.

House Bill No. 19,

A bill for an act to give publicity to chattel mortgage sales.

Was read the second time, and

Referred to the Committee on Judiciary.

House Bill No. 58,

A bill for an act to repeal Chapter 124 of the General Laws of 1887, entitled "An act to create the office of Public Examiner defining the duties, and dividing the Territory into two Examiner Districts,

Was read the second time and

Referred to the Committee on Territorial Affairs.

House Bill No. 184,

A bill for an act to repeal Chapter 20 of the Special Laws of 1885, entitled "An act prescribing the duties and regulating the salaries of the county treasurer and register of deeds for Grand Forks county, D. T."

Was read the second time and

Referred to the the Committee on Counties.

Mr. Camerom moved

That the Council do now adjourn.

Which motion prevailed, and

Mr. President announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

FORTY-SECOND DAY.

BISMARCK, February 18, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names except Messrs. Lowry and Miller.

Mr. President appointed Messrs. Washabaugh and Atkinson as the Committee to examine the Journal for Saturday

Mr. Campbell moved

That Mr. Lowry be excused,

Which motion prevailed.

Mr. Hughes moved

That the Journal of Friday be corrected so that it may show that the report of committee on House Bill No. 39 was adopted.

Which motion prevailed.

Mr. Hughes moved

That the House of Representatives be and hereby is respectfully requested to return to the Council House Bill No. 39 for correction.

Which motion prevailed.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Patten presented the following petition:

To the Legislative Assembly of the Territory of Dakota:

The undersigned residents and citizens of the Territory of Dakota would respectfully petition your honorable body to enact as a law Council Bill No. 133 entitled "An act to prohibit the manufacture, sale or giving away of intoxi-

cating liquors, except for medical, scientific and mechanical purposes, etc." as introduced in the Council by Mr. Patten.

For which we will ever pray.

A. W. FISH,

And 167 others of Miner county.

Which was referred to the Committee on Temperance.

MOTIONS AND RESOLUTIONS.

Mr. Hughes offered the following concurrent resolution:
Resolved by the Council, the House of Representatives Concurring:

That on the twenty-eighth (28th) day of February, 1889, the Eighteenth Legislative Assembly shall take a recess until the 8th day of March, 1889.

Mr. Hughes moved

That the rules be suspended and that the concurrent resolution be read the first and second times and referred to its appropriate committee.

Which motion prevailed and

The resolution was read the first and second times and

Referred to the Committee on Territorial Affairs.

Mr. Hughes moved

That the rules be suspended and the resolution be read the third time and put on its final passage.

Which motion was lost.

Mr. President requested that he be excused from attendance at to-morrow's session.

Mr. Hughes moved

That the request be granted.

Which motion prevailed.

Mr. Hughes moved

That Mr. Miller be excused from to-day's session.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee having had under consideration Council Bill No. 232,

A bill for an act to amend Section 14, Chapter 63, Laws of 1883, relating to qualification of persons practicing medicine,

Would respectfully report and recommend that the same do pass.

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT:

Your Committee to whom was referred
Council Bill No. 245,

Having had the same under consideration beg leave to return the same with the recommendation that it do pass.

COE I. CRAWFORD,
Chairman.

MR. PRESIDENT:

Your Committee to whom was referred
House Bill No. 250,

Having had the same under consideration, hereby return the same with recommendation that it be referred to the Committee on Highways, Bridges and Ferries.

COE I. CRAWFORD,
Chairman.

MR. PRESIDENT:

Your Committee on Counties to whom was referred
Council Bill No. 94,

Having had the same under consideration, hereby return the same with the recommendation that it do pass.

COE I. CRAWFORD,
Chairman.

MR. PRESIDENT:

Your Committee on Revenue to whom was referred
Council Bill No. 189,

A bill for an act to repeal Section 54, Chapter 28, of Revised Code of 1877 pertaining to revenue.

Also,

Council Bill No. 51,

A bill for an act to authorize the Territorial Auditor to cover unexpended balances into the treasury, and for other purposes,

Also,

Council Bill No. 101,

A bill for an act prohibiting the recording and filing of deeds and other instruments of title until taxes are paid,

Also,

Council Bill No. 54,

A bill for an act for the assessment of railroad and telegraph lines when in more than one county,

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

Also,

Council Bill No. 222,

A bill for an act providing for extension of the time for payment of taxes,

Also,

Council Bill No. 76,

A bill for an act to amend Section 70 of Chapter 28 of the Political Code entitled "Revenue."

Have had the same under consideration, and report the same without recommendation.

M. H. COOPER,
Chairman.

MR. PRESIDENT:

Your Committee on Counties to whom was referred House Bill No. 40,

Having had the same under consideration beg leave to report that they return the same herewith with the recommendation that the same do pass.

COE I. CRAWFORD,
Chairman.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
February 18, 1889. }

MR. PRESIDENT:

I have the honor to return herewith for correction House Bill No. 39,

A bill for an act to establish and maintain a Soldiers' Home in the Territory of Dakota, and providing for the issue of the bonds of the Territory therefor,

As per request of the Council.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, {
February 18, 1889. }

MR. PRESIDENT:

I have the honor to return herewith Council Bill No. 124,

A bill for an act entitled "An act to provide for the relocation of county seats in counties where the same are not

located on the line of a railroad, and there are no public buildings thereat, or the same are not constructed of brick or stone, or there is no record vault,

Which the House has passed.

JOHN G. HAMILTON,
Chief Clerk.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Soderberg introduced—

Council Bill No. 263,

A bill for an act providing for the reassessment of abutting property for the improvement of public streets,

Which was read the first time.

Mr. Halley introduced—

Council Bill No. 264,

A bill for an act entitled "An act to amend an act to locate, establish and endow a School of Mines for the Territory of Dakota,"

Which was read the first time.

Mr. Hughes introduced—

Council Bill No. 265,

A bill for an act to amend Section 635 of Chapter 29 of the Code of Civil Procedure,

Which was read the first time.

Mr. Hughes introduced—

Council Bill No. 266.

A bill for an act making appropriations for repairs and permanent improvement of the Territorial Penitentiary at Bismarck,

Which was read the first time.

Mr. Campbell introduced—

Council Bill No. 267,

A bill for an act to amend Section 2 of Article 17 of Chapter 73 of the General Laws of 1887, relating to the incorporation of cities,

Which was read the first time.

Committee on Education introduced—

Council Bill No. 268,

A bill for an act to limit the terms of Territorial officers, directors, regents and trustees,

Which was read the first time.

Mr. Campbell introduced—

Council Bill No. 269,

A bill for an act establishing the Dakota Industrial College at Aberdeen, Dakota,

Which was read the first time.

Mr. Ryan introduced—

Council Bill No. 270,

A bill for an act to amend Section 4, of Chapter 142, Session Laws of 1887, entitled "An act to provide for the collection of city taxes in incorporated cities of the Territory of Dakota,"

Which was read the first time.

Mr. Van Osdel introduced—

Council Bill No. 271,

A bill for an act to repeal Chapter 100 of the Session Laws of 1887,

Which was read the first time.

Mr. Glaspell introduced—

Council Bill No. 272,

A bill for an act amending Chapter 73, of the General Laws of 1887, in regard to the incorporating of cities,

Which was read the first time.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 69,

A bill for an act to locate and establish the North Dakota Territorial Agricultural College at Valley City, Dakota,

Was read the third time.

Mr. McDonald moved

That the report of the majority of the Committee be adopted.

Mr. Hughes moved

That Council Bills Nos. 69 and 172 be referred to the Committee of the Whole,

Which motion was lost.

Mr. Van Osdel in the chair.

Mr. McDonald moved a call of the House and

The roll being called the members all responded to their names except Messrs. Lowry and Miller, who were excused and Messrs. Halley and Patten, and

The Sergeant-at-Arms was instructed to bring in the absent members.

Messrs. Halley and Patten being present further proceedings under the call of the House were dispensed with.

Mr. Dollard moved

The substitution of the minority for the majority report.

Roll call demanded.

The roll being called there were ayes, 7; nays, 13.

Those who voted in the affirmative were:

Messrs. Atkinson, Crawford, Dollard, Ericson, Harstad, Hughes, Mr. President.

Those who voted in the negative were:

Messrs. Cameron, Cooper, Glaspell, McDonald, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washbaugh, Woolhiser.

Messrs. Allin and Lowry, and Campbell and Miller being paired.

So the motion was lost.

Mr. Stimmel moved

That Council Bills Nos. 69 and 172 be indefinitely postponed.

Mr. Glaspell moved

That the motion of the gentleman from Cass be laid on the table.

Roll call demanded.

The roll being called there were ayes, 11; nays, 9.

Those who voted in the affirmative were:

Messrs. Cameron, Cooper, Glaspell, Halley, McDonald, Patten, Poindexter, Ryan, Van Osdel, Walsh, Washbaugh.

Those who voted in the negative were:

Messrs. Atkinson, Crawford, Dollard, Ericson, Harstad, Hughes, Soderberg, Woolhiser, Mr. President.

Messrs. Allin and Lowry, and Campbell and Miller being paired.

So the motion prevailed.

The question being upon the motion of the gentleman from Barnes.

Mr. Stimmel moved

That the motion to adopt the majority report be laid on the table.

Roll call demanded.

The roll being called there were ayes 6; nays 14.

Those who voted in the affirmative were:

Messrs. Crawford, Dollard, Ericson, Harstad, Hughes, Mr. President.

Those who voted in the negative were:

Messrs. Atkinson, Cameron, Cooper, Glaspell, Halley, McDonald, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser.

Messrs. Allin and Lowry, and Messrs. Campbell and Miller being paired.

So the motion was lost.

The question being upon the motion to adopt the majority report,

Roll call was demanded.

The roll being called there were ayes, 14; nays, 6.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Cooper, Glaspell, Halley, McDonald, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser.

Those who voted in the negative were:

Messrs. Crawford, Dollard, Ericson, Harstad, Hughes, Mr. President.

Messrs. Allin and Lowry, and Messrs. Campbell and Miller being paired.

So the motion prevailed.

Mr. Hughes moved

To strike out "one mile" and insert "one-half mile."

Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 15; nays, 5.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Cooper, Crawford, Ericson, Glaspell, Halley, McDonald, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh.

Those who voted in the negative were:

Messrs. Dollard, Harstad, Hughes, Woolhiser, Mr. President.

Messrs. Allin and Lowry, and Messrs. Campbell and Miller being paired.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 18, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 214,

A bill for an act providing for fees for sheriffs and other officers for transporting persons to the Reform School for juvenile offenders,

Also,
House Bill No. 231,

A bill for an act creating and defining a subdivision of the Sixth Judicial District,

Also,
House Bill No. 266,

A bill for an act to facilitate the collection of special assessments in cities, towns or villages.

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

JOHN G. HAMILTON,
Chief Clerk.

Council Bill No. 172,

A bill for an act to locate and establish the North Dakota Agricultural College,

Was indefinitely postponed.

The Committee on Territorial Affairs asked leave to make a report.

There being no objection the Committee on Territorial Affairs submitted the following report:

MR. PRESIDENT:

Your Committee on Territorial Affairs to whom was referred

Council Bill No. 255,

A bill for an act to amend Section 2 of a special law passed by the Fifteenth Legislative Assembly of Dakota Territory, approved March 9th, 1883, entitled "An act to authorize Lawrence County to issue bonds to be used in refunding and paying off its outstanding indebtedness and to provide for the payment of the same,"

Beg leave to report that they have had the same under consideration and recommend that said bill do pass.

F. J. WASHABAUGH,
Chairman.

The Committee on Education asked leave to make a report.

There being no objection the Committee on Education submitted the following report:

MR. PRESIDENT:

Your Committee having had under consideration
Council Bill No. 253,

A bill for an act entitled "An act to change the name of Groton college,"

Would respectfully report and recommend that said bill do pass.

ROBERT DOLLARD,
Chairman.

Mr. President in the chair.

EXECUTIVE COMMUNICATION.

The following message was received from His Excellency, the Governor:

EXECUTIVE OFFICE, }
February 18, 1889. }

To the President of the Council:

I have the honor to inform your honorable body that I have approved

Council Bill No. 149,

Entitled "An act to amend Section 2 of Chapter 71 of the Laws of 1887, relating to the sale of intoxicating liquors."

Also,

Council Bill No. 150,

Entitled "An act to amend Section 1, Chapter 72, Laws of 1887, relating to the sale of intoxicating liquors."

Also,

Council Bill No. 238,

Entitled "Joint Resolution providing for the payment of the mileage of certain witnesses called before the committee to investigate the Insane Asylum at Jamestown."

And the said bills have been filed in the office of the Secretary.

Respectfully,
LOUIS K. CHURCH,
Governor.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 257,

A bill for an act for the relief of G. W. Vanderhill and H. J. Southwick;

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 258,

A bill for an act locating an asylum for the blind at Pierre, Dakota,

Was read the second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 259,

A bill for an act to amend Chapter 100 of the Laws of 1887, known as the Military Code of Dakota,

Was read the second time and

Referred to the Committee on Military Affairs.

Council Bill No. 260,

A bill for an act to aid in procuring pensions for disabled soldiers residing in Dakota Territory,

Was read the second time and

Referred to the Committee on Military Affairs.

SPECIAL ORDERS.

Call of the House demanded.

The roll being called all members responded to their names except

Messrs. Lowry and Miller, who were excused, and Messrs. McDonald, Patten, Ryan and Woolhiser.

The Sergeant-at-Arms was directed to bring in the absent members.

Upon the return of Messrs. McDonald, Patten, Ryan and Woolhiser,

Further proceedings under the Call of the House was dispensed with.

The hour for Special Orders for the day having arrived the Council took up the consideration of

Council Bill No. 197,

A bill for an act to authorize the Territorial Auditor to audit certain vouchers of the Dakota School of Mines, University of Dakota and Dakota Agricultural College,

And the objections of His Excellency the Governor thereto.

The question being shall the bill pass, the objections of the Governor to the contrary notwithstanding,

The roll being called there were ayes, 18; nays, 3.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Hughes, Patten, Poindexter, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Cameron, Harstad, McDonald.

Absent and not voting:

Messrs. Lowry, Miller, Ryan.

So the bill passed, the objections of the Governor to the contrary notwithstanding.

Council Bill No. 204,

A bill for an act for the establishment of a normal school for the Territory of Dakota at the city of Ashton in said Territory, and for the government, management and control of the same.

Mr. Hughes moved

To dispense with the third reading of the bill.

Which motion prevailed.

The question being upon the report of the Committee on Education,

The report was adopted.

Mr. Poindexter offered the following amendment and moved its adoption:

Amend by striking out the figures "1889" in the 8th line of Section 1 and insert the figures "1890."

Amend the bill by striking out Section 22.

Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 17; nays, 2.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Hughes, McDonald, Patten, Poindexter, Ryan, Soderberg, Walsh, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Harstad and Woolhiser.

Absent and not voting:

Messrs. Atkinson, Halley, Lowry, Miller, Van Osdel.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 214,

A bill for an act to amend Chapter 142 of the Laws

passed at the Seventeenth Session of the Legislative Assembly of the Territory of Dakota, entitled "An act to provide for the collection of city taxes in incorporated cities of the Territory of Dakota,"

Was read the third time and

The question being upon the report of the Committee on Revenue,

The report was adopted,

The question being shall the bill pass,

The roll being called there were ayes 17; nays none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Ericson, Glaspell, Harstad, Hughes, McDonald, Patten, Poindexter, Ryan, Soderberg, Walsh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Crawford, Dollard, Halley, Lowry, Miller, Van Osdel, Washabaugh.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 212,

A bill for an act entitled "An act giving police powers to conductors of railway passenger trains,"

Was read the third time and

The question being on the report of the Committee on Judiciary,

The report was adopted.

Mr. Glaspell offered the following amendment and moved its adoption:

Amend Section 2 by inserting after the word "triable" the following words: "or cause the same to be done,"

Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 14; nays, 3.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Campbell, Cooper, Crawford, Ericson, Glaspell, McDonald, Ryan, Soderberg, Van Osdel, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Harstad, Washabaugh.

Absent and not voting:

Messrs. Dollard, Halley, Hughes, Lowry, Miller, Patten and Poindexter.

So the bill passed

And the question being as to its title and being put,
Its title was agreed to.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills report that

Council Bills Nos. 149, 150 and 238 were this 18th day of February 1889, at 2:40 p. m., delivered to His Excellency, Governor L. K. Church, for his approval.

J. H. PATTEN,
Chairman.

Council Bill No. 178,

A bill for an act to amend Section 121 of the Code of Civil Procedure relating to sham and irrelevant defenses,
Was read the third time.

The question being upon the report of the Committee on Judiciary,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 15; nays, none.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Campbell, Cooper, Crawford, Ericson, Glaspell, Harstad, Hughes, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Allin, Dollard, Halley, Lowry, McDonald, Miller, Patten, Poindexter, Ryan.

So the bill passed and

The question being as to its title and being put,
Its title was agreed to.

Call of the House demanded.

The roll being called the members all responded to their names except Messrs. Allin, McDonald and Poindexter.

The Sergeant-at-Arms was instructed to bring in the absent members.

All members not excused being present further proceedings under call of the House was dispensed with.

Mr. President announced his signature to House Bills Nos. 33 and 39.

Council Bill No. 34,

A bill for an act to repeal Chapter 124 of the Session Laws of 1887 creating the office of Public Examiner,

Was read the third time and
The question being upon the report of the Committee on
Territorial Affairs,

The report was not adopted.

Mr. Walsh moved

That the further consideration of Council Bill No. 34 be
indefinitely postponed.

Roll call demanded.

The roll being called, there were ayes, 12; nays, 10.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Cooper, Crawford, Glaspell,
Hughes, McDonald, Patten, Ryan, Soderberg, Walsh, Mr.
President.

Those who voted in the negative were:

Messrs. Atkinson, Campbell, Dollard, Ericson, Halley,
Harstad, Poindexter, Van Osdel, Washabaugh, Woolhiser.

Absent and not voting:

Messrs. Lowry and Miller.

So the motion prevailed.

Council Bill No. 231,

A bill for an act to legalize certain acknowledgements
taken by one Frank E. Newton, a notary public.

Mr. Hughes moved

That the third reading be dispensed with,

Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 21; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper,
Crawford, Dollard, Ericson, Glaspell, Halley, Harstad,
Hughes, McDonald, Patten, Poindexter, Ryan, Soderberg,
Walsh, Washabaugh, Woolhiser, Mr. President.

Mr. Van Osdel voting in the negative.

Absent and not voting:

Messrs. Lowry and Miller, who were excused.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of
Representatives:

HOUSE OF REPRESENTATIVES, {
February 18, 1889. }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 125,

A bill for an act to authorize the Attorney General to
appoint an Assistant Attorney General,

Which the House has passed under suspension of the
rules.

JOHN G. HAMILTON,
Chief Clerk.

Council Bill No, 190,

A bill for an act to provide for the refunding of the out-
standing Territorial warrants drawn on the Capitol Build-
ing fund,

Was read the third time and

The question being on the report of the Committee on
Appropriations,

The report was adopted.

Mr. Atkinson asked to be excused from to-morrow's ses-
sion.

There being no objections, the request was granted.

Mr. Ericson moved

That when the Council adjourn it adjourn to meet
at 10 a. m. to-morrow for consideration of House Bills.

Which motion prevailed.

The Committee on Enrolled and Engrossed Bills made
the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have
examined

Council Bill No. 180,

A bill for an act increasing the annual license fee re-
lating to the sale of intoxicating liquors,

Also,

Council Bill No. 129,

A bill for an act to provide for the appointment of
trustees for the several public institutions of the Territory
of Dakota and to define their terms of office, duties and
compensations,

Also,

Council Bill No. 120,

A bill for an act entitled, "An act to provide security to

the public against errors, omissions and defects in abstracts of title to real estate,"

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

Mr. President appointed Mr. Washabaugh as President pro tem during his absence.

Mr. Glaspell moved
That the Council do now adjourn,
Which motion prevailed, and

Mr. President announced that the Council stood adjourned till to-morrow at 10 a. m.

R. E. WALLACE,
Chief Clerk.

FORTY-THIRD DAY.

BISMARCK, February 19, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

The roll was called and all the members responded to their names except

Messrs. Atkinson, Lowry and Miller, who were excused.

Mr. Soderberg moved

That Assistant Clerk Goodfellow be excused for the day.

Which motion prevailed.

FIRST READING OF HOUSE BILLS.

House Bill No. 221,

A bill for an act to create and establish the county of Meade, and for other purposes,

Was read the first time.

House Bill No. 215,

A bill for an act to amend Section 7 of Chapter 43 of the General Laws of 1883, entitled "An act to create the office of district attorney for the several counties of Dakota Territory, and for other purposes."

Was read the first time.

Substitute for House Bill No. 114,

A bill for an act to amend Section 14, of Chapter 67 of the General Laws of 1887, entitled "An act to amend Chapter 70 of the Session Laws of 1885," relating to county mutual insurance companies.

Was read the first time.

House Bill No. 182.

A bill for an act to amend Section forty-five (45) of Chapter twenty-one (21) of the Political Code relating to the manner of letting contracts by county boards,

Was read the first time.

House Bill No. 218,

A bill for an act to repeal Section 401 of Chapter 35 of the Penal Code,

Was read the first time.

House Bill 196,

A bill for an act to amend Section 70 of Chapter 28 of the Political Code, and Chapter 145 of the General Laws of 1887, relating to the redemption of lands sold for taxes,

Was read the first time.

House Bill No. 194,

A bill for an act entitled "An act to provide for the incorporation of certain classes of benevolent and charitable institutions,"

Was read the first time.

Mr. Washabaugh moved

That the rules be suspended and the House Bills which were just read be also read the second time and referred to their appropriate committees.

Which motion prevailed.

SECOND READING OF HOUSE BILLS.

House Bill No. 221,

A bill for an act to create and establish the county of Meade, and for other purposes,

Was read the second time and

Referred to the Committee on Counties.

House Bill No. 215,

A bill for an act to amend Section 7 of Chapter 43 of the General Laws of 1883, entitled "An act to create the office of district attorney for the several counties of Dakota Territory, and for other purposes,"

Was read the second time and

Referred to the Committee on Judiciary.

Substitute for House Bill No. 114,

A bill for an act to amend Section 14 of Chapter 67 of the General Laws of 1887, entitled "An act to amend Chapter 70 of the Session Laws of 1885," relating to county mutual insurance companies,

Was read the second time and

Referred to the Committee on Insurance.

House Bill No. 182,

A bill for an act to amend Section forty-five (45) of Chapter twenty-one (21) of the Political Code, relating to the manner of letting contracts by county boards,

Was read the second time and

Referred to the Committee on Counties.

House Bill No. 218,

A bill for an act to repeal Section 401 of Chapter 35 of the Penal Code,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 196,

A bill for an act to amend Section 70 of Chapter 28 of the Political Code and Chapter 145 of General Laws of 1887, relating to the redemption of land sold for taxes,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 194,

A bill for an act entitled "An act to provide for the incorporation of certain classes of benevolent and charitable institutions,"

Was read the second time and

Referred to the Committee on Incorporations.

House Bill No. 202,

A bill for an act to suppress selling, lending, giving away or showing to any minor child any paper or publication principally devoted to illustrating or describing immoral deeds.

Was read the second time and

Referred to the Committee on Temperance.

THIRD READING OF HOUSE BILLS.

House Bill No. 68,

A bill for an act creating and defining a subdivision of the First Judicial District,

Was read the third time and

The question being upon the report of the Committee on Judiciary,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 14; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Harstad, Soderberg, Van Osdel, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Atkinson, Halley, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Walsh.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 98,

A bill for an act to define the boundaries of the County of Butte.

Was read the third time, and

The question being upon the report of the Committee on Counties,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 15; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Crawford, Dollard, Ericson, Glaspell, Hughes, McDonald, Patten, Soderberg, Van Osdel, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Atkinson, Cooper, Halley, Harstad, Lowry, Miller, Poindexter, Ryan, Walsh.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 3,

A bill for an act amending Chapter 13 of the Laws of the Seventeenth Legislative Assembly,

Was read the third time and
The question being upon the report of the Committee on
Revenue,

The report was adopted and

The question being shall the bill pass,

The roll being called there were ayes, 16; nays, 2.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Cooper, Dollard,
Ericson, Glaspell, Harstad, Hughes, McDonald, Poin-
dexter, Soderberg, Walsh, Washabaugh, Woolhiser, Mr.
President.

Those who voted in the negative were:

Messrs. Crawford and Van Osdel.

• Absent and not voting:

Messrs. Atkinson, Halley, Lowry, Miller, Patten, Ryan.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 117,

A bill for an act providing for two justices of the peace
in cities or villages having five hundred or more inhabi-
tants,

Was read the third time and

The question being upon the report of the Committee on
Judiciary the report was adopted.

Mr. Soderberg moved

That the further consideration of House Bill No. 117 be
indefinitely postponed,

Which motion prevailed.

House Bill No. 56,

A bill for an act entitled "An act to amend Section 47
of Chapter 29 of the Political Code,"

Was read the third time and

The question being upon the report of the Committee
on Territorial Affairs,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 16; nays, 3.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Cooper, Crawford,
Dollard, Ericson, Harstad, Hughes, Patten, Poindexter, Ry-
an, Soderberg, Van Osdel, Walsh, Woolhiser.

Those who voted in the negative were:

Messrs. Halley, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Atkinson, Glaspell, Lowry, McDonald and Miller.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to,

House Bill No. 87,

A bill for an act to amend Section 1, Supplement to Session Laws of 1885, being an act to prevent the spread of noxious weeds in the Territory of Dakota,

Was read the third time and

Mr. Ericson moved

That the further consideration of House Bill No. 87 be, indefinitely postponed.

Which motion prevailed.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 69,

A bill for an act to locate and establish the North Dakota Agricultural College, at Valley City, Dakota.

And find the same correctly engrossed,

J. H. PATTEN,
Chairman.

House Bill No. 30,

A bill for an act to amend Sections 6, 7 and 8 of Chapter 49 of the General Laws of 1879,

Was read the third time and

The question being upon the report of the Committee on Revenue,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 18; nays, 3.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Cooper, Crawford, Dollard, Glaspell, Halley, Harstad, Hughes, McDonald, Patten, Poindexter, Ryan, Soderberg, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Ericson, Van Osdel, Washabaugh.

Absent and not voting:

Messrs. Atkinson, Lowry and Miller.

So the bill passed and
The question being as to its title and being put,
Its title was agreed to.
House Bill No. 65,
Joint Resolution providing for the appointment of certain committees,
Was read the third time and
Mr. Ericson moved
That the further consideration of House Bill No. 65 be indefinitely postponed.
Which motion prevailed.
House Bill No. 27,
A bill for an act to fix the compensation of assessors,
Was read the third time and
The question being upon the report of the Committee on Revenue,
The report was adopted.
The question being shall the bill pass,
The roll being called there were ayes, 15; nays, 5.
Those who voted in the affirmative were:
Messrs. Allin, Campbell, Cooper, Dollard, Ericson, Halley, Harstad, Hughes, Patten, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser, Mr. President.
Those who voted in the negative were:
Messrs. Cameron, Crawford, Glaspell, McDonald, Poin-dexter.
Absent and not voting:
Messrs. Atkinson, Lowry, Miller, Van Osdel.
So the bill passed and
Mr. Ericson moved
To amend the title as follows:
Amend title so as to read
"A bill for an act to amend Section 86, Sub-Chapter 1, Chapter 112, of the Laws of 1883 relating to township government."
Which motion prevailed, and
The title as amended was agreed to.
House Bill No. 49,
A bill for an act to correct the Public Statutes of the Seventeenth Session of the Legislative Assembly,
Was read the third time, and
The question being shall the bill pass,
The roll being called there were ayes, 21; nays, none.
Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, McDonald, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Atkinson, Lowry and Miller.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Allin in the chair.

Mr. Hughes moved

That the Council take a recess until 2 o'clock.

Which motion prevailed, and

The President pro tem. announced the Council at recess until 2 p. m.

Council called to order at 2 p. m.

Mr. President in the chair.

Prayer by the Rev. M. Barker.

The roll being called all members responded to their names except Messrs. Atkinson, Lowry and Miller, who were excused.

Mr. Ericson moved

The adoption of the following rule:

RULE No. 41. No smoking shall be allowed in the Council Chamber. The sergeant-at-arms is hereby instructed to strictly enforce this rule.

Which motion prevailed.

Mr. Hughes moved

That the Council proceed with the consideration of Council Bills.

Which motion prevailed.

Mr. President announced his signature to Council Bill No. 125.

Mr. President appointed Messrs. Campbell and Dollard as the committee to examine the Journal of yesterday.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 125,

A bill for an act to authorize the Attorney General to appoint an Assistant Attorney General,

And find the same correctly engrossed and enrolled.

C. A. SODERBERG,
Chairman pro tem.

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred Council Bill No. 235,

A bill for an act to protect stock breeders and promote the breeding of improved live stock in the Territory of Dakota,

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

C. A. SODERBERG,
Chairman.

MR. PRESIDENT:

Your Committee having had under consideration Council Bill No. 233,

A bill for an act to preserve the waters of Tongue river and its tributaries in Pembina and Cavalier counties for domestic and drinking purposes,

Would respectfully report and recommend that said bill be amended by striking out of the title thereof the words "Tongue river and its tributaries in Pembina and Cavalier counties," and inserting in lieu thereof the words "all running streams and water courses in Dakota."

In Section 1 amend line 3 by striking out "Tongue river or any of its tributaries," and inserting "any running stream or water course."

In line 8 of same section strike out the word "said" and insert "any running stream or."

In lines 10 and 11 of same section strike out the words "the Tongue river or any of its tributaries," and insert "any running stream or water course."

In Section 2, line 3 strike out the word "said" and insert the words "any running stream or."

In Section 3, line 3. strike out the word "said" and insert the words "any running stream or."

In Section 5, line 7, strike out the word "said" and insert the words "any running stream or."

In Section 6, lines 2 and 3, strike out the words "Tongue river or any of its tributaries flow in said Pembina and Cavalier counties," and insert the words "any running stream or water course flows." Also in line 3 of the same

section, after the word "said" insert "running stream or."
 All of said amendments referring to the printed bill.
 And as so amended that the bill do pass.

A. W. CAMPBELL,
 Chairman.

MR. PRESIDENT:

Your Committee on Counties to whom was referred
 Council Bill No. 256,

A bill for an act providing for the collection and compi-
 lation of the statistics of the Territory of Dakota,

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

COE I. CRAWFORD,
 Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have
 examined

Council Bill No. 231,

A bill for an act to legalize certain acknowledgements
 taken by one Frank E. Newton, a notary public.

Also,

Council Bill No. 212,

A bill for an act entitled "An act giving police powers
 to conductors of railway passenger trains,"

And find the same correctly engrossed

J. H. PATTEN,
 Chairman.

MR. PRESIDENT:

Your Committee on Railroads to whom was referred
 Council Bill No. 49,

A bill for an act to amend an act entitled "An act to
 provide for the establishment of a board of railroad
 commissioners, defining their duties and to regulate the
 receiving and transportation of freight on railroads in
 this Territory, approved March 6, 1885,"

Have had the same under consideration and recommend
 that the substitute herein returned therefor do pass with
 the following amendments:

Amend by striking out the words "other papers" in line
 2 of Section 3 and inserting words "any other interest" in
 lieu thereof. Also amend by striking out word "actual" in
 line 3 of Section 30 and inserting the word "all" in lieu
 thereof. Also by inserting the words "actually and neces-
 sarily" after the word "expenses" in the same line of same

section, and the words "under this act" after the word "duties" in the sameline of the same section.

J. H. PATTEN.
Chairman pro tem.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Glaspell introduced—

Council Bill No. 273,

A bill for an act to compensate the owners of certain horses killed by order of the Veterinary Surgeon,

Which was read the first time.

Mr. Crawford introduced—

Council Bill No. 274,

A bill for an act authorizing the payment of certain county warrants,

Which was read the first time.

Mr. Soderberg introduced—

Council Bill No. 275,

A bill for an act to amend Section 2, Chapter 27, Political Code, defining elections,

Which was read the first time.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 19, 1889. }

MR. PRESIDENT:

I have the honor to return herewith

Council Bill No. 221,

A bill for an act to provide newspapers for the members of the Eighteenth Legislative Assembly, and to make an appropriation therefore,

Which the house has passed,

The objections of the Governor to the contrary notwithstanding,

Also,

Council Bill No. 56,

A bill for an act providing for the destruction of noxious weeds.

Which the House has indefinitely postponed.

Respectfully,

JOHN G. HAMILTON,
Chief Clerk.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 263,

A bill for an act providing for the reassessment of abutting property for the improvement of public streets,
Was read the second time and
Referred to the Committee on Revenue.

Council Bill No. 264,

A bill for an act entitled "An act to amend an act to locate, establish and endow a School of Mines for the Territory of Dakota,"
Was read the second time and
Referred to the Committee on Education.

Council Bill No. 265,

A bill for an act to amend Section 635 of Chapter 29 of the Code of Civil Procedure,
Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 266.

A bill for an act making appropriations for repairs and permanent improvement of the Territorial Penitentiary at Bismarck,
Was read the second time and
Referred to the Committee on Appropriations.

Council Bill No. 267,

A bill for an act to amend Section 2 of Article 17 of Chapter 73 of the General Laws of 1887, relating to the incorporation of cities,
Was read the second time and
Referred to the Committee on Cities and Municipal Corporations.

Council Bill No. 268,

A bill for an act to limit the terms of Territorial officers, directors, regents and trustees,
Was read the second time and
Referred to the Committee on Education.

Council Bill No. 269,

A bill for an act establishing the Dakota Industrial College at Aberdeen, Dakota,
Was read the second time and
Referred to the Committee on Education.

Council Bill No. 270,

A bill for an act to amend Section 4, of Chapter 142,

Session Laws of 1887, entitled "An act to provide for the collection of city taxes in incorporated cities of the Territory of Dakota,"

Was read the second time and
Referred to the Committee on Revenue.

Council Bill No. 271,

A bill for an act to repeal Chapter 100 of the Session Laws of 1887,

Was read the second time and
Referred to the Committee on Military Affairs.

Council Bill No. 272,

A bill for an act amending Chapter 73, of the General Laws of 1887, in regard to the incorporating of cities,

Was read the second time and
Referred to the Committee on Cities and Municipal Corporations.

Council Bill No. 261.

A bill for an act entitled "An act to protect young and growing trees,

Was read the second time and
Referred to the Committee on Agriculture.

THIRD READING OF COUNCIL BILLS.

Mr. Hughes moved

That the Council do now take up the consideration of Council Bill No. 190,

A bill for an act to provide for the refunding of the outstanding Territorial warrants drawn on the Capitol Building Fund.

Mr. Glaspell raised the point of order that the bill could not now be acted upon and should come under the order of Unfinished Business.

Mr. Hughes moved

That the rules be suspended and that the Council take up the consideration of Council Bill No. 190.

Roll call demanded.

The roll being called there were ayes, 16; nays, 4.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Halley, Harstad, Hughes, Poindexter, Soderberg, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Glaspell, McDonald, Ryan, Van Osdel.

Absent and not voting:

Messrs. Atkinson, Lowry, Miller, Patten.

So the motion of the gentleman from Burleigh prevailed, and

Council Bill No. 190 was taken up.

Mr. McDonald moved

That further consideration of Council Bill No. 190 be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes, 4; nays, 14.

Those who voted in the affirmative were:

Messrs. Cameron, Glaspell, McDonald, Van Osdel.

Those who voted in the negative were:

Messrs. Allin, Campbell, Cooper, Crawford, Dollard, Halley, Harstad, Hughes, Poindexter, Soderberg, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Atkinson, Ericson, Lowry, Miller, Patten, Ryan,
So the motion was lost.

Mr. Glaspell moved

That this bill be recommitted to the members from North Dakota.

Roll call demanded.

The roll being called there were ayes, 9; nays, 11.

Those who voted in the affirmative were:

Messrs. Cameron, Ericson, Glaspell, McDonald, Ryan, Soderberg, Van Osdel, Woolhiser.

Those who voted in the negative were:

Messrs. Allin, Campbell, Cooper, Crawford, Dollard, Halley, Harstad, Hughes, Poindexter, Walsh, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Atkinson, Lowry, Miller, and Patten.
So the motion was lost.

Mr. Glaspell moved

To strike out Section 4 of the bill,

Which motion was lost.

The question being shall the bill pass,

The roll being called there were ayes, 12; nays, 8.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Cooper, Dollard, Halley, Harstad, Hughes, Patten, Poindexter, Walsh, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Cameron, Ericson, Glaspell, McDonald, Ryan, Soderberg, VanOsdel, Woolhiser.

Absent and not voting:

Messrs. Atkinson, Crawford, Lowry and Miller.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. President in the chair.

Council Bill No. 175,

A bill for an act amending Sections 2, 9, 10, 12, 27, 29, 32 and 33 of Chapter 69, Laws of 1885, relating to insurance,

Was read the third time and

The question being upon the report of the Committee on Insurance,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 16; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Cooper, Crawford, Ericson, Glaspell, Halley, Harstad, McDonald, Soderberg, Van Osdel, Walsh, Woolhiser, Mr. President.

Mr. Ryan voting in the negative.

Absent and not voting:

Messrs. Atkinson, Dollard, Hughes, Lowry, Miller, Patten, Poindexter. and Washabaugh.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 124,

A bill for an act entitled "An act to provide for the relocation of county seats in counties where the same are not located on the line of a railroad, and there are no public buildings thereat, or the same are not constructed of brick or stone, or there is no record vault,

And find the same correctly enrolled.

J. H. PATTEN,
Chairman.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills report that

Council Bill No. 125,

A bill for an act to authorize the Attorney General to appoint an Assistant Attorney General,

Was this 19th day of February, 1889, at 2:45 p. m., delivered to His Excellency, Governor L. K. Church, for his approval.

J. H. PATTEN,
Chairman.

Mr. President announced his signature to Council Bill No. 124.

Mr. Allin in the chair.

Council Bill No. 133,

A bill for an act to prohibit the manufacture, sale or giving away of intoxicating liquors except for medical, mechanical and scientific purposes and to regulate the manufacture and sale thereof for such exceptional purposes,

Was read the third time, and

The question being upon the report of the Committee on Temperance,

Mr. Patten offered the following amendment to the report and moved its adoption:

Substitute for Section 34 the following:

This act shall take effect and be in force from and after the 1st day of January, 1890,

Which motion prevailed.

The question being upon the report as amended,

Roll call demanded.

The roll being called there were ayes, 12; nays, 6.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Cooper, Crawford, Ericson, Harstad, McDonald, Patten, Poindexter, Soderberg, Walsh, Woolhiser.

Those who voted in the negative were:

Messrs. Dollard, Halley, Hughes, Ryan, Van Osdel, Washabaugh.

Messrs. Atkinson and Glaspell, Campbell and Miller and Mr. President and Lowry being paired.

So the report as amended was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives.

HOUSE OF REPRESENTATIVES, }
February 19, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 234,

A bill for an act to amend Sections 1, 5, 6, 7, 9, 12, 13 and 14 of Chapter 3 of the General Laws of 1887 entitled "An act to create a Territorial Department of Agriculture, and relating to Agricultural Societies and Agricultural Fairs, and providing for reports of same.

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

JOHN G. HAMILTON,
Chief Clerk.

EXECUTIVE COMMUNICATION.

The following communication was received from His Excellency the Governor.

EXECUTIVE OFFICE, }
February 19, 1889. }

To the Council:

I have the honor to inform your honorable body that I have approved

Council Bill No. 125,

Entitled "An act authorizing the Attorney General to appoint an Assistant Attorney General."

And the said bill has been filed in the office of the Secretary.

Respectfully,
LOUIS K. CHURCH,
Governor.

Mr. McDonald offered the following amendment and moved its adoption:

Amend by striking out all of Section 32 of the bill and renumber remaining sections.

Which motion prevailed.

Mr. Van Osdel offered the following amendment and moved its adoption:

Strike out all of Section 34 and insert in lieu thereof the following:

SEC. 34. This act shall take effect and be in force from and after January 1st, 1891; Provided that nothing contained therein shall be construed to take effect unless ratified by a majority of the electors voting to ratify the same at our next general election.

Mr. Crawford moved

To lay the motion of the gentleman from Yankton on the table.

Roll call demanded.

The roll being called there were ayes, 12; nays, 6.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Cooper, Crawford, Ericson, Harstad, McDonald, Patten, Poindexter, Soderberg, Walsh, Woolhiser.

Those who voted in the negative were:

Messrs. Dollard, Halley, Hughes, Ryan, Van Osdel, Washabaugh.

Messrs. Atkinson and Glaspell, Miller and Campbell Lowry and Mr. President being paired.

So the motion prevailed.

Mr. President in the chair.

Mr. Ericson offered the following amendment and moved its adoption:

Strike out line 25 of Section 2 and insert in lieu thereof the words "five hundred dollars."

Roll call demanded.

The roll being called there were ayes, 13; nays, 5.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Cooper, Crawford, Ericson, Harstad, Hughes, McDonald, Patten, Poindexter, Soderberg, Walsh, Woolhiser.

Those who voted in the negative were:

Messrs. Dollard, Halley, Ryan, Van Osdel, Washabaugh.

Messrs. Atkinson and Glaspell, Miller and Campbell, Lowry and Mr. President being paired.

So the motion prevailed.

Mr. Cameron offered the following amendment and moved its adoption:

That the word "township" be stricken out where it occurs in the 28th line of Section 2 and the word "county" be inserted.

Which motion prevailed.

Mr. Poindexter offered the following amendment and moved its adoption:

Strike out of the 15th and 16th lines of Section 2 of the printed bill the words "and twenty-five reputable women over twenty-one years of age."

Mr. Harstad offered the following substitute and moved its adoption:

On page 2, line 14, of the printed bill strike out all after the word "applicant" to and inclusive the word "located" in line 16.

Mr. Patten moved to lay both motion and substitute on the table,

Which motion was lost.

The question being on the motion of the gentleman from Traill.

Roll call demanded.

The roll being called there were ayes, 8; nays, 10.

Those who voted in the affirmative were:

Messrs. Allin, Dollard, Halley, Harstad, Hughes, Van Osdel, Walsh, Washabaugh.

Those who voted in the negative were:

Messrs. Cameron, Cooper, Crawford, Ericson, McDonald, Patten, Poindexter, Ryan, Soderberg, Woolheiser.

Messrs. Atkinson and Glaspell, Miller and Campbell, Lowry and Mr. President being paired.

So the substitute was lost.

The question being upon the motion of the gentleman from Spink,

The roll being called there were ayes, 5; nays, 12.

Those who voted in the affirmative were:

Messrs. Harstad, Hughes, Poindexter, Walsh, Washabaugh.

Those who voted in the negative were:

Messrs. Allin, Cameron, Cooper, Crawford, Dollard, Ericson, Halley, McDonald, Patten, Ryan, Soderberg, Van Osdel, Woolheiser.

Messrs. Atkinson and Glaspell, Miller and Campbell, Lowry and Mr. President, being paired.

So the motion was lost.

Mr. Ericson offered the following amendment and moved its adoption:

Strike out all of Section 15 after the word "manner" in line 23.

Which motion prevailed.

Mr. Harstad offered the following amendment and moved its adoption:

On page 6, line 93, of printed bill, strike out the word "five" and insert the word "one."

Also on page 11, line 94, strike out the word "fifteen" and insert the word "five," and in line 96, page 11, strike out "one thousand" and insert the word "fifty."

Mr. Ericson demanded a division of the question.

The question being upon the first proposition,

The motion was lost and the question being upon the second proposition

The motion prevailed.

The question being upon the third proposition

The motion was lost.

The question being shall the bill pass,

The roll being called there were ayes, 12; nays, 6.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Cooper, Crawford, Ericson, Harstad, McDonald, Patten, Poindexter, Soderberg, Walsh, Woolhiser.

Those who voted in the negative were:

~~Messrs. Dollard, Halley, Hughes, Ryan, Van Osdel, Washabaugh.~~

~~Messrs. Atkinson and Glaspell, Miller and Campbell, Lowry and Mr. President being paired.~~

~~So the bill passed and~~

~~The question being as to its title and being put,~~

~~Its title was agreed to.~~

Mr. Washabaugh moved

That the Council take a recess of 10 minutes to pay their respects to the distinguished visitors present.

Which motion prevailed, and

Mr. President announced the Council at recess.

After being called to order

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

Resolved, That when the Council adjourn on Thursday, February 21st, it be until Monday, February 25th at 2 p. m.

Which motion prevailed.

Mr. Cooper asked unanimous consent to present a petition.

There being no objections Mr. Cooper presented the following petition:

WHEREAS, The people of this Territory have heretofore enacted a law regulating the sale of intoxicating liquors, by local option; and the said law is now in force, and

WHEREAS, The prospect of early admission of the Territory of Dakota as a State, when the questions pertaining to local option or prohibition, or the regulation in some other manner of the sale of liquors will be submitted to the vote of the people of this Territory, and

WHEREAS, The undersigned verily believe that the real sentiment of the people of this Territory is adverse to legislation upon any questions arising out of the sale of liquors, at this session of the Territorial Legislature;

Therefore, The undersigned respectfully request our members of the Legislature to use all the means within their power in opposing the passage of the bill known as "Council Bill No. 133."

J. H. STINE,

And 420 others of Watertown.

Which was referred to the Committee on Temperance.

The committee to examine the Journal of yesterday made the following report:

MR. PRESIDENT:

Your committee appointed to examine and report upon the correctness of Council Journal of Monday, February 18th, would respectfully report that they have examined said Journal and find the same correct, with the following exceptions:

Near the top of page 7 of the printed Journal it appears that upon the motion to substitute the minority for the majority report upon Council Bill No. 69 there were ayes, 13; nays, 7; whereas it should have appeared, ayes, 7; nays, 13. And upon page 15 Mr. Cameron's name appears both in the affirmative and negative upon the vote to indefinitely postpone Council Bill No. 34, whereas it should have appeared in the affirmative only.

A. W. CAMPBELL,
ROBERT DOLLARD.

Council Bill No. 184,

A bill for an act relating to the Compiled Laws.

Was read the third time and

The question being on the report of the Committee on Judiciary,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 16; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Cooper, Dollard, Ericson, Glaspell, Halley, Harstad, McDonald, Poindexter, Ryan, Soderberg, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Atkinson, Crawford, Hughes, Lowry, Miller, Patten, Van Osdel and Walsh.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 160,

A bill for an act entitled "An act to authorize county commissioners to designate the successors of outgoing county justices of the peace,

Was read the third time and

The question being upon the report of the Committee on Judiciary the report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 17; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Cooper, Dollard, Ericson, Glaspell, Halley, Harstad, McDonald, Poindexter, Ryan, Soderberg, Van Osdel, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Atkinson, Crawford, Hughes, Lowry, Miller, Patten, Walsh.

So the bill passed

And the question being as to its title and being put,

Its title was agreed to.

Council Bill No. 243,

A bill for an act to amend Section 1, Chapter 145, of Laws of 1885, relating to the bounty for tree planting.

Was read the third time and

The question being upon the report of the Committee on Agriculture,

The report was adopted and

The question being shall the bill pass,

The roll being called there were ayes, 14; nays, 3.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Cooper, Dollard, Glas-

pell, Harstad, McDonald, Poindexter, Soderberg, Van Osdel, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Ericson, Halley, Washabaugh.

Absent and not voting:

Messrs. Atkinson, Crawford, Hughes, Lowry, Miller, Patten, Ryan.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Glaspell moved

That the Council do now adjourn.

Which motion prevailed, and

Mr. President announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

FORTY-FOURTH DAY.

BISMAROK, February 20, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

The roll was called and the members all responded to their names except

Messrs. Lowry and Miller who were excused.

Mr. Soderberg moved

That Assistant Clerk Goodfellow be excused from attendance to-day.

Which motion prevailed.

Mr. President appointed Messrs. Allen and Woolhiser as the committee to examine the Journal of yesterday.

PETITIONS AND COMMUNICATIONS.

Mr. McDonald presented the following petition:

To the Legislative Assembly of the Territory of Dakota:

We, the undersigned, citizens of the county of Barnes, in said Territory, do hereby respectfully protest and re-

monstrate against any action by your honorable bodies looking towards the repeal of our present militia laws. We most respectfully petition you that said law may be permitted to remain in force without any material modification, and that an appropriation, adequate to its effectual enforcement be granted for the maintenance of the Territorial militia at least up to its present standard.

AMASA P. PEAKE,

And 92 others of Barnes county.

Which was referred to the Committee on Military Affairs.

Mr. Dollard presented the following petition:

SCOTLAND, DAK., Feb. 16, 1889.

We, the undersigned residents of Bon Homme County and vicinity, would respectfully protest against the repeal of the "act to suppress and prevent the spread of contagious and infectious diseases among domestic animals," and would petition that the same be so amended as to more fully protect the interests of the Territory and also the stock growers of the same.

GEO. H. ANDERSON,

And 33 others of Bon Homme County.

Which was referred to the Committee on Public Health.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

Council Bill 193,

A bill for an act entitled "An act to provide for the publication of the laws in certain newspapers,"

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

Insert the word "general" before the word "laws" in line 4, Section 1, printed bill.

Strike out all of Section 1 after the word "session," in line 4, and add the following: "To the president or secretary of the Dakota Press Association, whose duty it shall be to furnish 500 printed copies to the secretary of the Territory free of cost, and the secretary shall transmit such printed copies of all the general laws to the auditors or county clerks of the various counties in this Territory, to be by such auditors or county clerks distributed to the publishers of the various newspapers who shall desire to publish such laws under the provisions of this act."

• Add to Section 2, the following proviso:

“Provided, that the total sum paid to any one newspaper for publishing said laws under the provisions of this act shall not exceed the sum of fifty (\$50) dollars, and no sum shall be paid to the publisher of any such newspaper until satisfactory evidence is furnished to the auditor that such paper has complied with all the provisions of this act.”

To amend the second paragraph of Section 3, by striking out the words and figures “five hundred (500)” and inserting the words and figures “three hundred and fifty (350),” and adding to said second paragraph the following:

“And that the publication of all such laws was completed by the first day of May next following their enactment.”

To insert the following as Section 4:

“SECTION 4. A copy of any such laws, which shall have attached an affidavit of the publisher stating that the same has been compared by him with the printed copy furnished by the Secretary through the Auditor or county clerk, and is a true copy thereof, shall be prima facie evidence of the existence and correctness of such act as so published.”

Change the numbers of Sections 4 and 5 in the bill to Sections 5 and 6.

And as so amended we recommend that the bill do pass.

HUGH McDONALD,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 204.

A bill for an act for the establishment of a normal school for the Territory of Dakota at the city of Ashton in said Territory, and for the government, management and control of the same,

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills report that

Council Bill No. 124.

Was this 19th day of February, 1889, at 3:40 p. m. delivered to His Excellency, Governor L. K. Church, for his approval.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

Your Committee on Cities and Municipal Corporations have had under consideration

Council Bill No. 267,

A bill for an act to amend Section 2, of Article 17, of Chapter 73, of the General Laws of 1887, in relation to the incorporation of cities,

And report the same back with the recommendation that it do pass,

Also,

Council Bill No. 191,

A bill for an act to amend Section 1, Article 19, Chapter 73, Laws of 1887, allowing towns to change organization,

And report same back with the recommendation that the same do pass.

GEO. H. WALSH,
Chairman.

MR. PRESIDENT:

Your Committee on Education to whom was referred

Council Bill No. 264,

A bill for an act entitled "An act to amend an act to locate, establish and endow a school of Mines for the Territory of Dakota,

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

ROBERT DOLLARD,
Chairman.

MR. PRESIDENT:

Your Committee on Education to whom was referred

Council Bill No. 268,

A bill for an act to limit the terms of Territorial officers, directors, regents and trustees,

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

ROBERT DOLLARD,
Chairman.

MR. PRESIDENT:

Your Committee on Education having had under consideration

Council Bill No. 269,

A bill for an act establishing the Dakota Industrial College at Aberdeen, Dakota, would respectfully report and recommend that said bill be amended by striking out the words and figures "seventy-five thousand" wherever they

appear in Section 7 of said bill and inserting in lieu thereof the words and figures "thirty-five thousand."

That line 2, Section 15, as appears in the printed bill, be amended by striking out the word "twelve" and inserting in lieu thereof the word "fourteen."

That all of Section 17 be stricken out and Sections 18 and 19 be numbered 17 and 18 respectively, and that Section 17 as so renumbered be amended by striking out all after the word "formed" in line 7 of the printed bill,

And as so amended that the bill do pass.

ROBERT DOLLARD,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred House Bill No. 215,

A bill for an act to amend Section 7 of Chapter 43 of the General Laws of 1883, entitled "An act to create the office of district attorney for the several counties of Dakota Territory, and for other purposes,"

Have had the same under consideration and recommend that said bill be amended by inserting after the word "commissioners" in line 4 of page 2 of the written bill the following words: "And which amount shall be deducted from the salary of the district attorney,"

And as amended that it do pass.

Also,

House Bill No. 199,

A bill for an an act detaching certain counties from the Seventh Judicial District and attaching them to the Second and Fifth Judicial Districts,

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

S. L. GLASPELL,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred Council Bill No. 198,

A bill for an act to appropriate funds to pay Charles W. Thompson for rebate of freight on material for the construction of the Capitol building at Bismarck, D. T.,

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

M. H. COOPER,
Chairman pro tem.

MR. PRESIDENT:

Your Committee to whom was referred
House Bill No. 221,

Having had the same under consideration beg leave to return the same with the recommendation that it do pass.

COE I. CRAWFORD,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

Council Bill No. 96,

A bill for an act for the relief of Viola Thompson, Katherine Lee and Rannie Voguild, have had the same under consideration and recommend that said bill be amended as follows:

In the preamble, strike out all of the second section which refers to Rannie Voguild,

Also, in Section 1 of the bill strike out the following sentence: "And the further sum of two hundred and fifty dollars to be paid to said Rannie Voguild."

Add the following as Section 2:

"Sec. 2. It is expressly declared that the money appropriated under the provisions of this act is appropriated as a gratuity and shall never be construed as an acknowledgment of any liability upon the part of the Territory, in any manner for the accident occurring in the month of October, 1888, and known as the Yankton Asylum disaster."

Change the number of "Section 2" to "Section 3."

Amend the title by inserting the word "and" between the words "Thompson" and "Katherine."

And as so amended, we recommend that the bill do pass.

HUGH McDONALD,
Chairman.

REPORTS OF SPECIAL COMMITTEES.

MR. PRESIDENT:

Your Special Committee to whom was referred
Council Bills Nos. 218 and 229.

Respectively, being bills for an act entitled "An act to amend Section 377 of the Civil Code and to authorize corporations to amend their articles of incorporation."

Have had the same under consideration and recommend

that said Bill No. 229 be amended by striking out the word "directors" in the 8th line of the first section thereof, and inserting in lieu of said word the words "stockholders or members." And inserting after the word "adopt" in the 9th line of said sections the words: "By a majority vote of its members or a majority vote in number and amount of its stockholders;" by adding to said bill as Section 2: "Every proceeding, act, liability or thing done, undertaken or secured by or on behalf of the corporation, under its former name, shall be and continue of the same validity and obligation under such new name as if the same had remained unchanged; by adding as "Section 3, all acts and parts of acts in conflict with this act are hereby repealed," and by numbering "Section 2" of said bill, "Section 4,"

And as amended, that said bill do pass, and recommend that Bill No. 218 be indefinitely postponed.

ROBERT DOLLARD,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Patten introduced—
Council Bill No. 276.

A bill for an act to provide funds to reimburse certain citizens of Madison, Dakota, for funds furnished by them for the erection of the Territorial Normal School Dormitory at Madison, Dakota, and for other purposes,

Which was read the first time.

Mr. Glaspell introduced—
Council Bill No. 277,

A bill for an act authorizing the Commissioner of Immigration to appoint an Assistant Commissioner of Immigration,

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 273,

A bill for an act to compensate the owners of certain horses killed by order of the Veterinary Surgeon.

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 274,

A bill for an act authorizing the payment of certain county warrants,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 275,

A bill for an act to amend Section 2, Chapter 27, Political Code, defining elections,

Was read the second time and
Referred to the Committee on Elections.

Council Bill No. 176,

A bill for an act prescribing the mode for listing assessing and the levy and collection of taxes and for other purposes,

Was read the second time and
Referred to the Committee on Revenue.

Mr. Allin moved

That the rules be suspended and House Bill No. 234 be given its first and second readings and referred to its appropriate committee.

Which motion prevailed, and
House Bill No. 234,

A bill for an act to amend Sections 1, 5, 6, 7, 9, 12, 13 and 15 of Chapter 3 of the General Laws of 1887, entitled "An act to create a Territorial Department of Agriculture and relating to agricultural societies and agricultural fairs and providing for reports of same,"

Was read the first and second times and
Referred to the Committee on Agriculture.

Mr. Walsh moved

That the rules be suspended and the first reading of House Bills be taken up.

Which motion prevailed.

FIRST READING OF HOUSE BILLS.

House Bill No. 214,

A bill for an act providing for fees for sheriffs and other officers for transporting persons to the Reform School for juvenile offenders,

Was read the first time.

House Bill No. 231,

A bill for an act creating and defining a subdivision of the Sixth Judicial District,

Was read the first time.

House Bill No. 266,

A bill for an act to facilitate the collection of special assessments in cities, towns or villages,
Was read the first time.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
February 20, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 179,

A bill for an act authorizing county commissioners to purchase for the use of their respective counties an artesian well drilling outfit,

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

JOHN G. HAMILTON,
Chief Clerk.

Mr. Allin in the chair.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 242,

A bill for an act to amend Articles 2, 4, and 15, of the Justice Code, relating to change of venue pleadings, amendments and appeals,

Was read the third time and

The question being upon the report of the Committee on Education,

The report was adopted.

Mr. Crawford offered the following amendment and moved its adoption:

To amend Section 7 of Council Bill No. 242 by striking therefrom the words: "Its passage and approval," and inserting in lieu thereof the words: "The 1st day of July, 1889."

Which motion prevailed.

Mr. Crawford offered the following amendment and moved its adoption:

Amend Section 2 by inserting after the word "abolished" in the second line thereof the words "although either party may submit a written statement of his case, or his defense thereto."

Mr. Campbell moved the adoption of the following as a substitute:

Amend by striking out Section 2 and renumbering the sections following it.

Which substitute prevailed.

Mr. Glaspell offered the following amendment and moved its adoption:

Amend by adding to Section 2 the following words: "The summons shall not be opened to any objection whatever in justice court.

Which motion was lost.

Mr. Crawford offered the following amendment and moved its adoption:

"SECTION 2. No objections shall be made to the sufficiency of the summons, where the defendant appears in person or by attorney,"

Which motion prevailed.

Mr. Campbell offered the following amendment and moved its adoption:

Strike out the words "in the docket" in line 3, Section 3, of the printed bill.

Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 13; nays, 5.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Crawford, Dollard, Harstad, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washbaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Cooper, Ericson, Glaspell, McDonald, Patten.

Absent and not voting:

Messrs. Atkinson, Cameron, Halley, Hughes, Lowry and Miller.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 20, 1889, }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 4,

A bill for an act authorizing and empowering organized counties of Dakota to erect county buildings for court house and jail purposes, and to issue and dispose of bonds to provide funds to pay therefor, and to provide for the payment of principal and interest of such bonds,

Together with the following message from the Governor vetoing the same:

EXECUTIVE OFFICE, }
February 18, 1889. }

To the House of Representatives:

I herewith return without my approval,
House Bill No. 4,

Entitled "An act authorizing and empowering organized counties of Dakota to erect county buildings for court house and jail purposes, and to issue and dispose of bonds to provide funds to pay therefor, and to provide for the payment of principal and interest of such bonds."

The object of this bill is clearly indicated in the title of the act.

Such objections as I have to offer applying to Sections 11 and 12 which are as follows:

SEC. 11. Any county in this Territory which has issued warrants or other evidence of indebtedness since January 1st, 1887, for the purpose of building a court house or jail, or both, may issue bonds under the provisions of this act to fund such warrants or other evidence of indebtedness and if such indebtedness was authorized by a majority vote of the qualified electors of such county previous to the incurring the same, no new election shall be had, and the board of county commissioners of any such county is hereby authorized and empowered when in the judgment of such board it is deemed to the best interests of such county to issue such bonds, and to apply the proceeds solely to the redemption of such warrants or other evidences of indebtedness; Provided, the bonds issued under the provisions of this section, shall bear a lower rate of interest than the outstanding indebtedness proposed to be funded.

SEC. 12. Any county in this territory which has heretofore and since January 1, 1887, submitted to the voters of such county the question of building a court house or jail, or both, and issuing bonds therefor, and upon such election the building of a court house or jail, or both, and the issuing of bonds therefor was authorized or directed by a

majority vote of the qualified electors of such county as evidenced by a majority of votes cast at such election upon said question so submitted to them, no new election shall be had, but such elections and the bonds when issued thereunder are hereby held and declared as legal and valid as if the election held after the passage and approval of this act; and the board of county commissioners of any such county are hereby authorized and empowered to issue such bonds, and with the funds so obtained from the sale thereof to construct a court house, or jail, or both, and are also hereby empowered to purchase a site for such court house, or jail, or both, at such county seat, if none is provided, and pay for the same out of any unappropriated moneys in the county treasury; or contract in the name and in behalf of the county for the sale and conveyance of such site, to be paid for from the proceeds of such bonds when negotiated.

The effect of Section 11 is to confirm and legalize county warrants of indebtedness issued by any county since January 1, 1887, for the purpose of building a court house, or jail, or both, and enabling them to issue bonds therefor under the provisions of the act. And while this section provides that such indebtedness must have been authorized by a majority vote of the qualified electors of such county previous to incurring the same, it also provides that no new election shall be held; but authorizes the board of county commissioners to issue such bonds in their discretion. If at any time since January 1, 1887, an election was had in any county for the purpose of passing upon the question of the erection of a court house or jail and the issuance of bonds therefor and there was no law authorizing such election, it is reasonable to suppose that the voting public, being aware of the fact that there was no law authorizing them to vote upon such a matter, would largely refrain from participating in an election which was not recognized by law; and for the Legislature, by this sweeping section in the bill, to legalize elections of this kind and the issuance of certificates of indebtedness (which may have been issued without warrant of law) is not only, in my opinion, unwise, but very objectionable indeed; and there is no way for me to determine how far-reaching a provision of this kind may prove to be.

Section 12 is open to the same objection as Section 11.

Respectfully,

LOUIS K. CHURCH,
Governor.

And to inform you that the House has passed said House Bill No. 4, the objections of the Governor to the contrary notwithstanding.

JOHN G. HAMILTON,
Chief Clerk.

The question being shall House Bill No. 4 be passed, the objections of the Governor to the contrary notwithstanding,

Mr. Stimmel moved

That the further consideration of House Bill No. 4 be laid over and made Special Order for to-morrow at 3 p. m. Which motion prevailed.

The Committee to examine the Journal of yesterday made the following report:

MR. PRESIDENT:

Your Committee appointed to examine and report upon the correctness of the Council Journal of Tuesday, February 19th, would respectfully report that they have examined said Journal and find the same correct.

ROGER ALLIN,
J. A. WOOLHISER.

Mr. President in the chair.

SPECIAL ORDERS.

The hour for Special Orders for the day having arrived the Council took up the consideration of Council Bill No. 205,

A bill for an act to revise and harmonize the existing systems of public education and to abolish the Territorial Board of Education,

Which was read the third time, and

Mr. Cooper moved

That Council Bill No. 205 be recommitted to the Committee on Education to be compared with the House Bill on the same subject.

Mr. Ryan moved as a substitute for the motion of the gentleman from Codington,

That Council Bill No. 205 be made a special order for Tuesday next at 3 p. m.

Roll call demanded.

The roll being called there were ayes, 8; nays, 12.

Those who voted in the affirmative were:

Messrs. Cameron, Cooper, Ericson, Halley, Harstad, Patten, Ryan, Soderberg.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Campbell, Dollard, Glaspell, McDonald, Poindexter, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Crawford, Hughes, Lowry, Miller.

So the Substitute was lost.

The question being upon the motion of the gentleman from Codrington,

The motion was lost.

Mr. Allin in the chair.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
February 20, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 195,

A bill for an act to amend Section 13 of Sub-Chapter 1, of Chapter 112 of the General Laws of 1883, entitled "An act to provide for the organization of Civil Townships and the government of the same."

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

JOHN G. HAMILTON,
Chief Clerk.

Mr. Dollard offered the following amendment and moved its adoption:

Amend Section 5 by adding thereto: "A county superintendent may appoint a deputy who shall perform the

duties of the office during the absence of the superintendent, and receive pay as in Section 4 of this act; provided, however, that pay shall only be allowed for one, either superintendent or deputy, to the amount allowed by this act to such superintendent."

Which motion prevailed.

Mr. Dollard offered the following amendment and moved its adoption:

Amend by striking out the word "care" in line 12 of Section 11 of the printed bill and insert in lieu thereof the word "case."

Which motion prevailed.

Mr. Dollard offered the following amendment and moved its adoption:

Amend Section 9, Article 7, line 6 of printed bill: strike out the word "they" and insert in lieu thereof the words "and each member thereof."

Which motion prevailed.

Mr. Dollard offered the following amendment and moved its adoption:

Amend Section 9, Article 7, in line 6 by striking therefrom the words "one dollar" and insert in lieu thereof "one dollar and fifty cents."

Mr. Harstad offered the following amendment and moved its adoption:

Insert \$2 in lieu of \$1.50,

Which motion prevailed.

The question being upon the amendment as amended the motion prevailed.

Mr. McDonald offered the following amendment and moved its adoption:

Amend Section 9, line 4, page 47, by striking out the words "or district."

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 133,

A bill for an act to prohibit the manufacture, sale or giving away of intoxicating liquors except for medical, mechanical, scientific and sacramental purposes, and to regulate the manufacture and sale thereof for such excepted purposes,

Also,

House Bill No. 98,

A bill for an act to define the boundaries of the county of Butte,

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

Mr. Ericson moved

That Council Bill No. 205 be laid over until to-morrow and made a Special Order for 10 a. m.

Roll call demanded.

The roll being called there were ayes, 11; nays, 10.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Cooper, Crawford, Ericson, Halley, Harstad, Patten, Ryan, Soderberg, Mr. President.

Those who voted in the negative were:

Messrs. Atkinson, Campbell, Dollard, Glaspell, McDonald, Poindexter, Van Osdel, Walsh, Washabaugh, Woolhiser.

Absent and not voting:

Messrs. Hughes, Lowry, and Miller.

So the motion prevailed.

Mr. Ericson moved

That when the Council adjourns it be to meet at 10 a. m. to-morrow.

Which motion prevailed.

Mr. Stimmel moved

That the vote by which the Council resolved to adjourn from Thursday to Monday be reconsidered.

Roll call demanded.

Call of the house demanded.

The roll being called the members all responded to their names except Messrs. Hughes, Lowry and Miller, Messrs. Lowry and Miller being excused.

The sergeant-at-arms was instructed to bring in Mr. Hughes.

Mr. Hughes being present

Further proceedings under the call was dispensed with.

Mr. Ericson moved

That the Council do now adjourn.

Roll call demanded.

The roll being called, there were ayes, 10; nays, 11.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Crawford, Dollard, Ericson, Glaspell, Patten, Ryan, Soderberg, Van Osdel.

Those who voted in the negative were:

Messrs. Atkinson, Cameron, Cooper, Halley, Harstad, McDonald, Poindexter, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Hughes, Lowry and Miller.

So the motion was lost.

Call of the House demanded.

The roll being called the members all responded to their names except Messrs. Hughes, Lowry and Miller who were excused.

The members all being present further proceedings under the call was dispensed with.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 27,

A bill for an act to amend Section 86, Sub-Chapter 16, Chapter 112, of the Laws of 1883,

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

Mr. Glaspell moved

That the Council do now adjourn.

Roll call demanded.

The roll being called there were ayes, 12; nays, 10.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Hughes, Patten, Ryan, Soderberg, Van Osdel.

Those who voted in the negative were:

Messrs. Atkinson, Cameron, Halley, Harstad, McDonald, Poindexter, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Lowry and Miller.

So the motion prevailed, and

Mr. President pro tem. announced that the Council stood adjourned until to-morrow at 10 a. m.

R. E. WALLACE,
Chief Clerk.

FORTY-FIFTH DAY.

BISMARCK, February 21, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names except

Messrs. Lowry and Miller who were excused.

Mr. Allin in the chair.

SPECIAL ORDERS.

The hour for Special Orders of the day having arrived the Council took up the consideration of

Council Bill No. 205,

A bill for an act to revise and harmonize the existing system of public education and to abolish the Territorial Board of Education,

Mr. Ericson offered the following amendment and moved its adoption:

Amend Section 8, page 13, by striking out all in line 2 thereof after the word "persons" and insert in lieu thereof the words "over the age of eighteen years."

Roll call demanded.

The roll being called there were ayes, 8; nays, 11.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Ericson, Harstad, Soderberg, Van Osdel, Mr. President.

Those who voted in the negative were:

Messrs. Campbell, Crawford, Dollard, Glaspell, Halley, Hughes, Patten, Poindexter, Walsh, Washabaugh, Woolhiser.

Absent and not voting:

Messrs. Cooper, Lowry, Miller, McDonald and Ryan.

So the motion was lost.

Mr. Ericson offered the following amendment and moved its adoption:

Amend Section 12, page 15, by striking out the words "the latter case," in line 3, and insert in lieu thereof the words "all cases." And strike out in lines 5 and 6 of said section the words "upon his own knowledge the superintendent may act immediately without notice."

Which motion prevailed.

Mr. Stimmel offered the following amendment and moved its adoption:

After the word "issued" in line 11, page 14, insert the following: "Except first grade certificates, which shall be rated upon the endorsement of the superintendent of any other county."

Which motion was lost.

Mr. Ericson offered the following amendment and moved its adoption:

Amend Section 14 on page 49 by inserting after the word "exclusively" in line 4 thereof, the words "so far as relates to the studies required by law."

Which motion prevailed.

Mr. Dollard offered the following amendment and moved its adoption:

By inserting after Section 2, Article 8, on page 56, an additional section which shall read as follows:

SECTION 3. No sectarian doctrine shall be taught in any public school, but the Bible may be read therein, not to exceed ten minutes daily, without sectarian comment, and no pupil shall be required to read it contrary to the wishes of his parent or guardian or other person having him or her in charge,

And by renumbering the following sections of said article.

Mr. McDonald offered the following amendment to the amendment of the gentleman from Bon Homme and moved its adoption:

Strike out the word "may" and insert in lieu thereof the word "shall."

Roll call demanded.

The roll being called there were ayes, 3; nays, 17.

Those who voted in the affirmative were:

Messrs. Cameron, McDonald, Washabaugh.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Harstad, Hughes, Patten, Poindexter, Soderberg, VanOsdel, Walsh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Halley, Lowry, Miller and Ryan.

So the motion was lost.

The question being on the motion of the gentleman from Bon Homme,

The motion prevailed.

Mr. Walsh offered the following amendment and moved its adoption:

Amend paragraph 4, Section 2, of Article 7 on page 40 of the printed bill by striking out in line 22 the following words: "Provided there shall be but one school in a district." and insert in lieu thereof "or district."

Which motion prevailed.

Mr. Stimmel offered the following amendment and moved its adoption:

Strike out all after the word "miles" in line 9, page 34, down to and including the word "valuation" in line 10.

Which motion prevailed.

Mr. Van Osdel offered the following amendment and moved its adoption:

Strike out the word "male" in line 6, Section 9 of Article 2, and insert the word "person;" also, strike out the words "or female under sixteen years," in lines 6 and 7 of said section.

Roll call demanded.

The roll being called there were ayes, 7; nays, 12.

Those who voted in the affirmative were:

Messrs. Atkinson, Ericson, Harstad, McDonald, Soderberg, Van Osdel, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Cameron, Campbell, Cooper, Crawford, Dollard, Glaspell, Patten, Poindexter, Walsh, Washabaugh, Woolhiser.

Absent and not voting:

Messrs. Halley, Hughes, Lowry, Miller, Ryan.

So the motion was lost.

Mr. Dollard moved

That the Council take a recess until 2 p. m.

Which motion prevailed.

The Council was called to order at 2 p. m.. by Mr. President in the chair.

Mr. Allin in the chair.

Mr. Ericson offered the following amendment to Council Bill No. 205 and moved its adoption:

Amend Section 9 on page 91 by striking out the words "its passage and approval" and insert in lieu thereof the words "July 1, 1889."

Which motion prevailed.

Mr. Walsh offered the following amendment and moved its adoption:

Amend Section 4, Article 6, page 66, by inserting after the word "immediately" the following words:

"Furnish the county clerk or auditor, and treasurer of the county a statement of the apportionment of the county and."

Which motion prevailed.

Mr. Walsh offered the following amendment and moved its adoption:

Amend Section 3, Article 6, page 66, of printed bill by striking out in line 3 all after "clerk," and insert "or auditor."

Which motion prevailed.

Mr. McDonald offered the following amendment and moved its adoption:

Amend Section 4 on page 10 by inserting after the words "are paid" in line 12, "provided, however, that the salary and mileage of said county superintendent shall not exceed \$1,500 per annum."

Which motion prevailed.

Mr. Ericson offered the following amendment and moved its adoption:

Amend Section 9, page 47 by inserting after the word "year" in line 6 the words "each member of the township board and each member of district boards in districts containing two or more schools shall receive one dollar and fifty cents per day for not to exceed six days in any one year."

Which motion prevailed.

Mr. Ericson offered the following amendment and moved its adoption:

Amend the bill where necessary by correcting all typographical errors.

Amend line 18 on page 77 by striking out the words "or taxable property."

Amend line 2, Section 4, page 78, by striking out the word "act" and insert the word "article" in lieu thereof.

Amend line 9, Section 6, page 59, by adding the words "do so" after the word "may."

Which motion prevailed.

Mr. Harstad offered the following amendment and moved its adoption:

On page 8, Section 1, line 4, after the word "first" add "Monday,"

Which motion prevailed.

Mr. Harstad offered the following amendment and moved its adoption:

On page 35, Section 3, line 9, strike out the word "here" and insert in lieu thereof the word "hereby,"

Which motion prevailed.

Mr. Harstad offered the following amendment and moved its adoption:

On page 10, line 23, strike out the first word "of."

Which motion prevailed.

Mr. Stimmel offered the following amendment and moved its adoption:

To strike out the word "four" in line four, page 39, and insert instead thereof the word "five."

Which motion prevailed.

Mr. Stimmel offered the following amendment and moved its adoption:

To strike out the words "grading" and "efficient instruction" in line 41, page 41.

Which motion prevailed.

Mr. Stimmel offered the following amendment and moved its adoption:

To amend by striking out the word "four" in line 46, page 42, and insert the word "five,"

Which motion prevailed.

Mr. Van Osdel offered the following amendment and moved its adoption:

Amend Section 4, Article 2, page 10, of the printed bill by adding the following:

Provided: That the salary and all allowances for services, mileage, stationery and supplies shall not exceed in any one year the sum of fifteen hundred (\$1,500) dollars, nor more than one thousand (\$1,000) dollars in counties where there are not more than sixty-five organized school districts in the same,

Mr. Ericson offered the following amendment to the amendment of the gentleman from Yankton:

Strike out the words "and supplies."

Roll call demanded.

The roll being called there were ayes, 15; nays, 2.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Poindexter, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Harstad and Ryan.

Absent and not voting:

Messrs. Atkinson, Cameron, Hughes, Lowry, Miller, McDonald, Patten.

So the motion prevailed.

The question being upon the motion of the gentleman from Yankton as amended,

Roll call demanded.

The roll being called there were ayes, 11; nays, 11.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Cooper, Glaspell, Harstad, McDonald, Ryan, Van Osdel, Walsh, Woolhiser.

Those who voted in the negative were:

Messrs. Campbell, Crawford, Dollard, Ericson, Halley, Hughes, Patten, Poindexter, Soderberg, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Lowry and Miller.

So the motion was lost.

Mr. Stimmel offered the following amendment and moved its adoption:

Insert the word "other" before the word "school" in line 10, page 56, and strike out the word "districts" in same line.

Which motion prevailed.

Mr. Dollard offered the following amendment and moved its adoption:

Amend line 2, Section 22, Article 7, on page 54, by inserting after the word "district" the words "except as hereinbefore provided."

Which motion prevailed.

Mr. Dollard offered the following amendment and moved its adoption:

Amend line 1 of Section 20, article 7, on page 52 by inserting after the word "or" in said line the word "the" and by inserting after the word "district" in said line the words "board by the direction of the voters at the annual meeting."

Which motion prevailed.

Mr. Dollard offered the following amendment and moved its adoption:

Amend line 1, page 28, Section 1, by inserting after the word "organized" the word "under."

Which motion prevailed.

Mr. Van Osdel offered the following amendment and moved its adoption:

Amend Section 4, page 10, of the printed bill as follows:

Provided, that the compensation and allowance of the superintendent shall not exceed twelve hundred dollars in counties where there are not more than sixty-five organized districts and subdistricts in the same.

Which motion prevailed.

Mr. Glaspell offered the following amendment and moved its adoption:

Amend the bill by striking out the present numbering and to renumber by sections consecutively.

Which motion prevailed.

Mr. Ryan offered the following amendment and moved its adoption:

That the words "and to abolish the Territorial board of education" be stricken out of the enacting clause.

Mr. Washabaugh moved

To lay the motion of the gentleman from Aurora on the table.

Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 21; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad,

Hughes, McDonald, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Lowry, Miller, Patten.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Dollard moved

That the Enrolling and Engrossing Committee be instructed to rewrite all amended sections of Council Bill No. 205, except where there is a change of but a single word or a typographical error; that where such two last mentioned amendments occur such word or typographical error shall be indicated by conforming the bill to the amendment and where such sections are rewritten that the original sections, the place of which they take, be stricken out.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 21, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
Council Bill No. 108,

A bill for an act entitled "An act to change the name of the religious corporation incorporated under the title of The First Bohemian Presbyterian Church of Dakota."

Also,

~~Council Bill No. 94,~~

A bill for an act to amend Section 4 of Chapter 121 of Laws of 1887 (Section 220 of Compiled Laws),

Also,

Council Bill No. 73,

A bill for an act entitled "An act to provide when laws shall go into force and effect."

All of which the House has passed unchanged.

I also have the honor to transmit herewith

Council Bill No. 40,

A bill for an act to amend Section 14, Chapter 118 of the General Laws of 1881,

Which the House has passed by amending as follows:

Amend Section 1 by striking out in lines 1 and 2 of said Section 1 after the word "section" the words and figures "14, Chapter 118, of the General Laws of 1881," and insert in lieu thereof the words and figures "103, of Chapter 28, of the Political Code," also, strike out the words "newspaper or" in lines 33 and 34 of said Section 1. Also strike out all of lines 35, 36 and 37 of said Section 1. Also amend the title so as to read as follows: "A bill for an act to amend Section 103, of Chapter 28, of the Political Code."

And your concurrence therein is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

Mr. President in the chair.

Mr. Washabaugh moved

That the Council proceed with the regular order of business.

Which motion prevailed.

Mr. President appointed Messrs. Harstad and Hughes as the committee to examine the Journal of yesterday

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Washabaugh presented the following petition:

DEADWOOD, DAK., February 4, 1889.

At a regular meeting of the city council of the city of Deadwood, held at the city hall, on Monday, February 4, 1889, the following resolution was unanimously adopted:

WHEREAS, A memorial and bill creating and establishing an Insane Asylum within the limits of the city of Deadwood; and,

WHEREAS, The mayor and council of the city of Deadwood deeming such an institution a great public necessity; therefore, be it

Resolved, by the Mayor and Council of said city of Deadwood, that our members of the legislature be respectfully requested to use all honorable means to secure the passage and approval of said bill.

Approved Feb. 4, 1889.

SOL STAR,
Mayor.

Attest:

L. F. WHITBECK,
City Clerk.

Which was referred to the Committee on Charitable and Penal Institutions.

Mr. Washabangh also presented the following petition:

To the Legislative Assembly of the Territory of Dakota:

WHEREAS, It is the duty of the state to care for its insane citizens, and for this purpose to erect asylums where such unfortunates may receive medical attention, humane treatment, and such restraint as is proper for their own good and that of other people; and

WHEREAS, The present institution in Yankton is crowded and unable to receive all who need such care, and is located at a long distance from the Black Hills, and by reason of the existence of the great Sioux reservation, and the lack of direct railroad communication, it is necessary to transport patients from the Black Hills through the states of Nebraska and Iowa, at the expense of more than \$300 for each patient so transported; and

WHEREAS, There are now more than fifty insane people resident in the Black Hills who ought to be admitted to the benefits of such an asylum; and

WHEREAS, Our population is being rapidly increased by immigration which will at an early date upon the opening of the great Sioux reservation become incalculably greater and thus of necessity the number of these unfortunates will also proportionately increase; and

WHEREAS, there is no asylum for the permanent restraint of the incurable insane, your memorialists deem the immediate erection of another asylum an imperative necessity, and we ask that your honorable body make an appropriation of fifty thousand dollars for that purpose, and beg leave to submit the following facts taken from official records showing, as we believe, that such an institution should be located in the Black Hills at Deadwood in Lawrence county.

The biennial report of the trustees of the Yankton asylum for 1888 gives the number of patients admitted from the five Black Hills counties as 24, as follows, to-wit: Lawrence, 18; Pennington, 5; Custer, 1. The official records of Lawrence show that in the same period the number of insane treated at this asylum the following disposition has been made of them: Twelve were transported from Yankton to Deadwood upon discharge; 19 were transported from Deadwood to Yankton for treatment; 5 died in the asylum at Yankton; 3 returned to Deadwood are now in

the county hospital near Deadwood as incurably insane, and 1 returned as curable will probably have to be again taken to the asylum for further treatment.

Again: In addition to these incurable insane we would further represent that there are now in this county a number of insane, of a mild form of insanity, who have been examined before the county board in Deadwood, who would have, undoubtedly, been greatly and speedily benefited and properly admitted to the asylum for treatment, but the great distance and expense of travel induced the county board to provide for their care and treatment in private families, either with relatives or friends. The number of these is known to be at the present time about fifteen, whose disabilities are likely to become aggravated, and many of them become hopelessly insane for lack of that medical treatment and careful attention that can only be had at such an asylum.

Again: From careful inquiry and reliable information, a number of such cases are known to exist in the other Black Hills counties.

Again: One incurable insane, a female, returned from Yankton had to be kept and cared for in a private family, and, of course, with no such care and attention as is so essential and necessary in such cases, and which it is wholly impracticable and impossible for the county to provide, and death was undoubtedly hastened by the inefficient and negligent treatment thus given.

Thus compelled from force of circumstances to keep this dependent, helpless and afflicted class of our citizens in association with paupers and idiots, and in violent cases, with criminals in the county jail, is a condition of affairs that the commonwealth only has the power and ability to correct, and it is in no way the province and duty of the county to remedy; nor has it the authority, or is it within its jurisdiction to make such provision as is customary in all such cases in every state.

JAS. K. P. MILLER,
President Board of Trade.

F. W. HAMILTON,
Secretary Board of Trade.

HARRIS FRANKLIN,

D. A. MCPHERSON,

JOHN WRINGROSE,

GEORGE C. HICKOK,

J. P. BELDING,

Special Committee Deadwood Board of Trade.

Which was referred to the Committee on Charitable and Penal Institutions.

Mr. Walsh presented the following communication:

To the Honorable Members of the Legislative Council of the Territory of Dakota:

Gentlemen:—The Memorial of the Grand Forks County Farmers' Mutual Insurance Company respectfully showeth that at the annual meeting of the members of said company, held at Grand Forks on Tuesday, January 8, 1889, according to law a resolution was duly passed, that a Memorial be presented to the Legislature to enable the territory of said company to be extended;

Wherefore your Memorialists most respectfully recommend your honorable body to amend Section 14, Chapter 67 of the Session Laws of the Territory of Dakota for 1887, by striking out the words "of the county" where they occur in said section and inserting in lieu thereof the words "of five counties comprising the county," or in any other manner which in your wisdom may be devised.

And your Memorialists as in duty bound, etc.

Grand Forks, Dakota Territory, January 16, 1889.

OMER L. STEELE,
President.

DANIEL FYFE,
Secretary.

Which was referred to the Committee on Insurance.

Mr. Walsh presented the following communication:

GRAND FORKS, Dak., Jan. 21, 1889.

Hon Geo. H. Walsh:

DEAR SIR: Pursuant and in conformity to resolution and proceedings of last annual meeting of Grand Forks County Farmers' Mutual Insurance Co., held according to law on Tuesday the 8th day of January, 1889, that a memorial praying for legislation to extend the territory of said company so as to include four more contiguous counties be drafted, forwarded to you and placed in your charge for introduction to the Legislative Council during the present session, please find therefore enclosed memorial proposing and suggesting an amendment for the extension required.

Yours Respectfully,
DANIEL FYFE,
Secretary.

P. S.—The counties proposed as territory of the company are Pembina, Walsh, Grand Forks, Traill and Cass.

Which was referred to the Committee on Insurance.

SPECIAL ORDERS.

The hour for Special Orders for the day having arrived the Council took up the consideration of

House Bill No. 4,

“A bill for an act authorizing and empowering organized counties of Dakota to erect county buildings for court house and jail purposes, and to issue and dispose of bonds to provide funds to pay therefor, and to provide for the payment of principal and interest of such bonds,”

And the message of His Excellency the Governor vetoing the same.

The question being shall House Bill No. 4 pass, the objections of His Excellency, the Governor, to the contrary notwithstanding,

The roll being called there were ayes, 17; nays, 3.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Poindexter, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Cameron, McDonald, Ryan.

Absent and not voting:

Messrs. Hughes, Lowry, Miller and Patten.

So the bill passed,

The objections of His Excellency the Governor to the contrary notwithstanding.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Elections to whom was referred Council Bill No. 112,

A bill for an act to secure more fully the independence of elections,

Also,

Council Bill No. 60,

A bill for an act to more fully secure the independence of elections and to enforce the secrecy of the ballot,

Have had the same under consideration and recommend

that said bills be referred back without recommendation.

A. L. VAN OSDEL,
Chairman.

MR. PRESIDENT:

Your Committee on Revenue to whom was referred
Council Bill No. 88,

A bill for an act to provide for deposit of public funds,

Having had the same under consideration recommend
to amend by striking out the words "such treasurer" in line
2 of Section 2, and substitute in lieu thereof the words "the
county auditor."

Also,

House Bill No. 23,

A bill for an act to amend subdivisions 2 and 3 respec-
tively of Section 37 of Chapter 28, Political Code,

Also,

House Bill No. 121,

A bill for an act entitled "An act to amend Section 61 of
Chapter 28 of the Political Code,"

Also,

Council Bill No. 270,

A bill for an act to amend Section 4 of Chapter 142, Ses-
sion Laws of 1887, entitled "An act to provide for the col-
lection of city taxes in incorporated cities of the Territory
of Dakota,"

Having had the same under consideration report the
same with the recommendation that they do pass.

Also,

Council Bill No. 224,

A bill for an act to amend Section 55, Chapter 22, Poli-
tical Code, and Section 5, Chapter 49, of the Laws of 1879,
relating to penalty for delinquent taxes,

Having had the same under consideration recommend
the same with recommendation that it do not pass.

M. H. COOPER,
Chairman.

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred
House Bill No. 234,

A bill for an act to amend Sections 1, 5, 6, 7, 9, 12, 13
and 15 of Chapter 3 of the General Laws of 1887, entitled
"An act to create a Territorial Department of Agriculture
and relating to agricultural societies and agricultural fairs
and providing for reports of same,"

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

C. A. SODERBERG,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Van Osdel introduced—
Council Bill No. 278,

A bill for an act to extend the time for Joint Committee of Council and House of Representatives, appointed pursuant to the provision of Council Bill No. 22 which passed at the Eighteenth Session of the Legislative Assembly of the Territory of Dakota, to investigate the condition of the Hospital for the Insane at Yankton, to make report and to provide for paying expenses of the same.

Which was read the first time.

Mr. Washabaugh introduced—
Council Bill No. 279,

A bill for an act to locate and endow a hospital for the insane, idiots and incurables of the Territory of Dakota,

Which was read the first time.

Mr. Walsh introduced—
Council Bill No. 280,

A bill for an act entitled "An act to amend subdivision 5 of Section 5650 of Chapter 1 of the Probate Code of the Compiled Laws of 1887,"

Which was read the first time.

Mr. Miller introduced—
Council Bill No. 281,

A bill for an act to amend Section 3000 of the Compiled Laws of the Territory of Dakota,

Which was read the first time.

Mr. Cooper introduced—
Council Bill No. 282,

A bill for an act to define the authority to incur and limit indebtedness on the part of cities,

Which was read the first time.

Mr. Glaspell introduced—
Council Bill No. 283,

A bill for an act providing interest at 7 per cent. per annum on Territorial warrants hereafter issued,

Which was read the first time.

Mr. Van Osdel moved

That the rules be suspended and Council Bill No. 278 be read the second and third times and put on its final passage.

Which motion prevailed and
Council Bill No. 278,

A bill for an act to extend the time for Joint Committee of Council and House of Representatives, appointed pursuant to the provision of Council Bill No. 22, which passed at the Eighteenth Session of the Legislative Assembly of the Territory of Dakota, to investigate the condition of the Hospital for the Insane at Yankton, to make report and to provide for paying expenses of the same,

Was read the second and third times and

The question being shall the bill pass.

The roll being called there were ayes, 9; nays, 10.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Dollard, Ericson, Halley, Hughes, Soderberg, Van Osdel, Washabaugh.

Those who voted in the negative were:

Messrs. Cameron, Cooper, Crawford, Glaspell, Harstad, McDonald, Patten, Ryan, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Atkinson, Lowry, Miller, Poindexter, Walsh.

So the bill was lost.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES }
February 21, 1889: }

MR. PRESIDENT:

I have the honor to transmit herewith

Council Bill No. 12.

A bill for an act providing for township organization,

Also,

Council Bill No. 31,

A bill for an act to amend Chapter 43 of the Session Laws of 1885, relating to the practice of dentistry,

Both of which the House has passed unchanged.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Glaspell moved

That the rules be suspended and Council Bill No. 283 be

read the second and third times and put on its final passage.

Which motion prevailed, and
Council Bill No. 283,

A bill for an act providing interest at seven per centum per annum on Territorial warrants hereafter issued,

Was read the second and third times and

The question being shall the bill pass,

The roll being called there were ayes, 19; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, McDonald, Poindexter, Ryan, Soderberg, Van Osdel, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Cameron, Lowry, Miller, Patten, Walsh.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 276,

A bill for an act to provide funds to reimburse certain citizens of Madison, Dakota, for funds furnished by them for the erection of the Territorial Normal School Dormitory at Madison, Dakota, and for other purposes,

Was read the second time and

Referred to the Committee on Appropriations.

Mr. Allin moved

That House Bill No. 234 be read the third time and put on its final passage.

Which motion prevailed and

House Bill No. 234,

A bill for an act to amend Sections 1, 5, 6, 7, 9, 12, 13 and 15, of Chapter 3, of the General Laws of 1887, entitled "An act to create a Territorial Department of Agriculture and relating to agricultural societies and agricultural fairs, and providing for reports of same,

Was read the third time and

Mr. Patten moved

To recommit House Bill No. 234 to the Committee on Agriculture.

Which motion prevailed.

The Committee to examine the Journal of yesterday made the following report:

MR. PRESIDENT:

Your Committee appointed to examine and report upon the correctness of the Council Journal of February 20th, would respectfully report that they have examined said Journal and find the same correct.

ALEXANDER HUGHES,
G. A. HARSTAD.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 219,

A bill for an act to amend Section 399, Chapter 35 of the Political Code,

Was read the third time and

The question being upon the report of the Committee, the report was adopted, and

The question being shall the bill pass,

The roll being called there were ayes, 22; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, McDonald, Patten, Poindexter, Ryan, Soderberg, Van-Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Lowry and Miller.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Allin in the chair.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 283,

A bill for an act providing interest at 7 per centum per annum on Territorial warrants hereafter issued,

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

Council Bill No. 111,

A bill for an act to amend Section 2, Chapter 52, of the Session Laws of 1879, relating to the admissibility of a certain class of testimony in certain cases,

Was read the third time and
The question being upon the report of the Committee
on Judiciary,

The report was adopted, and

Mr. Hughes moved

To indefinitely postpone the further consideration of
Council Bill No. 111.

Which motion prevailed.

Council Bill No. 253.

A bill for an act entitled "An act to change the name of
Groton College."

Was read the third time and

The question being upon the report of the Committee on
Education,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 16; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Crawford, Dollard,
Ericson, Halley, Harstad, McDonald, Patten, Ryan, Soder-
berg, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Atkinson, Cooper, Glaspell, Hughes, Lowry,
Miller, Poindexter and Van Osdel.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Atkinson moved

That the rules be suspended and House Bill No. 70 be
read the third time and put on its final passage,

Which motion prevailed, and

House Bill No. 70.

A bill for an act to permit County Commissioners to
compromise delinquent taxes,

Was read the third time, and

The question being upon the report of the Committee
on Revenue,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 18; nays, 1.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Campbell, Cooper, Craw-
ford, Dollard, Ericson, Glaspell, Halley, Harstad, McDonald,

Patten, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser,
Mr. President.

Mr. Van Osdel voting in the negative.

Absent and not voting:

Messrs. Allin, Hughes, Lowry, Miller and Poindexter.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 255,

A bill for an act to amend Section 2 of a Special Law passed by the Fifteenth Legislative Assembly of Dakota Territory, approved March 9th, 1883, entitled "An act to authorize Lawrence County to issue bonds to be used in refunding and paying off its outstanding indebtedness and to provide for the payment of the same,"

Was read the third time,

The question being upon the report of the Committee on Territorial Affairs,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 20; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, McDonald, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Harstad, Hughes, Lowry, Miller.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Glaspell in the chair.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 21, 1889, }

MR. PRESIDENT:

I have the honor to return herewith

Council Bill No. 43.

A bill for an act to repeal Chapter 48 of the Special Laws of the Sixteenth Legislative Assembly, being "An

act to provide for payment of clerical work in the Executive office, and all other acts amendatory thereto,"

Which the House has indefinitely postponed.

JOHN G. HAMILTON,
Chief Clerk.

MR. PRESIDENT:

I have the honor to return herewith

Council Bill No. 52,

A bill for an act making the taking of usury a misdemeanor,

Which the House has passed under suspension of the rules,

Also,

Council Bill No. 169,

A bill for an act amending Section three (3), Chapter fifty (50) of the Political Code,

Which the House has indefinitely postponed.

Also,

Council Bill No. 6,

A bill for an act to provide for the foreclosure of mortgages on real estate by action and to abolish other methods of foreclosure,

Which the House has indefinitely postponed.

Also,

House Bill No. 201,

A bill for an act providing for the appointment of regents, directors or trustees of the educational, penal and charitable institutions of the Territory,

Also,

House Bill No. 272,

A bill for an act construing the phrase "successive weeks,"

Also,

House Bill No. 252,

A bill for an act authorizing the Territorial Auditor to audit a claim against the Territory in favor of George F. Ingram,

Also,

House Bill No. 228,

A bill for an act to regulate the compensation of township officers,

Also,

House Bill No. 236,

A bill for an act to amend Section 4 of Chapter 20 of the General Laws of 1887, entitled "An act providing the

method of appeals to the Supreme Court of Dakota Territory,"

Also,

House Bill No. 275,

A bill for an act to enable townships and incorporated towns and cities to aid in the construction of railroads,

All of which the House has passed and your favorable consideration thereof is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Stimmel moved

That Council Bills Nos. 60 and 112 be made a special order for next Tuesday at 3 o'clock in the Committee of the Whole.

Which motion prevailed.

Council Bill No. 264,

A bill for an act entitled "An act to amend an act to locate, establish and endow a School of Mines for the Territory of Dakota,"

Was read the third time and

The question being on the report of the Committee on Education,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 19; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, McDonald, Patten, Poin-dexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Cameron, Harstad, Hughes, Lowry, Miller.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 80,

A bill for an act to attach the county of Hettinger to the county of Stark for judicial purposes,

Was read the third time and

The question being upon the report of the Committee on Judiciary,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 18; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, McDonald, Patten, Poindexter, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Cameron, Harstad, Hughes, Lowry, Miller, Patten.

So the bill passed and

The question being as to its title and being put,
Its title was agreed to.

Mr. Crawford moved

That the rules be suspended and House Bill No. 199 be taken up.

Which motion prevailed.

House Bill No. 199, a Substitute for Council Bill No. 11,

A bill for an act detaching certain counties from the Seventh Judicial district and attaching them to the Second and Fifth Judicial districts,

Was read the third time, and

The question being upon the report of the Committee on Judiciary,

The report was adopted, and

The question being shall the bill pass,

The roll being called there were ayes, 18; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, McDonald, Patten, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Cameron, Harstad, Hughes, Lowry, Miller, Poindexter and Ryan.

So the bill passed and

The question being as to its title and being put,
Its title was agreed to.

The Joint Committee to investigate the Jamestown Asylum made the following report:

Report of the Committee appointed to investigate and report on the condition and management of the North Dakota Hospital for Insane:

To the Council and House of Representatives, Eighteenth Session Legislative Assembly, Dakota Territory:

Your Committee appointed to investigate the management and condition of the North Dakota Hospital for Insane having examined the buildings and grounds of said Hospital and the records of the institution, and having taken the evidence of over sixty witnesses—being all that were produced at the investigation by the parties in interest—would respectfully report as follows:

Evidence tending to prove the charges of immorality and cruelty, made against the superintendent, was presented, but from all the evidence your Committee do not feel justified in concluding that such charges were proven.

As to the charges of drunkenness, incompetency and the using of public property for private purposes, your committee are of the opinion that the evidence did not warrant such charges being brought. It would appear from the evidence that in some instances intemperate and improper employes have been retained at the institution after they should have been discharged, and they are still retained.

While we believe with the superintendent that exercise and labor are often beneficial to patients, yet it appears from the testimony that at times possibly too severe labor has been performed. Notwithstanding this we are satisfied that the superintendent has in general been careful in this respect.

The surroundings of the patients seem to be unexceptionable. Neatness, cleanliness and good order everywhere prevails. In our opinion the equipments are appropriate and adequate, and the sanitary conditions excellent.

Whether or not too much help has been employed and too high wages paid, are—owing to the nature and many kinds of work to be done—difficult matters to determine; yet we are of the opinion that in both respects more economy might have been practiced without detriment to the institution, especially in the employment and pay of farm hands, and also in the matter of clerk whom we deem an unnecessary official.

It seems to your Committee that there has been in some respects a neglect of proper oversight and economical management on the part of the trustees. This is evident from the fact (as shown by vouchers on file and from the published report) that certain members of said board have been

on duty and under pay for a great part of the time. A decided improvement in the keeping of accounts and in general oversight has lately been inaugurated.

Extravagance has been charged against the trustees on the ground that too much money has been used in the construction and furnishing of buildings. Your Committee believe that while the outlay has been in excess of the present demands or needs of the Territory, the trustees were justified in expending the monies placed under their control in such manner and in such ways as were contemplated by the Legislature appropriating such funds.

We believe that there has been a lack of economy in the purchase of supplies; the trustees having by resolution confined the steward to purchasing supplies in the city of Jamestown, and purchases of goods to the amount of several thousand dollars per month are made without inviting competitive bids therefor. We recommend that all supplies, of staple articles especially, be bought upon competitive bids duly advertised and open to all bidders.

It seems that notwithstanding the fact that the trustees have charge of improvements and are general managers of the institution, yet some \$1,200 worth of coal belonging to said institution was used by Gray Bros. in sinking an artesian well entirely without the knowledge of such trustees, and your Committee censure what appears to them to be a want of proper care on the part of such trustees.

We also find that the bond of \$3,000 given by Gray Brothers was forfeited through their failure to complete the contract; that the sureties are good; and we recommend that the Attorney-General proceed against them to recover the amount of said bond.

We have inquired into the purchase of lands made by the trustees for the site of the institution, and have taken testimony thereon, and we believe that the transaction was a legitimate and honest one, and the site purchased a very desirable one.

We deem it advisable to provide better protection against fire, and recommend the sinking of an artesian well; and we protest against the use of this or of any other fund for any purpose except that for which it was appropriated.

The steam pipes leading from the boiler house to the occupied buildings should be protected in a suitable

manner to insure as far as possible against the present loss of heat.

We recommend that a majority of the members of the board of trustees shall be residents of other counties than the one in which the institution is located.

Your committee are having a transcript made of the evidence taken herein, and will file the same as soon as completed, with the Governor, and will also file with him an itemized list of all expenditures incurred in this investigation.

All of which is respectfully submitted.

PETER CAMERON,
E. C. ERICSON,
H. J. MALLORY,
C. H. BALDWIN,
WILLIAM S. LOGAN,
Committee.

Mr. Crawford moved

That the report be made a special order for Tuesday next at 4 p. m.

Which motion prevailed.

Mr. Crawford moved

That the Council do now adjourn.

Which motion prevailed, and

Mr. President pro tem announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

FORTY-SEVENTH DAY.

BISMARCK, Feb. 23, 1889.

Council met pursuant to adjournment and was called to order by Mr. Patten, President pro tem, in the chair.

Prayer by the chaplain.

The roll being called all members responded to their names except Messrs. Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Miller, Ryan, Soderberg,

Walsh, Washabaugh, Woolhiser and Mr. President, who were excused, on motion of Mr. Van Osdel.

Mr. Van Osdel moved

To dispense with the reading of the Journal,

Which motion prevailed.

Mr. Van Osdel moved

That the Council do now adjourn,

Which motion prevailed,

And the President pro tem announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

FORTY-NINTH DAY.

BISMARCK, February 25, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names except Messrs. Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Harstad, Lowry, McDonald, Miller, Walsh and Washabaugh.

Mr. Van Osdel moved

That the Council do now adjourn,

Which motion prevailed, and

Mr. President announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

FIFTIETH DAY.

BISMARCK, February 26, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names except

Messrs. Cooper, Crawford, Dollard, Ericson, Lowry, Miller and Ryan, who were excused.

Mr. President appointed Messrs. Woolhiser and Atkinson as the Committee to examine the Journal of yesterday.

PETITIONS AND COMMUNICATIONS.

Mr. Atkinson presented the following petition:

To the Honorable Legislature of Dakota Territory:

We the undersigned threshermen and farmers of Dakota respectfully petition your honorable body that you will enact a law by which the compensation agreed upon between the threshermen and the farmers for the threshing of grain shall be a lien upon the grain threshed, and that said lien shall take precedence of all other legal demands against such grain.

F. L. GAMSON.

And 30 others of Brookings County.

Which was referred to the Committee on Agriculture.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Territorial Affairs to whom was referred

Council Bill No. 258,

A bill for an act locating an Asylum for the Blind at Pierre.

Also,
Council Bill No. 273,

A bill for an act to compensate the owners of certain horses killed by order of the Veterinary Surgeon.

Beg leave to report that they have had the same under consideration and recommend that Council Bill No. 258 do pass, and report Council Bill No. 273 back without recommendation.

FRANK J. WASHABAUGH,
Chairman.

MR. PRESIDENT:

Your Committee on Incorporations to whom was referred House Bill No. 51,

A bill for an act to amend Section 9 of Article 13 of Chapter 73 of the Session Laws of 1887,

Have had the same under consideration and have instructed me to report the same back with the recommendation that the same be amended by striking out Sections 1 and 2 and inserting in lieu thereof the following, to-wit:

SECTION 1. That said Section 9 is hereby repealed, and the following enacted in lieu thereof, viz.: If there is a failure to elect any officer herein required to be elected, or the person elected shall fail to qualify, or for any other cause a vacancy may arise, the city council may at a special meeting called for that purpose, of which all members shall have notice, by a majority vote of said council fill such vacancy, and the person receiving a majority of all the votes of the council shall be deemed duly elected to the office named and shall qualify and enter upon the duties thereof within ten days from such election.

That said remaining sections be renumbered, and as thus amended that the bill do pass.

D. W. POINDEXTER,
Chairman.

MR. PRESIDENT:

Your Committee on Cities and Municipal Corporations to whom was referred Council Bill No. 272,

Have had the same under consideration and recommend that Section 1 be amended to read: That Chapter 73, of the General Laws of A. D. 1887, be amended as follows:

All of Sections 4 and 6, of Article 2, are hereby repealed.

Also strike out all of Section 2, of said bill. Add to

Section 9 the following words: "Less the amount of benefits conferred by such change,"

And when so amended that the bill do pass.

GEO. H. WALSH,
Chairman.

MR. PRESIDENT:

Your Committee on Insurance to whom was referred
House Bill No. 83,

A bill for an act relating to the payment of premiums
for insurance by the giving of notes,

Have had the same under consideration and recommend
that said bill be indefinitely postponed,

Also,

House Bill No. 114,

A bill for an act to amend Section 14 of Chapter 67 of
the General Laws of 1887, entitled "An act to amend Chap-
ter 70 of the Session Laws of 1885 relating to county
mutual insurance companies,

And recommend that it be indefinitely postponed.

ROGER ALLIN,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House of
Representatives.

HOUSE OF REPRESENTATIVES, }
February 26, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
Council Bill No. 227,

A bill for an act to amend Sections 1 and 2, of Chapter
114 of the Session Laws of 1883, relating to the disposition
of lots in towns, entered under the act of congress, ap-
proved March 2, 1867 and acts amendatory thereto,

Which the House has passed unchanged,

Also,

Council Bill No. 199,

A bill for an act to amend Section 409 of Chapter 3, of
the Civil Code,

Which the House has also passed unchanged.

JOHN G. HAMILTON,
Chief Clerk.

Mr. President announced his signature to House Bills
No. 98, 68, 27, 30, 3, 49, 56 and Joint Resolution.

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

Resolved, That the Committee on appropriations of the Council for the Eighteenth Legislative Assembly be increased to nine members.

Which motion prevailed and

Mr. President announced Messrs. Glaspell and Allin as the additional members.

Mr. Hughes moved

That all members absent on Friday, Saturday, Monday and to-day be excused.

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Campbell introduced—
Council Bill No. 284,

A bill for an act to regulate warehouses and provide for the sale of unclaimed personal property,

Which was read the first time.

Mr. Poindexter introduced—
Council Bill No. 285,

A bill for an act to amend Chapter 73 of the Laws of the Seventeenth Legislative Assembly, in relation to the incorporation of cities,

Which was read the first time.

Mr. Poindexter introduced—
Council Bill No. 286,

A bill for an act to amend Chapter 63 of the General Laws of the Sixteenth Legislative Assembly, and to create county boards of health.

Which was read the first time.

Mr. Poindexter introduced—
Council Bill No. 287,

A bill for an act to prohibit the importation, sale or exposure of infected animals and to prescribe punishment therefor,

Which was read the first time.

Mr. Cameron introduced—
Council Bill No. 288,

A bill for an act entailing a certain duty upon county treasurers,

Which was read the first time.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

The following message from the House of Representatives was read:

MR. PRESIDENT:

I have the honor to transmit herewith
Council Bill No. 40,

A bill for an act to amend Section 14, Chapter 118 of the
General Laws of 1881,

Which the House has passed by amending as follows:

Amend Section 1 by striking out in lines 1 and 2 of said
Section 1 after the word "section" the words and figures
"14, Chapter 118, of the General Laws of 1881," and insert
in lieu thereof the words and figures "103, of Chapter 28,
of the Political Code," also, strike out the words "news-
paper or" in lines 33 and 34 of said Section 1. Also strike
out all of lines 35, 36 and 37 of Section 1. Also amend
the title so as to read as follows: "A bill for an act to
amend Section 103, of Chapter 28, of the Political Code."

And your concurrence therein is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

Mr. McDonald moved

That the Council concur in the amendments of the
House to Council Bill No. 40,

Which motion prevailed.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 277,

A bill for an act authorizing the Commissioner of Immi-
gration to appoint an Assistant Commissioner of Immigra-
tion,

Was read the second time and

Referred to the Committee on Immigration.

Council Bill No. 279,

A bill for an act to locate and endow a hospital for the
insane, idiots and incurables of the Territory of Dakota,

Was read the second time and

Referred to the Committee on Charitable and Penal In-
stitutions.

Council Bill No. 280,

A bill for an act, entitled "An act to amend subdivision
5 of Section 5650 of Chapter 1 of the Probate Code of the
Compiled Laws of 1887,"

Was read the second time and
 Referred to the Committee on Judiciary.
 Council Bill No. 281,
 A bill for an act to amend Section 3000 of the Compiled
 Laws of the Territory of Dakota,
 Was read the second time and
 Referred to the Committee on Judiciary.
 Council Bill No. 282,
 A bill for an act to define the authority to incur and
 limit the indebtedness on the part of cities,
 Was read the second time and
 Referred to the Committee on Cities and Municipal Cor-
 porations.

MESSAGE FROM THE HOUSE.

The following message was received from the House of
 Representatives:

HOUSE OF REPRESENTATIVES }
 February 26, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
 House Bill No. 237,
 A bill for an act to amend Section 331 of the Code of
 Civil Procedure,
 Also,
 House Bill No. 270,
 A bill for an act to repeal Section 14 of Article 11 of the
 act providing a charter for the city of Mayville, approved
 March 13, 1885,
 Also,
 House Bill No. 240,
 A bill for an act repealing Section 13 and amending Sec-
 tion 23, of the General Laws of 1887, entitled "An act pro-
 viding the method of appeals to the Supreme Court of the
 Territory of Dakota,
 Also,
 House Bill No. 238,
 A bill for an act to amend Sections 3 and 4 of Chapter
 52 of the General Laws of 1879, entitled "An act authoriz-
 ing the appointment of shorthand reporters for the district
 courts of this Territory,"
 All of which the House has passed and your favorable
 consideration thereof is respectfully requested.

JOHN G. HAMILTON,
 Chief Clerk.

Mr. Poindexter moved

That the rules be suspended and Council Bills Nos. 286 and 287 be read the second time and referred to their appropriate Committees.

Which motion prevailed and

Council Bill No. 286,

A bill for an act to amend Chapter 63 of the General Laws of the Sixteenth Legislative Assembly and to create county boards of health,

Was read the second time and

Referred to the Committee on Public Health.

Council Bill No. 287,

A bill for an act to prohibit the importation, sale or exposure of infected animals and to prescribe punishment therefor,

Was read the second time and

Referred to the Committee on Public Health.

Mr. Poindexter moved

That the rules be suspended and House Bill No. 51 be read the third time.

Which motion prevailed and

House Bill No. 51,

A bill for an act to amend Section 9, Article 13, of Chapter 73, Session Laws of 1887,

Was read the third time and

The question being upon the report of the Committee on Incorporations.

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 10; nays, 6.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Glaspell, Halley, Harstad, Hughes, McDonald, Poindexter, Soderberg, Mr. President.

Those who voted in the negative were:

Messrs. Atkinson, Campbell, Van Osdel, Walsh, Washbaugh, Woolhiser.

Absent and not voting:

Messrs. Cooper, Crawford, Dollard, Ericson, Lowry, Miller, Patten, Ryan.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

The Committee to examine the Journal made the following report:

MR. PRESIDENT:

Your Committee to examine the Journal of forth-fifth and forty-ninth days have examined the same and find it correct.

J. A. WOOLHISER,
I. ATKINSON.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 267,

A bill for an act to amend Section 2 of Article 17 of Chapter 73 of the General Laws of 1887, relating to the incorporation of cities,

Was read the third time, and

The question being upon the report of the Committee on Cities and Municipal Corporations,

The report was adopted,

The question being shall the bill pass,

The roll being called there were ayes, 16; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Glaspell, Halley, Harstad, Hughes, McDonald, Patten, Poin-dexter, Soderberg, Walsh, Woolhiser, Mr. President.

Mr. Van Osdel voting in the negative.

Absent and not voting:

Messrs. Crawford, Dollard, Ericson, Lowry, Miller, Ryan.

So the bill passed,

The question being as to its title and being put,

Its title was agreed to.

The Committee on Enrolled and Engrossed Bills presented the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 175,

A bill for an act amending Sections 2, 9, 10, 12, 27, 29, 32 and 33, of Chapter 69, Laws of 1885, relating to insurance,

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

Council Bill No. 84,

A bill for an act entitled "An act to authorize foreign executors, administrators and guardians to assign and satisfy judgments and mortgages,

Was read the third time and
The question being upon the report of the Committee on
Judiciary,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 7; nays, 10.

Those who voted in the affirmative were:

Messrs. Campbell, Glaspell, Halley, McDonald, Poin-
dexter, Van Osdel, Walsh.

Those who voted in the negative were:

Messrs. Allin, Atkinson Cameron, Cooper, Harstad,
Hughes, Patten, Soderberg, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Crawford, Dollard, Ericson, Lowry, Miller,
Ryan, Washabaugh.

So the bill was lost.

Council Bill No. 228,

A bill for an act to compensate the owner of certain
horses killed by order of Territorial veterinary surgeon,

Was read the third time, and

The question being upon the report of the Committee
on Judiciary

The report was adopted, and

Council Bill No. 228

Was indefinitely postponed.

Mr. Atkinson asked to be excused.

There being no objections the gentleman was excused.

SPECIAL ORDERS.

The hour for Special Orders for the day having arrived,
the Council resolved itself into Committee of the Whole
with Mr. Cooper in the chair.

Mr. President in the chair.

When the Committee rose it reported progress and asked
leave to sit again.

Mr. Glaspell moved

That Council Bills Nos. 60 and 112 be referred to a Special
Committee of three to report to-morrow and that they be
made a Special Order for 3 p. m.

Which motion prevailed.

Mr. President appointed as the Committee on Council
Bills Nos. 60 and 112 Messrs. Glaspell, Cooper and Allin.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 253,

A bill for an act entitled "An act to change the name of Groton College."

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

Mr. Cooper in the chair.

Council Bill No. 122,

A bill for an act to provide for a system of Territorial accounts,

Was read the third time, and

The question being upon the report of the Committee on Territorial Affairs,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 18; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Glaspell, Halley, Harstad, Hughes, McDonald, Patten, Poindexter, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Crawford, Dollard, Ericson, Lowry, Miller, Ryan.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 209,

A bill for an act abolishing foreclosure of mortgages on real estate by advertisement,

Was read the third time, and

The question being upon the report of the Committee on Judiciary,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 12; nays, 5.

Those who voted in the affirmative were:

Messrs. Cameron, Campbell, Cooper, Glaspell, Harstad,

Hughes, Poindexter, Soderberg, Van Osdel, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Halley, McDonald, Walsh.

Absent and not voting:

Messrs. Crawford, Dollard, Ericson, Lowry, Miller, Patten.

Ryan.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Campbell moved

That the vote by which Council Bill No. 209 was passed be reconsidered,

Which motion prevailed.

Mr. Campbell offered the following amendment to Council Bill No. 209 and moved its adoption:

Amend by inserting after the first word in Section 1 the words "the law providing for," and by striking out of line 2, Section 1, the word "abolished," and insert in lieu thereof the word "repealed."

Which motion prevailed.

Mr. Cameron moved

That Council Bill No. 209 be laid over until the return of the gentleman from Union.

Which motion was lost.

The question being shall the bill pass,

The roll being called there were ayes, 8; nays, 7.

Those who voted in the affirmative were:

Messrs. Campbell, Cooper, Glaspell, Harstad, Van Osdel, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Cameron, McDonald, Patten, Soderberg, Walsh.

Absent and not voting:

Messrs. Crawford, Dollard, Ericson, Halley, Hughes, Lowry, Miller, Poindexter, Ryan.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 47,

A bill for an act to authorize courts by their judgment to cancel incumbrances upon and to establish and convey the title to real property in certain cases,

Was read the third time and

The question being upon the report of the Committee on Judiciary.

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 13; nays, none.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Campbell, Cooper, Glaspell, Harstad, Hughes, Patten, Poindexter, Soderberg, Van Osdel, Walsh, Mr. President.

Absent and not voting:

Messrs. Allin, Crawford, Dollard, Ericson, Halley, Lowry, McDonald, Miller, Ryan, Washabaugh, Woolhiser.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 88,

A bill for an act to provide for deposit of public funds,
Was read the third time, and

Mr. Glaspell moved

That further consideration of Council Bill No. 88 be laid over until 3 p. m. Thursday and made a Special Order for that time.

Which motion prevailed.

Mr. Walsh asked unanimous consent to introduce a bill, and there being no objection

Mr. Walsh introduced—

Council Bill No. 289,

A bill for an act entitled "An act to reappropriate certain balances of the University of North Dakota, or so much thereof as shall be necessary to defray present expenses and salaries,"

Which was read the first time,

Mr. Walsh moved

That the rules be suspended and Council Bill No. 289 be read the second time and referred to its appropriate Committee,

Which motion prevailed and.

Council Bill No. 289,

A bill for an act entitled "An act to reappropriate certain balances of the University of North Dakota, or so much thereof as shall be necessary to defray present expenses and salaries,"

Was read the second time and

Referred to the Committee on Appropriations.

SPECIAL ORDERS.

The hour for special orders of the day having arrived
The Council took up the report of the Committee to investigate the Jamestown Asylum.

Mr. Stimmel moved
That the report be adopted.
Which motion prevailed.

Mr. Hughes moved
That so much of the report of the Committee as relates to the recommendation therein contained be referred to the Committee on Territorial Affairs.

Which motion prevailed.

Council Bill No. 128,

A bill for an act to make persons holding unrecorded conveyances bound by decrees entered in actions to foreclose liens.

Was read the third time and

The question being upon the report of the Committee on Judiciary.

The report was adopted and

The question being shall the bill pass,

The roll being called there were ayes, 5; nays, 8.

Those who voted in the affirmative were:

Messrs. Cooper, Halley, Hughes, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Campbell, Glaspell, Harstad, Poindexter, Soderberg, Van Osdel.

Absent and not voting:

Messrs. Cameron, Crawford, Dollard, Ericson, Lowry, McDonald, Miller, Patten, Ryan, Walsh, Woolhiser.

So the bill was lost.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 70,

A bill for an act to permit county commissioners to compromise delinquent taxes,

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

Council Bill No. 143,

A bill for an act to provide for the manner and method by which adoption of children may be legalized,

Was read the third time, and

Mr. Van Osdel moved

That the further consideration of Council Bill No. 143 be indefinitely postponed.

Which motion prevailed.

Council Bill No. 201,

A bill for an act entitled "An act to provide for filing the bond of township assessors and duties of township clerks,"

Was read the third time, and

The question being upon the report of the Committee on Counties,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 14; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Glaspell, Halley, Harstad, Hughes, Patten, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser.

Absent and not voting:

Messrs. Cameron, Crawford, Dollard, Ericson, Lowry, McDonald, Miller, Poindexter, Ryan, Mr. President.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 227,

A bill for an act to amend Sections 1 and 2, of Chapter 114, of the Session Laws of 1883, relating to the disposition of lots in towns entered under the act of Congress, approved March 2, 1867, and acts amendatory thereof,

And find the same correctly engrossed and enrolled.

J. H. PATTEN,
Chairman.

Council Bill No. 189,

A bill for an act to repeal Section 54, Chapter 28, of Revised Code of 1877, pertaining to revenue,

Was read the third time and
The question being upon the report of the Committee on
Revenue,

The report was adopted and
The question being shall the bill pass,

The roll being called there were ayes, 14; nays, 2.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cooper, Glaspell, Halley, Hars-
tad, Hughes, Patten, Poindexter, Soderberg, Van Osdel,
Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Campbell and Washabaugh.

Absent and not voting:

Messrs. Cameron, Crawford, Dollard, Ericson, Lowry, Mc-
Donald, Miller, Ryan.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. President in the chair.

Mr. President announced his signature to
Council Bill No. 227.

Mr. Cooper in the chair.

Council Bill No. 76,

A bill for an act to amend Section 70 of Chapter 28 of
the Political Code entitled "Revenue,"

Was read the third time and

Mr. Glaspell moved

That Council Bill No. 76 be referred to the Special Com-
mittee that has the other bills in charge relating to the
same subject.

Which motion prevailed.

Mr. Hughes moved

That the Council do now adjourn.

Which motion prevailed and

Mr. President pro tem. announced that the Council stood
adjourned.

R. E. WALLACE,
Chief Clerk.

FIFTY-FIRST DAY.

BISMARCK, February 27, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names except

Messrs. Lowry, Miller and Ryan.

Mr. President appointed Messrs. Walsh and McDonald as the committee to examine the Journal of yesterday.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred Council Bill No. 105,

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

S. L. GLASPELL,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred House Bill No. 19,

A bill for an act to give publicity to chattel mortgage sales,

Have had the same under consideration and recommend that said bill pass.

GEO. H. WALSH,
Chairman pro tem.

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred Council Bill No. 142,

A bill for an act defining the class of newspapers in which legal notices shall be published,

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

Also,

House Bill No. 122,

A bill for an act prohibiting the collection of fees by attorneys and counsellors in certain cases,

And recommend that said bill do pass.

S. L. GLASPELL,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

Council Bill No. 136,

A bill for an act appropriating funds for the maintenance of the Normal School at Spearfish, Dakota, for the ensuing two years, and other purposes,

Had the same under consideration and recommend that said bill be amended as follows:

Amend Section 1—printed bill, in line 5, strike out “four thousand” and insert “three thousand five hundred.”

In line 9, strike out “twenty thousand” and insert “seventeen thousand.”

In line 10 strike out “twelve hundred” and insert “one thousand.”

In line 11 strike out “two thousand, five hundred” and insert “three hundred.”

In line 12 strike out “two thousand” and insert “eight hundred.”

Strike out all of lines 14 and 15.

In line 16 strike out “twenty-five hundred” and insert “five hundred.”

In line 18 strike out “four thousand” and insert “two thousand, five hundred.”

And as so amended that the bill do pass.

HUGH McDONALD,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred

Council Bill No. 196,

A bill for an act appropriating funds for the maintenance of the Normal School at Madison, Dakota, for the ensuing two years, and for other purposes,

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

In Section 1, in line 5, strike out "four thousand, five hundred" and insert "three thousand, five hundred."

In line 7 strike out "twenty thousand," and insert "eighteen thousand."

In lines 9 and 10, strike out "two thousand and five hundred" and insert "one thousand."

In line 11 strike out "three thousand five hundred," and insert "three thousand."

In line 12 strike out "one thousand," and insert "three hundred."

Strike out all of lines 13 and 14.

In line 15 strike out "one thousand five hundred," and insert "eight hundred."

In line 17 strike out "one thousand dollars," and insert "five hundred dollars."

And as so amended that the bill do pass.

HUGH McDONALD,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

Council Bill No. 181,

A bill for an act appropriating money for support and maintenance of the School for Deaf Mutes at Sioux Falls for the ensuing two years,

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

Amend Section 1 as follows:

Strike out in line 7 the words and figures "twenty-two thousand (22,000) dollars" and insert in lieu thereof, "fifteen thousand dollars."

In line 8 strike out "three thousand" and insert "two thousand five hundred dollars."

In line 10 strike out "three thousand" and insert "two thousand four hundred."

In line 11 strike out "twelve hundred" and insert "one thousand."

Strike out all of lines 13 and 14 and insert "For pay of one teacher and one assistant teacher of the first class, three thousand dollars."

In line 15 strike out "twenty-four hundred" and insert "two thousand."

In line 22 strike out "eight hundred" and insert "six hundred."

And as so amended that the bill do pass.

HUGH McDONALD,
Chairman.

MR. PRESIDENT:

Your Committee on Public Health to whom was referred

Council Bill No. 286,

Have had the same under consideration and have instructed me to report the same back with the recommendation that it do pass.

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT:

Your Committee on Public Health to whom was referred

Council Bill No. 287,

A bill for an act to prohibit the importation, sale or exposure of infected animals and to prescribe punishment therefor,

Beg leave to report that they have had the same under consideration and recommend that the same do pass.

A. W. CAMPBELL,
Chairman.

MR. PRESIDENT:

Your Committee on Public Printing to whom was referred

House Bill No. 142,

A bill for an act defining the class of newspapers in which legal notices shall be published,

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

I. ATKINSON,
Chairman.

REPORTS OF SPECIAL COMMITTEES.

MR. PRESIDENT:

A majority of your Special Committee to whom was referred

Council Bill No. 36,

A bill for an act entitled "An act to amend Chapter 28 of the Political Code," relating to revenue,

Have had the same under consideration and recommend

that said bill as amended be still further amended by striking out of the last line of Section 1 the words and figures "twenty-four (24)" and insert in lieu thereof the words and figures "eighteen (18)," and as thus amended by this and the other amendments that the bill do pass.

D. W. POINDEXTER,
ROBERT DOLLARD.

MR. PRESIDENT:

Your Special Committee to whom was referred
Council Bills Nos. 60 and 112,

Have had the same under consideration and recommend
that Council Bill No. 112 do pass and that Council Bill No.
60 be indefinitely postponed.

S. L. GLASPELL,
ROGER ALLIN,

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Ericson presented the following petition:

To the Legislative Assembly of the Territory of Dakota:

The undersigned residents and citizens of the Territory of Dakota would respectfully petition your honorable body to enact as a law Council Bill No. 133, entitled "An act to prohibit the manufacture, sale or giving away of intoxicating liquors, except for medical, scientific and mechanical purposes, etc.," as introduced in the Council by Mr Patten.

For which we will ever pray.

B. S. WALES,

And 78 others of Clay county.

Which was referred to the Committee on Temperance.

Mr. Ericson presented the following communication:

WHEREAS, the question of the location of a Soldiers' Home is now before the Legislature of Dakota Territory, and

WHEREAS, It is the opinion of the soldiers, members of this Post, that the Legislature should be guided by the wishes of the soldiers in Dakota in selecting such location, and believing that the several G. A. R. Posts should make their wishes known to their Representatives and Councilmen on that subject; therefore, be it

Resolved. By Stephen A. Hurlbert Post No 9, located at Elk Point, Dakota:

1. That the members of said Post are unanimously in

favor of locating said Soldiers' Home at the "Hot Springs," Dakota.

2. That we most earnestly ask the Hon. E. C. Ericson, Councilman, and the Hons. F. R. Aikens and J. V. White, Representatives from this district, to vote and use their influence to procure the passage of a bill establishing the Soldiers' Home at said point, believing that to be the most appropriate place therefor.

3. That the commander and adjutant be and are hereby requested to forward to each of said gentlemen a certified copy of the foregoing preamble and resolutions.

I hereby certify that the above preamble and resolutions were unanimously adopted by Stephen A. Hurlburt Post, No. 9, G. A. R. located at Elk Point, Dakota, at a regular meeting of said Post on the 16th day of February, 1889, and the above is a true copy of the original preamble and resolutions so adopted by said Post.

Elk Point, Dak., February 19, 1889.

S. W. HOFFMAN, Commander.

Attest: O. R. SPENCER, Adjutant.

Which was referred to the Committee on Territorial Affairs.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Harstad introduced—

Council Bill No. 290,

A bill for an act providing for the appointment of an assistant district attorney during sessions of court,

Which was read the first time.

The Committee on Education introduced—

Council Bill No. 291,

A bill for an act abolishing the Territorial Board of Education.

Which was read the first time.

Mr. Van Osdel introduced—

Council Bill No. 292,

A bill for an act to amend an act entitled "An act to enable the land owners of lands to drain and reclaim them, prescribing the powers and duties of county commissioners and other officers, to provide for the repair and enlargement of such drains,"

Which was read the first time.

Mr. Dollard moved

That the rules be suspended and Council Bill No. 291 be read the second time and referred to its appropriate committee.

Which motion prevailed, and
Council Bill No. 291,

A bill for an act abolishing the Territorial Board of Education,

Was read the second time and
Referred to the Committee on Education.

Mr. Van Osdel moved

That the rules be suspended and that Council Bill No. 292 be read the second time and referred to its appropriate committee.

Which motion prevailed and
Council Bill No. 292,

A bill for an act to amend an act entitled "An act to enable the land owners of lands to drain and reclaim them, prescribing the powers and duties of county commissioners and other officers, to provide for the repair and enlargement of such drains,"

Was read the second time and
Referred to the Committee on Agriculture.

Mr. Harstad moved

That the rules be suspended and Council Bill No. 290 be read the second time and referred to its appropriate committee.

Which motion prevailed and
Council Bill No. 290,

A bill for an act providing for the appointment of an assistant district attorney during sessions of court,

Was read the second time and
Referred to the Committee on Judiciary.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 10t,

A bill for an act prohibiting the recording and filing of deeds and other instruments of title until taxes are paid,

Was read the third time and

Mr. Glaspell offered the following amendment and moved its adoption:

[] Amend by inserting after the words "county treasurer" in line 6 of the printed bill the following words "and city treasurer when necessary."

Which motion prevailed,

The question being shall the bill pass,
 The roll being called there were ayes, 10; nays, 5.
 Those who voted in the affirmative were:
 Messrs. Allin, Atkinson, Cameron, Ericson, Glaspell,
 Harstad, Hughes, Poindexter, Soderberg, Walsh,
 Those who voted in the negative were:
 Messrs. Crawford, Halley, Washabaugh, Woolhiser, Mr.
 President.
 Absent and not voting:
 Messrs. Campbell, Cooper, Dollard, Lowry, McDonald,
 Miller, Patten, Ryan, Van Osdel.
 So the bill passed and
 The question being as to its title and being put,
 Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of
 Representatives:

HOUSE OF REPRESENTATIVES }
 February 27, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
 House Bill No. 310,
 A bill for an act to amend subdivision 4 of Section 752
 of the Penal Code of the Territory of Dakota,
 Also,
 House Bill No. 276,
 A Joint Resolution authorizing the Adjutant General to
 turn over to the University of Dakota one hundred con-
 demned muskets, for use for drilling purposes,
 Also,
 House Bill No. 290,
 A bill for an act creating and defining a subdivision of
 the Sixth Judicial District,
 Also,
 House Bill No. 251,
 A bill for an act entitled "An act to declare certain pro-
 visions for an attorney fee void and to provide a reason-
 able attorney fee in such cases,"
 Also,
 House Bill No. 151,
 A bill for an act providing for the publication and distri-
 bution of Long's Legislative Hand Book,
 Which the House has passed and your favorable consid-
 eration thereof is respectfully requested.

I also have the honor to return herewith
 Council Bill No. 27,
 A bill for an act relating to costs in justification of sure-
 ties,
 Which the House has passed unchanged,
 Also,
 Council Bill No. 164,
 A Joint Resolution calling on the Territorial Secretary
 for information,
 Which the House has indefinitely postponed.

JOHN G. HAMILTON,
 Chief Clerk.

The Committee on Enrolled and Engrossed Bills made
 the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills report
 that Council Bill No. 227 was delivered at 4:50 p. m. Feb-
 ruary 26, 1889, to His Excellency, the Governor, for his ap-
 proval.

J. H. PATTEN,
 Chairman.

Council Bill No. 233,
 A bill for an act to preserve the waters of Tongue river
 and its tributaries in Pembina and Cavalier counties for
 domestic and drinking purposes,
 Was read the third time, and
 The question being upon the report of the Committee
 on Public Health,
 The report was not adopted,
 The question being shall the bill pass.
 The roll being called there were ayes, 20; nays, none.
 Those who voted in the affirmative were:
 Messrs. Allin, Atkinson, Cameron, Campbell, Cooper,
 Crawford, Dollard, Ericson, Glaspell, Halley, Harstad,
 Hughes, McDonald, Patten Soderberg, Van Osdel, Walsh,
 Washabaugh, Woolhiser, Mr. President.
 Absent and not voting:
 Messrs. Lowry, Miller, Poindexter, Ryan.
 So the bill passed and
 Mr. Cameron moved
 To amend the title by striking out the words "Pembina
 and Cavalier counties.
 Which motion prevailed and
 The title as amended was agreed to.

The Committee on Enrolled and Engrossed Bills made the following reports:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 199,

A bill for an act to amend Section 409 of Chapter 3 of the Civil Code,

And find the same correctly enrolled.

J. H. PATTEN,
Chairman.

Mr. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 31,

A bill for an act to amend Chapter 43 of the Session Laws of 1885, relating to the practice of dentistry,

Also,

Council Bill No. 94,

A bill for and act to amend Section 4 of Chapter 121 of the laws of 1887. (Section 220 of Compiled Laws.)

Also,

Council Bill No. 108,

A bill for an act to change the name of the religious corporation, incorporated under the title of the "First Bohemian Presbyterian Church of Dakota."

Also,

Council Bill No. 73,

A bill for an act to provide when laws shall go into force effect,

Also,

Council Bill No. 12,

A bill for an act providing for township organization.

And find the same correctly engrossed and enrolled.

J. H. PATTEN,
Chairman.

Mr. President announced his signiture to Council Bill No. 199.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills report that

Council Bill No. 199 was on the 27th day of February, at 3:20 p. m delivered to His Excellency, L. K. Church, for his approval.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 189,

A bill for an act to repeal Section 54 of Chapter 28, of the Revised Code of 1877, pertaining to revenue.

Also,

Council Bill No. 209,

A bill for an act abolishing foreclosures of mortgages on real estate by advertisement.

Also,

Council Bill No. 47,

A bill for an act to authorize courts by their judgment to cancel encumbrances upon and to establish and convey title to real property in certain cases.

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
February 27, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

Council Bill No. 197,

A bill for an act to authorize the Territorial Auditor to audit certain vouchers of the Dakota School of Mines, University of Dakota and Dakota Agricultural College,

Which has passed the House, the objections of the Governor to the contrary notwithstanding.

Also,

House Bill No. 39,

A bill for an act to establish, locate and build a Soldiers' Home in the Territory of Dakota and provide the necessary funds therefor.

Together with the message from His Excellency the Governor vetoing the same,

Which the House has passed, the objections of the Governor to the contrary notwithstanding, and your favorable consideration thereof is requested.

I further transmit, for the information of the Council, the report of the House Judiciary Committee on said bill.

JOHN G. HAMILTON,
Chief Clerk.

EXECUTIVE OFFICE, }
BISMARCK, Dak., Feb. 21, 1889. }

To the House of Representatives:

I herewith respectfully return without my approval, House Bill No. 39.

Entitled "An act to establish, locate and build a Soldiers' Home in the Territory of Dakota, and provide the necessary funds therefor."

This bill appropriates \$45,000 for the purpose of establishing a Soldiers' Home. The sum appropriated is insufficient for the purpose contemplated. I am creditably informed that a building sufficient to accommodate 200 inmates cannot be erected within the appropriation. (It is provided in Section 8 that the plans shall contemplate the erection of a building which shall accommodate not less than 200 nor more than 400 inmates.)

For a home that would be desirable and of sufficient size to meet the requirements of the bill, an appropriation of at least \$100,000 should be made.

I am of the opinion that an institution of this kind, at the present time, is not needed.

The following are the several branches of the National Soldiers' home:

Central branch, Dayton, Ohio.

Northwestern branch, Milwaukee, Wisconsin.

Eastern branch, Togus, Maine.

Southern branch, Hampton, Virginia.

Western branch, Leavenworth, Kansas.

Pacific branch, Santa Monica, California.

The subjoined list shows the States having no Soldiers' Homes, the number of troops furnished by each of them during the war and the population of each according to the last census:

State.	No. Troops.	Popula- tion.
Maine.....	70,107	648,936
New Hampshire.....	33,937	346,991

Rhode Island	23,236	276,531
Delaware.....	12,284	146,608
Maryland.....	46,638	934,943
West Virginia	32,068	618,457
Indiana	196,363	1,798,301
Missouri	109,111	2,168,380
Kentucky	75,760	1,648,690
Kansas.....	20,149	996,096
Tennessee	31,092	1,542,359
Dakota.....	206	*600,000
Nevada.....	1,080	62,266
Oregon.....	1,810	174,768
Washington	964	75,116
Colorado	4,903	194,327
New Mexico	6,561	119,565

*Present estimate.

Of the states considered as Union states, to-wit: Maryland, West Virginia, Indiana, Missouri, Kentucky, Kansas, Tennessee—all have a larger population and greater wealth than Dakota, and have not established state homes to the present time; and every state and Territory in the foregoing list furnished a greater number of men in the Union army and navy than Dakota. This is not alluded to with any disparaging intent, as Dakota's population during the war was only about 5,000. It is referred to merely to call your attention to the fact that very few soldiers from this Territory could take advantage of such home; and thus necessarily, it would have to be occupied largely by those from other states where homes are now already located. Those who come from states which have not established homes, have the privileges of the national homes as well as transportation to them, which is furnished by the national government.

And I am justified in saying that almost every state, if not every one, which has failed to locate and provide a home, has provided directly or indirectly some return in view thereof, and consequently by this appropriation, is in the nature of a provision for what has already been provided for by the national government and by the states from which many of our resident ex-soldiers enlisted.

Further, it is a grave question whether this home established, would be occupied by a sufficient number to justify the expense incurred. It would be located far away from the center of population and such isolation would not be an attraction.

The following list shows the names of the states having Soldiers' Homes; the number of troops furnished by each during the war; the population of the last census; the number of inmates of each home, and its location:

State.	No. Troops.	Population	In-mates.	Location.
Vermont	33,288	332,286	43	Bennington.
Massachusetts	146,730	1,783,085	149	Chelsea.
Connecticut	55,864	662,700	190	Norton.
New York	448,850	5,082,871	1,174	Bath.
New Jersey	76,814	1,131,116	294	Kearney.
Pennsylvania	337,936	4,282,891	285	Erie.
Ohio	313,180	3,198,062	139	Sandusky.
Illinois	259,092	3,077,871	841	Quincy.
Michigan	87,364	1,636,937	473	Grand Rapids.
Wisconsin	91,327	1,315,497	50	Waupaca.
Minnesota	24,020	780,773	68	Minnehaha Falls.
Iowa	76,242	1,624,615	259	Marshalltown.
California	15,725	864,694	241	Yountville.
Nebraska	3,157	452,402	50	Grand Island.

Each of the above mentioned states, except Vermont, has a population larger than Dakota, and the number of inmates in each of the state homes is but a very small percentage of the total number of soldiers and sailors furnished to the armies of the Union; and the inmates are necessarily drawn largely, if not entirely, from those veterans who served in these states.

It has been urged upon me by many ex-soldiers that the home offered would not be accepted to any great extent. Would not early associations and attractions be an inducement for the veteran to return to his old home when overtaken by age and infirmity? Would the home be occupied to a sufficient extent to justify the expenditure?

Again an appropriation for a home at this time is but preliminary to another or further appropriation, and in view of this fact it should be borne in mind that at the best the day of the ex-soldier of the late war is rapidly passing away and that in a few years the purpose for which an institution of this character was established will cease to exist. Some proper provision should be incorporated in the act so that when the object for which the home was established ceases to exist, the property with all the improvements placed thereon at the expense of the territory will not revert to the original owners of the land. Under the bill, land is donated for the home and it is a rule of law that where

property is donated to the public for a certain purpose the public cannot use it for any other purpose than that for which it was donated: and when that purpose ceases to exist such property reverts to the original owners. Certainly some provision should be made whereby the Territory will not lose the benefit of such improvements as it may from time to time place upon the lands, so that when the time comes when there is no longer need for a home, the Territory or State would have the right to use the same for any other charitable purpose.

There is another objection, however, which, in my opinion, is sufficient to justify me in withholding my approval of this act, and relating, not only to this matter, but to all acts contemplating the location of new institutions.

The dawn of statehood is upon us. Politically, South Dakota is to all intents and purposes, as separate from North Dakota as she is politically from Maine or Texas, and considering the comparatively few representatives in the legislature of each of the great sections who will, in a few short months comprise the states of North and South Dakota, it necessarily follows that the people are not fully represented in the law-making body at this time. In a few months a legislature will be convened in each section, and under these circumstances it would seem that all questions of this character should be deferred. With as much propriety might the legislature of some other state participate in the location of public institutions in South Dakota and increase her future debt as that North Dakota representatives should at this time vote upon the location of her public institutions and necessarily the increase of her public debt.

Respectfully,

LOUIS K. CHURCH,
Governor.

MR. SPEAKER:

Your Committee on Judiciary to which was referred
House Bill No. 39,

Together with the communication of the Governor accompanying the same containing his objections thereto,

Have had the same under consideration.

The Governor's first objection, that the amount appropriated is insufficient, we deem untenable. The citizens of Hot Springs donate all the building stone. Lumber can be furnished from mills in the immediate vicinity and a

great share of the expense will be obviated. Iowa's Home accommodating 350, was built for \$36,500. Minnesota appropriated but \$50,000 and \$10,000 of that was used in the purchase of a site.

His objection that a home is not needed is just as easily answered. From the best obtainable source there are over 100 destitute old soldiers in Dakota who desire to enter a Soldiers' Home. Out of the seventeen states named by the Governor as having no Soldiers' Home, six are Territories, five are democratic strongholds, and three have National Homes. Dakota has been settled since the war and largely by old soldiers. It is estimated that Dakota has 25,000 old soldiers and at least 200 old soldiers are being wholly or partially supported by the Grand Army of the Republic.

The Governor mentions Indiana as having no Soldiers' Home. In 1887 Indiana appropriated \$106,000 for a Soldiers' and Sailors' Orphan Home. Also \$250,000 for a Soldiers' and Sailors' monument.

When the Illinois Soldiers' Home was being established parties raised the question as to its necessity and whether there would be inmates to fill it; an investigation proved to the contrary that there were over 230 old soldiers in alms houses, and over 550 were being wholly or partially supported by the Grand Army Posts. There are over 900 inmates in the Illinois Home.

The Dayton Home has 4,865 inmates.

The Milwaukee Home 1,830 inmates.

These are our nearest National Homes. Every National and State Home is full to overflowing. At Flatbush, N. Y., 70 veterans are in the poor house. The New York State Home is crowded with 1,095 inmates, 61 of whom sleep on the floor.

The proposition by His Excellency that old soldiers can go back to the state to which their regiment belonged is mere sentiment, and is impracticable. Most of the old soldiers of Dakota have lost their residence in their native states. The provisions regarding the admittance to most of these homes requires residence in the state and surely the management of these institutions would give preference to their own citizens.

As to the title, the Attorney General passes upon its sufficiency and the presumption is that he will do his whole duty and see that the Territory is not imposed upon. The expenditure of funds depends upon the acceptance of the

conveyance by the Attorney General, and it seems this precaution provided for in the bill will fully protect the Territory against any unfair advantage.

But admitting (for sake of argument only) that all the objections of the Governor are well taken, is there any good reason why the Territory of Dakota, if it sees fit, cannot build a monument in honor of the soldiers. This is the second time the Legislature of Dakota has decided this question and the second time that a democratic Governor has by his arbitrary veto power thwarted the expressed will of the people. The old soldiers ask this. The people want to bestow it. Shall we represent the soldiers and citizens, or the Governor? A republican Legislature must answer this question.

The Committee recommend that the bill do pass, the objections of the Governor to the contrary notwithstanding.

Dated February 27, 1889.

M. M. PRICE.
Chairman.

Mr. Glaspell moved

That the consideration of the message from the House be deferred until to-morrow at 3 p. m. and be made a Special Order for that time.

Which motion was lost.

Mr. Allen moved

That the bill be laid over until to-morrow.

Which motion was lost.

The question being shall House Bill No. 39 pass the objections of His Excellency, the Governor, to the contrary notwithstanding,

The roll being called there were ayes, 14; nays, 4.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Hughes, Poindexter Walsh, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Patten, Soderberg, Van Osdel, Woolhiser.

Messrs. Lowry and Harstad being paired.

Absent and not voting:

Messrs. Cameron, McDonald, Miller, Ryan.

So the bill passed, the objections of the Governor to the contrary notwithstanding.

SPECIAL ORDERS.

The hour for Special Orders of the day having arrived, the Council resolved itself into Committee of the Whole for the consideration of Council Bills Nos. 60 and 112 with Mr. Crawford in the chair.

After the Committee arose,

Mr. President in the chair,

The Committee of the Whole made the following report:

MR. PRESIDENT:

Your Committee of the Whole to whom was referred Council Bills Nos. 112 and 60,

Beg leave to report that they have had the same under consideration and ask that they be allowed to sit again tomorrow afternoon at 2 o'clock.

COE I. CRAWFORD,
Chairman.

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

Resolved: That the office of assistant sergeant-at-arms be and the same is hereby declared vacant.

Which motion prevailed.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 233,

A bill for an act to preserve the waters of Tongue river and its tributaries for domestic and drinking purposes,

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

Mr. President announced his signature to House Bill No. 199.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 40,

A bill for an act to amend Section 103 of Chapter 28 of the Political Code,

And find the same correctly engrossed and enrolled.

J. H. PATTEN,
Chairman.

The Committee to examine the Journal of yesterday made the following report:

MR. PRESIDENT:

Your Special Committee to whom was referred the Council Journal of the fiftieth day session have compared the same with the printed Journal and have found the same correct.

G. H. WALSH,
HUGH McDONALD.

Mr. Poindexter moved

That the rules be suspended and Council Bill No. 36 be read the third time and put on its final passage.

Which motion prevailed and

Council Bill No. 36,

A bill for an act entitled "An act to amend Chapter 28 of the Political Code, relating to revenue,

Was read the third time and

The question being upon the report of the Special Committee,

Roll call demanded.

The roll being called there were ayes, 11; nays, 9.

Those who voted in the affirmative were:

Messrs. Allin, Cooper, Dollard, Harstad, Hughes, Poindexter, Soderberg, Van Osdel, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Atkinson, Cameron, Campbell, Crawford, Ericson, Glaspell, Halley, Patten, Washabaugh.

Absent and not voting:

Messrs. Lowry, McDonald, Miller, Ryan.

So the report was adopted.

Mr. Washabaugh moved

That the bill be engrossed before its final passage.

Which motion was lost.

Mr. Campbell offered the following amendment and moved its adoption:

Strike out the words and figures "eighteen (18)" in the last line in Section 1 and insert in lieu thereof the words and figures "twenty-four (24)."

Roll call demanded.

The roll being called there were ayes, 11; nays, 9.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Campbell, Cooper, Craw-

ford, Ericson, Glaspell, Halley, Hughes, Patten, Washabaugh.

Those who voted in the negative were
Messrs. Allin, Dollard, Harstad, Poindexter, Soderberg,
Van Osdel, Walsh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Lowry, Miller, McDonald, Ryan.

So the amendment was adopted.

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

Resolved, That John A. Stoyell be and he is hereby appointed assistant sergeant-at-arms, and George Guscott be and he is hereby appointed assistant enrolling and engrossing clerk.

Which motion prevailed.

Messrs. John A. Stoyell and George Guscott then presented themselves and took the oath of office administered to them by Mr. President.

Mr. Glaspell moved

That the Council do now adjourn,

Which motion was lost.

Mr. Poindexter moved

That the Council adjourn till to-morrow at 10 a. m.

Which motion was lost.

Mr. Campbell moved

The previous question, and

The question being shall the main question be now put,

The motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 18; nays, 2.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Patten, Poindexter, Soderberg, Van Osdel, Walsh, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Woolhiser.

Absent and not voting:

Messrs. Lowry, McDonald, Miller and Ryan.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Dollard moved

That the rules be suspended and Council Bill No. 268 be read the third time and put on its final passage.

Mr. Crawford moved

That the Council do now adjourn until 10 a. m., to-morrow,

Which motion was lost.

Mr. Walsh moved

That the Council do now adjourn,

Which motion was lost.

The question being upon the motion of the gentleman from Bon Homme,

The motion prevailed, and

Council Bill No. 268,

A bill for an act to limit the terms of Territorial officers, directors, regents and trustees,

Was read the third time, and

The question being upon the report of the Committee on Education,

The report was adopted.

Mr. Dollard offered the following amendment and moved its adoption:

Amend by attaching Section 1 of House Bill No. 269 to the bill and numbering it Section 3, and changing the numbers of Sections 3 and 4 to 4 and 5 respectively.

SECTION 1. That all officers of the the territory appointed by the governor, by and with the advice and consent of the council, or such as may be appointed by him, to fill vacancies, shall be subject to removal at the pleasure of the executive, without assigning cause therefor. And the vacancies thus created shall be filled by the governor; provided, however, that this act shall not be construed as applying to the Governor of any state created out of this territory.

Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 16; nays, 2.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Cooper, Crawford, Dollard, Ericson, Halley, Harstad, Hughes, Patten, Poindexter, Soderberg, Van Osdel, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Allin and Cameron.

Absent and not voting:

Messrs. Glaspell, Lowry, McDonald, Miller, Ryan, Walsh.
So the bill passed and

The question being as to its title and being put,
Its title was agreed to.

Mr. President announced his signature to Council Bill
No. 40 and House Bill No. 98.

Mr. Hughes moved

That the Council do now adjourn and

Mr. President announced that the Council stood ad-
journed.

R. E. WALLACE,
Chief Clerk.

FIFTY-SECOND DAY.

BISMARCK, Feb. 28, 1889.

Council met pursuant to adjournment and was called to
order by the President in the chair.

Prayer by the chaplain.

The roll was called and the members all responded to
their names except Messrs. Lowry, Miller and Ryan.

Mr. President announced his signature to Council Bills
Nos. 12, 73, 31, 94 and 108.

SPECIAL ORDERS.

The hour for the Special Order of the day having arrived
the Council resolved itself into a Committee of the Whole
with

Mr. Washabaugh in the chair.

Mr. President in the chair.

When the Committee arose it submitted the following report:

MR. PRESIDENT:

The Council in Committee of the Whole have had under consideration

Council Bills Nos. 60 and 112,

And suggest certain amendments as below to said Council Bill No. 60, and as so amended that said Council Bill No. 60 do pass and that Council Bill No. 112 be indefinitely postponed.

F. J. WASHABAUGH,
Chairman.

Strike out the word "primary" wherever it appears in Sections 2, 3 and 5, and inserting after the word "meeting," where that expression occurs, the words "of electors."

Strike out the words "or before the 1st day of September" in line 15 of Section 22 of the printed bill and insert in lieu thereof the words "the first Monday in April."

On page 12 amend Section 25, line 4, by striking out the word "ten" and inserting in lieu thereof the word "five."

Strike out all after the word "nominated" in line 5, Section 16, page 8, down to and including the word "were" and insert in lieu thereof the words "for each office, and each candidate shall be designated by the political party or principle by which each candidate was."

Amend by inserting after the words "United States" in line 7 of Section 67 the following words: "And that you have resided in the United States for two years."

Also by striking out the words "ninety days" in line 8 and inserting in lieu thereof the words "six months."

Also by striking out the word "twenty" in line 8 and insert in lieu thereof the words "three months."

Also by filling blank in line 9 of said section by inserting the word "thirty."

Amend by striking out all after the word "by" in line 6, Section 24, page 11, and inserting in lieu thereof the following: "Placing a cross opposite the part that shall express his vote upon."

Amend by striking out all after the word "English" in line 2, Section 29, to and including the word "necessary."

Also strike out all after the word "cards," in line 4, same section, to and including the word "him."

Amend by inserting the words "or district court" after the words "supreme court" in the third line of Section 19.

Amend by inserting the words "or district court" after the word "court" in line 3 of Section 84.

Strike out all of Section 24 after the word "place" in line 17 thereof.

Amend Section 27 by adding after the word "disability" in line 2 thereof, the words "or his inability to read or understand the English language."

Also insert the same words after the word "disability" in line 8 of said Section.

Amend Section 52 by striking out of line 7 thereof the words "five dollars and also four cents," and insert in lieu thereof the words "ten cents a."

The question being upon the report of the Committee of the Whole,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 16; nays, 5.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Glaspell, Halley, Hughes, McDonald, Patten, Poindexter, Soderberg, Van Osdel, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Dollard, Ericson, Harstad, Walsh, Washabaugh.

Absent and not voting:

Messrs. Lowry, Miller and Ryan.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Revenue to whom was referred
House Bill No. 88,

A bill for an act amending subdivision 6, of Section 3, of Chapter 28, of the Political Code, entitled revenue,

Have had the above bill under consideration and report the same with recommendation that it do not pass.

Also,

Council Bill No. 24,

A bill for an act to amend Section 104, Chapter 28, of the Political Code, designated in the Compiled Laws as Section 1665,

And recommend its passage.

M. H. COOPER,
Chairman.

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred
Council Bill No. 261,

A bill for an act entitled "An act to protect young and
growing trees,"

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

C. A. SODERBERG,
Chairman.

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred
Council Bill No. 251,

A bill for an act entitled "An act providing for a land-
lord's lien on crops, and for the enforcement thereof by
distress."

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

C. A. SODERBERG,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriations, to whom was re-
ferred

Council Bill No. 106,

A bill for an act entitled "An act making appropriations
for the current and contingent expenses of the University
of North Dakota,

Have had the same under consideration and recommend
that said bill be amended as follow;

Strike out line 5 of Section 1 and insert the following:

Salary of president, five thousand dollars; professor of
natural science, three thousand, six hundred dollars; pro-
fessor of Greek and Latin, three thousand, two hundred
dollars; professor of didactic, three thousand, two hundred
dollars; professor of French and German, three thousand,
two hundred dollars; professor of mathematics and astron-
omy, three thousand, two hundred dollars; salary of
matron and instructor, one thousand, six hundred dollars;
salary of instructor in voice culture, one thousand, two
hundred dollars; salary of instructor of music and draw-
ing, one thousand, four hundred dollars; salary of assistant
in natural sciences, two thousand dollars; salary of pro-
fessor in normal department, two thousand, four hundred
dollars.

Strike out "four thousand" in line 6 and insert "one thousand."

Strike out all of line 7.

Strike out "two thousand" in line 8 and insert "one thousand."

Strike out all of line 9.

Strike out "six thousand" in line 10 and insert "five thousand."

Strike out "four thousand" in line 12 and insert "two thousand."

Strike out "one thousand" in line 13 and insert "five hundred."

Strike out "two thousand" in line 14 and insert "one thousand five hundred."

Strike out "five thousand" in line 15 and insert "one thousand."

Strike out all of line 16 and insert "Furniture, one thousand five hundred dollars."

Add to Section 2 the following words: "Take effect from and after its passage and approval."

And as so amended that the bill do pass.

HUGH McDONALD,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred

Council Bill No. 173,

A bill for an act appropriating funds for the maintenance of the University of Dakota for the ensuing two years and for other purposes,

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

In Section 1, line 5, strike out the word "six" and insert the word "five."

In line 6, strike out the words "forty-eight thousand" and insert "thirty-three thousand six hundred."

In line 7 strike out the words "twelve thousand" and insert the words "eight thousand."

In line 8 strike out the word "nine" and insert the word "seven."

In line 9 strike out the word "five" and insert the word "two".

In line 10 strike out the words "two thousand" and insert the words "one thousand, five hundred."

Strike out all of line 11.

In line 12 strike out the word "five" and insert the word "one."

Strike out all of line 13.

In line 14 strike out the words "two thousand" and insert the words "one thousand, five hundred."

In line 15 strike out the word "eight" and insert the word "seven."

In line 16 strike out the word "three" and insert the word "one."

Strike out all of line 17 and insert in lieu thereof "For repairs of roof of boys' dormitory, five hundred dollars."

Strike out all of lines 18 and 19.

Add the following as Section 2:

SEC. 2. The tuition fee for any pupil received into any educational institution of this Territory, from any other Territory or State, shall be not less than the cost to this Territory for the same length of time and grade of instruction of the education of the resident pupils therein, and no part of any appropriation made for the support of any such institution shall be used in violation of this act.

Change the number of Section 2 to Section 3.

And as so amended that the bill do pass.

HUGH McDONALD,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

Council Bill No. 200,

A bill for an act appropriating funds for the maintenance of the Dakota Hospital for the Insane, near Yankton, for the ensuing two years, and for other purposes,

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

Amend Section 1, printed bill.

In line 5 strike out "sixty-five thousand" and insert "fifty-three thousand."

In line 6 strike out "thirty-six thousand" and insert "twenty-five thousand."

In lines 7 and 8 strike out "thirty thousand" and insert "twenty-six thousand."

In lines 9 and 10 strike out "five thousand" and insert "three thousand."

In line 11 strike out "four thousand" and insert "three thousand."

Strike out all of lines 14, 15 and 16.

Insert as line 14 the words and figures "Furniture and furnishing new wings and repairs of building, five thousand dollars (\$5,000)."

Change line 17 to line 15, and strike out "two thousand" and insert "one thousand" in said line.

Insert as line 16 "deficiency in coal three thousand, one hundred and nine dollars and five cents (\$3,109.05)."

Change lines "18" and "19" to "17" and "18."

And as so amended that the bill do pass.

HUGH McDONALD,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

Council Bill No. 216,

A bill for an act making appropriations for the maintenance of the North Dakota Hospital for the Insane, and other purposes,

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

In Section 1:

In line 5, strike out "sixty-five thousand" and insert "fifty-three thousand."

In line 6, strike out "\$30,000" and insert "\$28,000."

In line 7, strike out "30,000" and insert "26,000."

Strike out all of line 8.

In line 10, strike out "2,000" and insert "1,000."

In line 12, strike out "1,500" and insert "1,000."

In line 13, strike out "2,500" and insert "1,750."

In line 14, strike out the word "and"; after the word "books" add "and amusements"; strike out "4,000" and insert "3,000."

Strike out all of line 15.

Strike out all of line 17.

In line 18, add after the word "stock" the words "and machinery"; also, strike out "1,500" and insert "1,000."

In line 19, strike out "1,500" and insert "1,000."

In line 20, strike out "8,000" and insert "6,800."

Strike out all of line 21.

In line 23, strike out "5,000" and insert "2,000."

In line 24, strike out "5,000" and insert "3,000."

And as so amended that the bill do pass.

HUGH McDONALD,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

Council Bill No. 248,

A bill for an act making an appropriation for an artesian well, the purchase of land and for the current and contingent expenses of the Dakota Reform School at Plankinton,

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

Amend the title to read: "A bill for an act making appropriation for the maintenance of the Dakota Reform School at Plankinton for the ensuing two years.

Amend Section 1 of the bill as follows:

In line 3 strike out all after the words "purpose of."

Strike out all of line 4.

Strike out of line 5 the words "for the purpose of."

In line 6, strike out "eight thousand" and insert "two thousand eight hundred dollars."

In line 7 strike out "two thousand dollars" and insert "one thousand dollars."

In line 8 strike out "fifteen thousand dollars" and insert "five thousand dollars."

Strike out all of lines 9, 10, 11, 12.

Strike out all of Section 3.

Change the number of Section 4 to Section 3.

And as so amended that the bill do pass.

HUGH McDONALD,
Chairman.

M. PRESIDENT:

Your Committee on Appropriations to whom was referred

Council Bill No. 289,

A bill for an act entitled "An act to reappropriate unused balances of the University of North Dakota, or so much thereof as shall be necessary to defray present expenses and salaries,"

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

HUGH McDONALD,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Hughes moved

That the rules be suspended and all Council bills just

introduced be read a first and second time and referred to appropriate committees.

Which motion prevailed.

Mr. Halley introduced—

Council Bill No. 293,

A bill for an act entitled "A bill for an act making appropriations to reimburse certain citizens of Dakota for money expended, materials furnished and labor performed in the construction of the laboratory of the Dakota School of Mines,

Which was read the first and second times and Referred to the Committee on Appropriations.

Mr. Cooper introduced—

Council Bill No. 294,

A bill for an act to amend Section 47, Chapter 27 of the Political Code (Section 1,486 of Compiled Laws) defining who are entitled to vote,

Which was read the first and second times and Referred to a Special Committee.

The Committee on Agriculture introduced—

Council Bill No. 295,

A bill for an act appropriating \$4,000 for the holding of Farmers' Institutes.

Which was read the first and second times and Referred to the Committee on Appropriations.

Mr. Hughes introduced—

Council Bill No. 296.

A bill for an act making an appropriation for the payment of the salary of teacher of the Territorial Normal School at Milnor, Dakota.

Which was read the first and second times and Referred to the Committee on Appropriations.

Mr. Halley presented the following memorial:

To His Excellency, the Governor, and the Council and House of Representatives of Dakota Territory:

Your memorialist, the Board of Trustees of the Dakota School of Mines, located at Rapid City, respectfully represent to His Excellency and your honorable bodies:

1. That by an act of the Seventeenth Session of the Legislative Assembly of Dakota Territory, an appropriation of the sum of \$10,000 was made for the erection and construction of an additional building for this institution, to be designated as a metallurgical laboratory, on the grounds

of the School of Mines at Rapid City, Dakota, and for furnishing the same; and the further sum of \$10,000 was also appropriated for machinery for the same.

2. That by the act making the appropriation, your memorialists were charged with the duty of causing to be erected said Metallurgical Laboratory building, designed for the purposes specified in said act, and to that end, and in pursuance of said object, and in conformity with said act, we secured plans, drawings and specifications, and estimates of the cost of such building, from well known and reputable architects and builders, and early in the year 1887 we secured information from all the modern schools of mines respecting the latest practical discoveries, methods and appliances, and sought to introduce into the laboratory of the Dakota School of Mines only such architectural plans, improvements and arrangements and machinery as practical tests and experience had proven beyond all question to be successful and beneficial, which plans, drawings, specifications and estimates for the construction of such building were submitted to and approved by the Honorable Louis K. Church, Governor of this Territory.

3. And after such procedure having been taken, and after the approval of the said plans, drawings, specifications and estimates, by the honorable Governor of the territory of Dakota, the same were duly filed with the secretary of this board; and we then proceeded to advertise and did advertise for thirty days in the manner provided in Section 8 of said act, that on a day specified in such notice we would receive sealed proposals at the office of the School of Mines at Rapid City for the building of said addition, to-wit: The said metallurgical laboratory and improvements for the School of Mines, according to the plans, drawings and specifications aforesaid. And after the conclusion and completion of said publication of said advertisement, and on the day specified therein, said proposals for erecting and completing the said improvements were opened; and the trustees, finding the bids exceeding the amount of such appropriation, did, then and there, reject all of such bids, for the reason that said bids were too high; and did again proceed to, and did, advertise over again, in the manner provided by Section eight of this act, for proposals anew. And at the time affixed for the opening and awarding of such contract, opened said bids, or proposals, and finding that Henning & Son were the lowest bidders therefor, awarded unto

them the contract for the construction and erection of said building for the sum of \$10,000.00, and exacted and took from them a good and sufficient bond, providing that the said contractors should save the Territory of Dakota harmless.

4. The said contractors immediately thereafter entered into such contract and begun the construction of the said building, and continued thereat until December 3, 1887, at which time they ceased work thereon and abandoned their said contract, the reasons assigned therefor by them being, that they had taken such contract at a sum inadequate or not equal to the cost of such building. And thereby such building, in its incomplete condition, to-wit: With the walls of the principal portion of the building constructed and no covering thereon to protect them from the coming winter, was thrown upon the hands of the board of trustees in a condition that, unless completed, it was liable to have the walls thereof materially injured by the storms of the approaching winter and coming spring, and thereby cause great loss and inconvenience to the Territory, and depriving it also of being able, in the near future, to make any practical test of the value of the mineral resources of the Territory.

The board entered immediately upon an investigation of the matter, and determined from such investigation that the most economic, and, as it seemed to them, the only feasible plan for completing the said structure, was by purchasing the necessary material and authorizing their superintendent of construction to employ mechanics and laborers to perform the work to the best possible advantage.

Your memorialists are, however, compelled to state that after practicing the most rigid economy and careful expenditure of the appropriation placed at their disposal by said act of the Legislature before referred to, on completion of the said metallurgical laboratory building, and on placing the machinery therein, it was found to have exceeded in cost the sum of money appropriated, the trustees having been misled as to the cost of such building, and of putting the machinery therein in practical operation, so as to secure beneficial results to the mining and industrial resources of Dakota, for which said laboratory was designed. The mistake, however, being occasioned, not by the board of trustees drawing their conclusions of costs from their own knowledge, but basing their judgment of costs entirely upon the esti-

mates made by the architects submitting plans, drawings and specifications. they having the reputation of understanding thoroughly their profession, and your memorialists placing implicit confidence in the reputation which they bore. And we might also add that our opinion and belief was strengthened, so that we had no misgivings whatever as to the inadequacy of the appropriation to construct the building according to plans and specifications, for the further reason that the said contractors were of good repute in the community in which they lived; and they having made their proposition to build and construct such building for a sum within the appropriation, your memorialists were then assured that such building and the machinery and apparatus intended therefor would come within the amount appropriated for such purpose.

5. That after entering into said contract, the Board of Trustees caused to be made estimates for placing the machinery within said building, and all machinery and apparatus therefor was estimated upon with special reference to the dimensions of such building as shown by the plans, drawings and specifications, and the amount of said appropriation.

Therefore, after the construction of such building had been undertaken and enclosed by the construction and erection of the walls on the plans, and the machinery, at the time of the failure of such contractors, having been manufactured with special reference thereto and for the express purpose of being placed therein, there was no feasible way or possibility of reducing the cost by remodelling the plans to bring the cost of construction within the appropriation. In fact the dimensions of the building were absolutely necessary to furnish room for the machinery designed and contracted to be placed in it.

And we further submit that by the ruling of the Territorial Auditor, certain expenses incidental to the construction were required to be paid out of the building fund, which fact was not properly understood by the board at the time of letting the contract aforesaid. This explanation is made as one of the causes for exceeding the appropriation, and therefore, the deficiency hereinafter asked for.

The building is two stories in height and is 138 by 60 feet in dimensions on the ground and constructed with brick and stone with metal roof. It stands 200 feet distant

from the college building proper; and the machinery was furnished under contract by Messrs. Frazier & Chalmers of Chicago, and put in place by the board of trustees, and consists mainly of stamps, crushers, rolls, jigs, concentrators, tanks, amalgamating pans and tables, roasting and melting furnaces, etc.

6. That the Board of Trustees, as the work progressed upon said building or laboratory, made the certificates and payments required by Section 12 of said Legislative act; and that they paid to said contractors no sum in excess of the amount provided to be paid by said section on the respective estimates as the work progressed; and that all of the payments to the said contractors amounted only to the sum of 85 per centum of the value of the work performed and materials furnished according to the estimates made thereon by the superintendent of construction of said building. And that from examination by us and by the superintendent of construction of such building, we are fully satisfied that the payments so made to said contractors, were honestly expended by them for labor and materials entering into the construction of such building. But that the amounts of money so paid were inadequate to cover the costs of material and labor of construction thus far furnished and performed thereon. And that there was a deficiency existing at that time for materials furnished and labor performed as follows, to-wit:

To Charles A. Marshall for Brick.....	\$ 900 00
To Wallace W. Pinkerton for lumber.....	790 28
To Herbert S. Hall for cash to pay laborers.....	350 00
To Turner & Price, lumber dealers, for lumber and for cash to pay brick masons.....	627 41
To Thomas Sweeney for hardware.....	506 84
To John Noble for labor.....	33 77
To James Justice for labor.....	27 50
To James Elwood for labor.....	35 00

And we respectfully represent that we have examined carefully each of the above claims, and that from such examination we are fully satisfied that the materials and money and labor for such deficiency entered into the construction of such building.

Wherefore, we respectfully request that there be allowed to the parties aforesaid, by your honorable body, the amounts above mentioned respectfully, which have been

found, by investigation and due proof, to be due them with interest thereon from November 1, 1887.

All of which is respectfully submitted.

A. J. SIMMONS,
President.

R. B. HUGHES,
Secretary.

JOHN R. BRENNAN,
Treasurer.

CHAUNCEY L. WOOD.

C. V. GARDNER.

Which was referred to the Committee on Appropriations.

EXECUTIVE COMMUNICATION.

The following communication was received from His Excellency, the Governor:

EXECUTIVE OFFICE,
February 28, 1889. }

To the President of the Council:

I have the honor to inform your honorable body that I have approved

Council Bill No. 199,

Entitled "An act to amend Section 409 of Chapter 3 of the Civil Code,"

And the said bill has been filed in the office of the Secretary.

Respectfully,
LOUIS K. CHURCH,
Governor.

EXECUTIVE OFFICE,
February 28, 1889. }

To the President of the Council:

I have the honor to inform your honorable body that I have approved

Council Bill No. 227.

Entitled "An act to amend Sections 1 and 2, of Chapter 114, of the Session Laws of 1883, relating to the disposition of lots in towns entered under the act of Congress approved March 2, 1867, and acts amendatory thereto."

And the said bill has been filed in the office of the Secretary.

Respectfully,
LOUIS K. CHURCH,
Governor.

Mr. President announced his signature to House Bill No. 70 and Council Bill No. 27.

The Committee on Enrolled and Engrossed Bills made the following reports:

Mr. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bills Nos. 94, 108, 73, 31, 12 and 40 were on the 28th day of February, 1889, at 3:20 p. m., delivered to His Excellency, Governor L. K. Church, for his approval.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 27,

A bill for an act to amend Section 165 of the Code of Civil Procedure,

And find the same correctly engrossed and enrolled.

J. H. PATTEN,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
February 28, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 247,

A bill for an act to amend Chapter 28 of the Political Code entitled "Revenue," by striking therefrom certain sections.

Also,

House Bill No. 277,

A bill for an act to amend Section 330 of the Penal Code,

Also,

House Bill No. 278,

A bill for an act to amend Section 323 of the Penal Code,

Also,

House Bill No. 285,

A bill for an act to amend Chapter 151 of the General Laws of 1885, relating to weights and measures,

Also,

House Bill No. 324,

A bill for an act to repeal Chapter 29 of the Special Laws of 1885, entitled "An act to repeal Section 5 of Chapter 31 of the Session Laws of 1883, and to re-enact Section 5 of Chapter 31 of the Session Laws of 1883, entitled 'An act to create the county of Sanborn and define its boundaries and for other purposes,'"

Also,

Substitute for House Bill No. 207,

A bill for an act to encourage the organization and maintenance of county or district agricultural societies in the Territory of Dakota,

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

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES }
February 28, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 97,

A bill for an act entitled "An act empowering the Governor to appoint women notaries public,"

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

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
February 28, 1889, }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 211,

A bill for an act to prevent the importation of armed men or associations of men into this Territory for the purpose of police duty"

Which the House has indefinitely postponed.

JOHN G. HAMILTON,
Chief Clerk.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 101,

A bill for an act prohibiting the recording and filing of deeds and other instruments of title until taxes are paid, And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills return Council Bill No. 36,

A bill for an act entitled "An act to amend Chapter 28 of the Political Code, relating to revenue,

As properly engrossed.

J. H. PATTEN,
Chairman.

Mr. Crawford moved

That the rules be suspended and Council Bill No. 24 be read the third time and put on its final passage.

Which motion prevailed and

Council Bill No. 24,

A bill for an act to amend Section 104 of Chapter 28 of the Political Code designated in the Compiled Laws as Section 1,665,

Was read the third time and

The question being upon the report of the Committee on Revenue

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 16; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Harstad, Hughes, Poindexter, Soderberg, Van Osdel, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Halley, Lowry, McDonald, Miller, Patten, Ryan, Walsh, Washabaugh.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Campbell moved

That when the Council adjourn it adjourn to meet at 10 o'clock a. m. to-morrow.

Which motion prevailed.

Mr. Patten moved
That the report of the Committee on Appropriations be made a Special Order for 10 o'clock to-morrow.
Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives.

HOUSE OF REPRESENTATIVES, {
February 28, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 289,

A bill for an act authorizing and empowering the Governor of the Territory to remove any and all officers appointed by the Executive, at pleasure, and providing for filling vacancies caused thereby,

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

JOHN G. HAMILTON,
Chief Clerk.

Mr. Campbell in the chair.

Mr. Hughes moved

That the rules be suspended and the first, second and third reading of House bills be taken up.

Which motion prevailed.

Mr. Washabaugh moved

That the rules be suspended and House Bill No. 289 be read the first, second and third times and put upon its final passage.

Which motion prevailed and
House Bill No. 289,

A bill for an act authorizing and empowering the Governor of the Territory to remove any and all officers appointed by the Executive, at pleasure, and providing for filling vacancies caused thereby,

Was read the first, second and third times and

Mr. Poindexter offered the following amendment and moved its adoption:

Amend the bill by adding to it Sections 1 and 2, of Council Bill No. 268, as Sections 2 and 3 of the bill under consideration and that the remaining sections be renumbered as Sections 4 and 5.

Which motion was lost.

The question being shall the bill pass.

Call of the House demanded.

The roll being called the members all responded to their names except Messrs. Lowry, Miller and Ryan, who were excused; and Messrs. Cooper, Glaspell, Patten, Van Osdel and Mr. President.

The sergeant-at-arms was instructed to bring in the absent members.

Mr. Ericson moved

That further proceedings under the call of the House be dispensed with.

Which motion prevailed.

Mr. Crawford moved

That the vote by which the amendment of the gentleman from Spink was lost be reconsidered.

Which motion prevailed.

Mr. Stimmel moved

That the further consideration of House Bill No. 289 be laid over and made a Special Order for to-morrow at 3 p. m.

Which motion prevailed.

Mr. Hughes moved

That the Council do now adjourn.

Which motion was lost.

Mr. Patten moved

That the rules be suspended and House Bill No. 221 be put on its final passage.

Which motion prevailed.

Mr. Patten moved

That House Bill No. 221 be read by its title only,

Which motion prevailed, and

House Bill No. 221,

A bill for an act to create and establish the county of Meade, and for other purposes,

Was read the third time and

The question being upon the report of the Committee on Counties,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 15; nays, 2.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Campbell, Crawford, Dollard, Glaspell, Halley, Hughes, McDonald, Patten, Poindexter, Soderberg, Washabaugh, Woolhiser, Mr. President.

Messrs. Allin and Harstad voting in the negative.

Absent and not voting:

Messrs. Cooper, Ericson, Lowry, Miller, Ryan, Van Osdel, Walsh.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Poindexter moved

That Council Bills Nos. 287 and 286 be read the third time and put on their final passage.

Which motion prevailed and

Council Bill No. 287,

A bill for an act to prohibit the importation, sale or exposure of infected animals and to prescribe punishment therefor,

Was read the third time and

The question being upon the report of the Committee on Public Health,

The report was not adopted,

The question being shall the bill pass,

The roll being called there were ayes, 18; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Patten, Poindexter, Soderberg, Van Osdel, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Cooper, Lowry, McDonald, Miller, Ryan, Walsh.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 286,

A bill for an act to amend Chapter 63 of the General Laws of the Sixteenth Legislative Assembly, and to create county boards of health,

Was read the third time, and

The question being upon the report of the Committee on Public Health,

The report was adopted.

Mr. Poindexter offered the following amendment and moved its adoption:

Strike out all of Section 8 of the bill and insert in lieu thereof the following:

Section 8. The offices of Territorial Veterinary Surgeon and Deputy Veterinary Surgeon are hereby abolished.

Call of the House demanded.

The roll being called the members all responded to their names except Messrs. Lowry, Miller and Ryan, who were excused; and Messrs. Harstad, Hughes, Van Osdel and Walsh.

The sergent-at-arms was instructed to bring in the absent members.

Mr. Ericson moved

That further proceedings under the call of the House be dispensed with

Which motion prevailed.

Mr. Crawford moved

That the Council do now adjourn.

Roll call demanded.

The roll being called there were ayes, 8; nays, 11.

Those who voted in the affirmative were:

Messrs. Cameron, Cooper, Crawford, Glaspell, McDonald, Patten, Soderberg, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Campbell, Dollard, Ericson, Halley, Harstad, Poindexter, Van Osdel, Washabaugh, Woolhiser.

Absent and not voting:

Messrs. Hughes, Lowry, Miller, Ryan, Walsh.

So the motion was lost.

Call of the House demanded.

The roll being called, the members all responded to their names, except Messrs. Lowry, Miller and Ryan, who were excused, and Messrs Hughes and Walsh.

The sergeant-at-arms was instructed to bring in the absent members.

Mr. Ericson moved

That further proceedings under the call be dispensed with.

Which motion prevailed.

The question being upon the amendment of the gentleman from Spink.

Roll call demanded.

The roll being called there were ayes, 11; nays, 8.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Crawford, Dollard, Ericson, Halley, Harstad, Poindexter, Van Osdel, Washabaugh, Woolhiser.

Those who voted in the negative were:

Messrs. Atkinson, Cameron, Cooper, Glaspell, McDonald, Patten, Soderberg. Mr. President.

Absent and not voting:

Messrs. Hughes, Lowry, Miller, Ryan, Walsh.

So the motion prevailed.

Call of the House demanded.

The roll being called the members all responded to their names except Messrs. Lowry, Miller and Ryan, who were excused, and Messrs. Hughes and Walsh.

The sergeant-at-arms was instructed to bring in the absent members.

Mr. Allin moved

That further proceedings under the call of the House be dispensed with.

Which motion prevailed.

Mr. Cameron moved

That the Council do now adjourn.

Which motion was lost.

Mr. Washabaugh moved

The previous question.

The question being shall the main question be now put,

Which motion prevailed, and

The question being shall the bill pass.

The roll being called there were ayes, 11; nays, 9.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Crawford, Dollard, Ericson, Halley, Harstad, Poindexter, Van Osdel, Washabaugh, Woolhiser.

Those who voted in the negative were:

Messrs. Atkinson, Cameron, Cooper, Glaspell, Hughes, McDonald, Patten, Soderberg, Mr. President.

Absent and not voting:

Messrs. Lowry, Miller, Ryan, Walsh.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Ericson moved

That the vote by which Council Bill No. 286 was passed be reconsidered.

Mr. Poindexter moved

To lay the motion to reconsider upon the table.

Mr. Crawford moved

That the Council do now adjourn.

Roll call demanded.

The roll being called there were ayes, 10; nays 10.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Cooper, Crawford, Glaspell, Hughes, McDonald, Patten, Soderberg, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Campbell, Dollard, Ericson, Halley, Harstad, Poindexter, Van Osdel, Washabaugh, Woolhiser

Absent and not voting:

Messrs. Lowry, Miller, Ryan, Walsh.

So the motion was lost.

Call of the House demanded.

The roll being called, the members all responded to their names, except Messrs. Lowry, Miller and Ryan, who were excused and Mr. Walsh.

The sergeant-at-arms was instructed to bring in the absent member.

Mr. Ericson moved

That further proceedings under the Call of the House be dispensed with.

Roll call demanded.

The roll being called there were ayes, 10; nays, 10.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Dollard, Ericson, Halley, Harstad, Poindexter, Van Osdel, Washabaugh, Woolhiser.

Those who voted in the negative were:

Messrs. Atkinson, Cameron, Cooper, Crawford, Glaspell, Hughes, McDonald, Patten, Soderberg, Mr. President.

Absent and not voting:

Messrs. Lowry, Miller, Ryan, Walsh.

So the motion was lost.

Mr. Glaspell moved

That the Council do now adjourn.

The President pro tem decided the motion out of order.

Mr. Glaspell appealed from the decision of the chair.

The question being shall the decision of the chair be sustained.

The decision was not sustained and

The question being shall the Council adjourn.

Roll call demanded.

The roll being called there were ayes, 10; nays, 10.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Cooper, Crawford, Glaspell, Hughes, McDonald, Patten, Soderberg, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Campbell, Dollard, Ericson, Hally, Harstad, Poindexter, Van Osdel, Washabaugh, Woolhiser.

Absent and not voting:

Messrs. Lowry, Miller, Ryan, Walsh.

So the motion was lost.

Mr. Ericson moved

That further proceedings under the call of the House be dispensed with.

Roll call demanded.

The roll being called there were ayes, 10; nays, 10.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Dollard, Ericson, Halley, Harstad, Poindexter, Van Osdel, Washabaugh, Woolhiser.

Those who voted in the negative were:

Messrs. Atkinson, Cameron, Cooper, Crawford, Glaspell, Hughes, McDonald, Patten, Soderberg, Mr. President.

Absent and not voting:

Messrs. Lowry, Miller, Ryan, Walsh.

So the motion was lost.

Mr. Hughes moved

That the Council do now adjourn until 10 o'clock tomorrow.

Roll call demanded.

The roll being called there were ayes 10; nays 10.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Cooper, Crawford, Glaspell, Hughes, McDonald, Patten, Soderberg, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Campbell, Dollard, Ericson, Halley, Harstad, Poindexter, Van Osdel, Washabaugh, Woolhiser,

Absent and not voting:

Messrs. Lowry, Miller, Ryan and Walsh.

So the motion was lost.

Mr. Atkinson moved

That the Council take a recess for 15 minutes,

Which motion was lost.

Mr. Hughes moved

That the Council take a recess until 7 o'clock.

Mr. Ericson moved

To lay the motion upon the table.

Mr. Glaspell moved that the Council do now adjourn.

Roll call demanded.

The roll being called there were ayes, 11; nays 10.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Cooper, Crawford, Glaspell, Hughes, McDonald, Patten, Soderberg, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Campbell, Dollard, Ericson, Halley, Harstad, Poindexter, Van Osdel, Washabaugh, Woolhiser.

Absent and not voting:

Messrs. Lowry, Miller and Ryan.

So the motion prevailed, and

Mr. President announced that the Council stood adjourned until 10 o'clock to-morrow.

R. E. WALLACE,
Chief Clerk.

FIFTY-THIRD DAY.

BISMARCK, March 1, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the chaplain.

The roll was called and the members all responded to their names except Messrs. Lowry, Miller and Ryan.

The Committee on Enrolled and Engrossed Bills made the following reports:

Mr. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 268,

A bill for an act to limit the terms of Territorial officers, directors, regents and trustees,

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

SPECIAL ORDERS.

The hour for Special Orders for the day having arrived, the Council took up the consideration of Council Bill No. 136.

Mr. Halley in the chair.

Council Bill No. 136,

A bill for an act appropriating funds for the maintenance of the Normal school at Spearfish,

Was read the third time and

The question being upon the report of the Committee on Appropriations,

The report was adopted.

Mr. Washabaugh offered the following amendment and moved its adoption:

Amend Council Bill No. 136, by striking out the words and figures "\$17,000" and inserting the words "sixteen thousand (\$16,000)" in line 9 of the printed bill.

In line 10 strike out "\$1,000" and insert in lieu thereof "\$1,200."

In line 11 strike out "\$300" and insert in lieu thereof "\$500."

In line 12 strike out "\$800" and insert in lieu thereof "\$1,000."

In line 16 strike out "\$500" and insert in lieu thereof "\$900."

Mr. Allin offered the following amendment to the amendment offered by the gentleman from Lawrence and moved its adoption:

Amend the amendment—in line 9 strike out "\$16,000" and insert in lieu thereof "\$12,000."

Roll call demanded.

The roll being called there were ayes, 6; nays, 14.

Those who voted in the affirmative were:

Messrs. Allin, Cooper, Crawford, Harstad, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Atkinson, Campbell, Dollard, Ericson, Glaspell, Halley, Hughes, McDonald, Patten, Poindexter, Soderberg, Van Osdel, Walsh, Washabaugh.

Absent and not voting:

Messrs. Cameron, Lowry, Miller and Ryan.

So the motion was lost and

The question being on the motion of the gentleman from Lawrence.

The motion prevailed.

Mr. Woolhiser offered the following amendment and moved its adoption:

Amend by striking out all of lines 15, 16, 17 and 18 in Section 1.

Which motion was lost.

Mr. Stimmel offered the following amendment and moved its adoption:

Amend by inserting Section 2.

SEC. 2. That not more than one-half the amounts ap-

propriated by this act shall be expended during the first year of the time for which said appropriations are made, except as to the items for the improvement of grounds and for connecting the Spearfish city water-works with the school building and conducting the water through the building.

That Section 2 of the bill be renumbered as Section 3.

Which motion prevailed, and

The question being shall the bill pass.

The roll being called there were ayes, 21; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, McDonald, Patten, Poindexter, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Lowry, Miller and Ryan.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Mr. Campbell moved

That the Council take up the consideration of Council Bill No. 269.

Mr. Ericson offered as a substitute for the motion of the gentleman from Brown,

That Council Bill No. 269 be made a Special Order for 4 p. m. to-day.

Roll call demanded.

The roll being called there were ayes, 8; nays, 11.

Those who voted in the affirmative were:

Messrs. Cameron, Cooper, Crawford, Ericson, Patten, Soderberg, Van Osdel, Mr. President.

Those who voted in the negative were:

Messrs. Atkinson, Campbell, Dollard, Glaspell, Halley, Harstad, Hughes, McDonald, Poindexter, Walsh, Washabaugh.

Absent and not voting:

Messrs. Allin, Lowry and Ryan.

Messrs. Miller and Woolhiser being paired.

So the motion was lost.

The question being upon the motion of the gentleman from Brown.

The motion prevailed.

Mr. Ericson moved

That when the Council meet at 2 p. m. the consideration of appropriation bills be continued.

Which motion prevailed.

Council Bill No. 269,

A bill for an act establishing the Dakota Industrial College at Aberdeen, Dakota,

Was read the third time and

The question being upon the report of the Committee on Appropriations,

The report was adopted.

Mr. Ericson offered the following amendment and moved its adoption:

Amend Section 1 by adding thereto the words: "Said Dakota Industrial College shall never be entitled to or receive any share of the public lands or the proceeds thereof granted by Act of Congress to the University of Dakota located at Vermillion."

Which motion prevailed.

Mr. Stimmel offered the following amendment and moved its adoption:

Amend by striking out all of Sections 6, 7, 8, 9, 10, 11, 12, and all of lines 1, 2, 3, 4 and 5 down to and including the word "act," and all of Section 18.

Mr. Cooper moved

That the Council do now adjourn,

Which motion was lost.

Mr. Cameron moved

The previous question.

The question being shall the main question be now put,

The motion was lost.

Mr. Cameron moved

That the Council do now adjourn.

Which motion was lost.

The question being on the amendment offered by the gentleman from Cass.

Roll call demanded.

The roll being called there were ayes, 5, nays, 14.

Those who voted in the affirmative were:

Messrs. Cooper, Crawford, Patten, Soderberg, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, McDonald, Poindexter, Walsh, Washabaugh.

Mr. Ryan being absent and not voting.

Messrs. Lowry and Van Osdel and Miller and Woolhiser being paired.

So the motion was lost.

Mr. Ericson offered the following amendment, and moved its adoption.

Amend Section 15 by striking out the words "and who have a rudimentary knowledge of reading, writing, and arithmetic," in lines 3 and 4 thereof, and insert in lieu thereof the words "and who shall have completed the studies prescribed in the common schools of Dakota."

Which motion prevailed.

Mr. Crawford offered the following amendment and moved its adoption:

Amend by striking from Section 7 the words "thirty-five thousand dollars," and inserting in lieu thereof the words "ten thousand dollars."

Mr. Cameron moved

That the Council do now adjourn.

Which motion was lost.

Mr. Poindexter moved

The previous question,

The question being shall the main question be now put.

The motion prevailed and

The question being upon the amendment of the gentleman from Hughes.

Roll call demanded.

The roll being called there were ayes. 8; nays 10.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Cooper, Crawford, Harstad, Patten, Soderberg, Mr. President.

Those who voted in the negative were:

Messrs. Atkinson, Campbell, Dollard, Ericson, Halley, Hughes, McDonald, Poindexter, Walsh, Washabaugh.

Absent and not voting:

Messrs. Glaspell and Ryan.

Messrs. Lowry and Van Osdel and Miller and Woolhiser being paired.

So the motion was lost,

The question being shall the bill pass,

The roll being called there were ayes 13; nays 4.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Crawford, Ericson, Halley, Harstad, Hughes, McDonald, Poindexter, Walsh, Washabaugh.

Those who voted in the negative were:

Messrs. Cooper, Patten, Soderberg, Mr. President.

Absent and not voting:

Messrs. Dollard, Glaspell and Ryan.

Messrs. Lowry and Van Osdel and Messrs. Miller and Woolhiser being pared.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

The Committee on Enrolled and Engrossed Bills made the following reports:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 287,

A bill for an act to prohibit the importation, sale or exposure of infected animals and to prescribe punishment therefor.

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 24,

A bill for an act amending Section 104, Chapter 28, Political Code, in relation to embezzlement of county treasurers,

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

Mr. Ericson moved

That the Council do now take a recess till 2 p. m.

Which motion prevailed and

The President pro tem. announced the Council at Recess till 2 p. m.

After recess, the Council was called to order by Mr. President in the chair.

Mr. Crawford moved

That the rules be suspended and the Council proceed to the first and second reading of Council Bills.
Which motion prevailed.

FIRST READING OF COUNCIL BILLS.

Mr. Cooper introduced—
Council Bill No. 297.

A bill for an act to authorize cities having the requisite number of inhabitants to extend their corporate limits,
Which was read the first time.

Mr. Stimmel introduced—
Council Bill No. 298,

A bill for an act to relieve the Jewell Nursery Company of Lake City, Minnesota,
Which was read the first time.

Mr. Soderberg introduced—
Council Bill No. 299,

A bill for an act making appropriation for maintenance of the Territorial Penitentiary at Sioux Falls, Dakota, for the ensuing two years,
Which was read the first time.

Mr. Crawford introduced—
Council Bill No. 300,

A Joint Resolution providing for payment to the watchman and the messenger in both the Council and the House of the sum of five dollars per day,
Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 284,

A bill for an act to regulate warehouses and provide for the sale of unclaimed personal property,
Was read the second time and
Referred to the Committee on Railroads.

Council Bill No. 285,

A bill for an act to amend Chapter 73 of the Laws of the Seventeenth Legislative Assembly, in relation to the incorporation of cities,

Was read the second time and
Referred to the Committee on Cities and Municipal Corporations.

Council Bill No. 288,

A bill for an act entailing a certain duty upon county treasurers,

Was read the second time and
Referred to the Committee on Revenue.

Council Bill No. 297,

A bill for an act to authorize cities having the requisite number of inhabitants to extend their corporate limits.

Was read the second time and

Referred to the Committee on Cities and Municipal Corporations.

Council Bill No. 298,

A bill for an act to relieve the Jewell Nursery Company of Lake City, Minnesota,

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 299,

A bill for an act making appropriations for the maintenance of the Territorial Penitentiary at Sioux Falls, Dakota, for the ensuing two years,

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 300,

A Joint Resolution providing for payment to the watchman and messenger in both the Council and House of the sum of five dollars per day,

Was read the second time and

Referred to the Committee on Appropriations.

Mr. Ericson moved

That the rules be suspended and House Bills be read the first and second times and referred to their appropriate committees.

Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 179,

A bill for an act authorizing county commissioners to purchase for the use of their respective counties an artesian well drilling outfit,

Was read the first and second time and

Referred to the Committee on Counties.

House Bill No. 195,

A bill for an act to amend Section 13 of Sub-Chapter 112 of the General Laws of 1883, entitled "An act to provide for the organization of civil townships and the government of the same,"

Was read the first and second times and
Referred to the Committee on Counties.

House Bill No. 201,

A bill for an act providing for the appointment of regents, directors or trustees of the educational, penal and charitable institutions of the Territory,

Was read the first and second times and
Referred to the Committee on Territorial Affairs.

Substitute for House Bill No. 228,

A bill for an act to regulate the compensation of township officers,

Was read the first and second times and
Referred to the Committee on Counties.

House Bill No. 236,

A bill for an act to amend Section 4 of Chapter 20 of the General Laws of 1887, entitled "An act providing the method of appeals to the Supreme Court of Dakota Territory,"

Was read the first and second times and
Referred to the Committee on Judiciary.

House Bill No. 237,

A bill for an act to amend Section 331 of the Code of Civil Procedure,

Was read the first and second times and
Referred to the Committee on Judiciary.

House Bill No. 238,

A bill for an act to amend Sections 3 and 4 of Chapter 52 of the General Laws of 1879, entitled "An act authorizing the appointment of shorthand reporters for the district courts of this Territory,"

Was read the first and second times and
Referred to the Committee on Judiciary.

House Bill No. 240,

A bill for an act repealing Section 13 and amending Section 23, of the General Laws of 1887, entitled "An act providing the method of appeals to the Supreme Court of the Territory of Dakota,

Was read the first and second times and
Referred to the Committee on Judiciary.

House Bill No. 251,

A bill for an act entitled "An act to declare certain provisions for an attorney fee void and to provide a reasonable attorney fee in such cases,"

Was read the first and second times and
Referred to the Committee on Judiciary.

House Bill No. 252,

A bill for an act authorizing the Territorial Auditor to audit a claim against the Territory in favor of George F. Ingram,

Was read the first and second times and
Referred to the Committee on Appropriations.

House Bill No. 272,

A bill for an act construing the phrase "successive weeks,"

Was read the first and second times and
Referred to the Committee on Judiciary.

House Bill No. 275,

A bill for an act to enable townships and incorporated towns and cities to aid in the construction of railroads,

Was read first and second times and

Referred to the Committee on Territorial Affairs.

House Bill No. 270,

A bill for an act to repeal Section 14 of Article 11 of the act providing a charter for the city of Mayville, approved March 13, 1885,

Was read the first and second times and

Referred to the Committee on Cities and Municipal Corporations.

House Bill No. 151,

A bill for an act providing for the publication and distribution of Long's Legislative Hand Book,

Was read the first and second times and

Referred to the Committee on Appropriations.

House Bill No. 276,

A Joint Resolution authorizing the Adjutant General to turn over to the directors of the University of Dakota one hundred condemned muskets, for use for drilling purposes,

Was read the first and second times and

Referred to the Committee on Military Affairs.

House Bill No. 290,

A bill for an act creating and defining a subdivision of the Sixth Judicial District,

Was read the first and second times and

Referred to the Committee on Judiciary.

House Bill No. 310,

A bill for an act to amend subdivision 4, of Section 752, of the Penal Code of the Territory of Dakota,

Was read the first and second times and
Referred to the Committee on Judiciary.

House Bill No. 97,

A bill for an act entitled "An act empowering the Governor to appoint women notaries public,"

Was read the first and second times and
Referred to the Committee on Judiciary.

House Bill No. 207,

A bill for an act to encourage the organization and maintenance of county or district Agricultural Societies in the Territory of Dakota,

Was read the first and second times and
Referred to the Committee on Agriculture.

House Bill No. 247,

A bill for an act to amend Chapter 28 of the Political Code entitled "Revenue," by striking out therefrom certain sections.

Was read the first and second times and
Referred to the Committee on Revenue.

House Bill No. 277,

A bill for an act to amend Section 330 of the Penal Code,
Was read the first and second times and
Referred to the Committee on Judiciary.

House Bill No. 278,

A bill for an act to amend Section 323, of the Penal Code,

Was read the first and second times and
Referred to the Committee on Judiciary.

House Bill No. 285,

A bill for an act to amend Chapter 151 of the General Laws of 1885, relating to weights and measures.

Was read the first and second times and

Referred to the Committee on Warehouses and Grain Grading.

House Bill No. 324,

A bill for an act to repeal Chapter 29 of the Special Laws of 1885 entitled "An act to repeal Section Five of Chapter Thirty-one of the Session Laws of 1883 and to re-enact Section Five of Chapter Thirty-one of the Session Laws of 1883, entitled 'An act to create the County of Sanborn and define its boundaries and for other purposes,'"

Was read the first and second times and
Referred to the Committee on Judiciary.

House Bill No. 231,

A bill for an act creating and defining a subdivision of
the Sixth Judicial District,

Was read the second time and
Referred to the Committee on Judiciary.

Also,

House Bill No. 214,

A bill for an act providing for fees for sheriffs and other
officers for transporting persons to the Reform School for
juvenile offenders,

Was read the second time and
Referred to the Committee on Judiciary.

Also,

House Bill No. 266,

A bill for an act to facilitate the collection of special
assessments in cities, towns, or villages,

Was read the second time and
Referred to the Committee on Territorial Affairs.

Mr. Cameron moved

That House Bill No. 290 be read the third time,
Which motion prevailed, and

House Bill No. 290,

A bill for an act creating and defining a subdivision of the
Sixth Judicial District,

Was read the third time, and

Mr. Glaspell moved

That House Bill No. 290 be referred to the Committee
on Judiciary,

Which motion was lost.

Mr. Glaspell moved

That House Bill No. 290 be made a Special Order for 3
p. m. to-morrow.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Appropriations to whom was re-
ferred

Council Bill No. 95,

A bill for an act to provide funds for the maintenance of
the School of Mines at Rapid City, Dakota, for the ensuing
two years,

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

In Section 1, line 6, strike out "29,000" and insert "24,000."

In line 8 strike out "sixty-six hundred dollars (\$6,600)" and insert "two thousand dollars."

In line 9 strike out "five thousand" and insert "three thousand, five hundred."

In line 11 strike out "six thousand" and insert "four thousand."

Strike out all of lines 12, 13, 14.

And as so amended that the bill do pass.

HUGH McDONALD,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

Council Bill No. 234,

A bill for an act making appropriation for the current and contingent expenses of the Territorial Penitentiary at Bismarck,

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

In Section 1—

In line 9, strike out "20,000" and insert "17,100."

In line 10 strike out "20,000" and insert "16,000."

In line 11 strike out "8,000" and insert "6,000."

In line 13 strike out "3,500" and insert "2,500."

In line 16 strike out "4,000" and insert "2,000."

Insert as line 19 "tools and materials to provide employment for convicts, "4,000."

Re-number the remaining lines of the bill to correspond with the last mentioned line,

And as so amended that the bill do pass.

HUGH McDONALD,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred

Council Bill No. 107,

A bill for an act entitled "An act to provide funds for the construction of a dormitory and gymnasium and other purposes for the University of North Dakota,"

Have had the same under consideration and respectfully report the same back without recommendation.

HUGH McDONALD,
Chairman.

MR. PRESIDENT:

Your Committee on Counties to whom was referred House Bill No. 184,

beg leave to report that they have had the same under consideration and herewith return the same with the recommendation that the following bill attached to this report be substituted therefor and that said substitute do pass.

COE I. CRAWFORD,
Chairman.

Amend House Bill No. 184 by introducing a substitute therefor, as follows:

A BILL

For an act entitled "An act to amend Section 13 (12) of Chapter 20 of the Special Laws of 1885, entitled 'Salary of county treasurer and register of deeds in Grand Forks county.

Be it enacted by the Legislative Assembly of the Territory of Dakota.

SECTION 1. That Section 13 (12) of Chapter 20 of the Special Laws of 1885, entitled, salary of county treasurer and register of deeds of 1885, be and is hereby amended by striking out 'fifteen hundred' in the third line of said section and insert in lieu thereof the words 'two thousand.' "

SEC. 2. This act shall take effect and be in force from and after July 1st next; provided however, that the additional salary herein contemplated shall be only in a proportionate rate for the present year from said July 1st, 1889.

MR. PRESIDENT:

Your Committee on Education to whom was referred Council Bill No. 291,

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

ROBERT DOLLARD,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred Council Bills Nos. 254 and 141,

Have had the same under consideration and recommend that Council Bills Nos. 254 and 141, do pass.

S. L. GLASPELL,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs to whom was referred

House Bill No. 165,

A bill for an act to authorize the Territorial Auditor to audit a claim of John Sunback against the Territory,

Beg leave to report the same back with the recommendation that it do pass.

F. J. WASHABAUGH,
Chairman.

MR. PRESIDENT:

Your Committee on Military Affairs to whom was referred

House Bill No. 276,

A Joint Resolution authorizing the Adjutant General to turn over 100 condemned muskets to the directors of the University of Dakota for use for drilling purposes.

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

GEO. H. WALSH,
Chairman pro tem.

MR. PRESIDENT:

Your Committee on Revenue to whom was referred
Council Bill No. 263,

A bill for an act providing for the reassessment of abutting property for the improvement of public streets,

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

M. H. COOPER,
Chairman.

MR. PRESIDENT.

Your Committee on Agriculture to whom was referred
House Bill No. 234,

A bill for an act to amend Sections 1, 5, 6, 7, 9, 12, 13 and 15 of Chapter 3 of the General Laws of 1887 entitled "An act to create a Territorial Department of Agriculture, and relating to agricultural societies and agricultural fairs,

Have had the same under consideration and recommend that said bill be amended by striking out the figures "10,000"

and inserting in lieu thereof the figures "6,000," and as so amended that the bill do pass.

C. A. SODERBERG,
Chairman.

Mr. Ericson moved
That hereafter the reading of reports of committees be dispensed with.

Which motion prevailed.

REPORT OF SPECIAL COMMITTEE.

MR. PRESIDENT:

Your Special Committee to whom was referred
Council Bill No. 294,

Having had the same under consideration beg leave to report that they recommend that the same do pass.

COE I. CRAWFORD,
M. H. COOPER,
J. A. WOOLHISER.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives.

HOUSE OF REPRESENTATIVES, {
March 1, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
Council Bill No. 69,

A bill for an act to locate and establish the North Dakota Agricultural College,

Which the House has passed without change.

Respectfully,

JOHN. G. HAMILTON,
Chief Clerk.

Mr. Allin moved

That House Bill No. 234 be taken up and put upon its final passage.

Which motion prevailed and
House Bill No. 234,

A bill for an act to amend Sections 1, 5, 6, 7, 9, 12, 13 and 15, of Chapter 3, of the General Laws of 1887, entitled "An act to create a Territorial Department of Agriculture and relating to agricultural societies and agricultural fairs, and providing for reports of same.

Was read the third time and

The question being upon the report of the Committee on Agriculture,

Mr. Hughes moved

To amend the report by striking out "six thousand" and inserting in lieu thereof "ten thousand."

Which motion prevailed.

The question being upon the report of the committee as amended

The report was adopted.

The question being shall the bill pass,

The roll being called there were, ayes, 21; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cameron, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, McDonald, Patten, Poindexter, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Lowry, Miller, Ryan.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

Mr. President announced his signature to House Bill No. 13, and to Council Bill No. 69.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 69,

A bill for "an act to locate and establish the North Dakota Territorial Agricultural College,

And find the same correctly engrossed and enrolled.

J. H. PATTEN,
Chairman.

Mr. Ericson moved

That the consideration of House Bill No. 289 be laid over and made a Special Order for 4 p. m. to-morrow.

Which motion prevailed.

MESSAGES FROM THE HOUSE.

The following message were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
 March 1, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
 House Bill No. 267,

A bill for an act to provide for the giving of notice before the execution of tax deeds by county treasurers,

Also,

House Hill No. 235,

A bill for an act relating to elevator and warehouse receipts for grain stored, to protect owners of such receipts, and defining their duties, liabilities and obligations of persons issuing the same as to delivery of grain thereupon.

Also,

House Bill No. 189,

A bill for an act amending Section 1 of Chapter 10 of Session Laws of 1887,

Also,

House Bill No. 318,

A Joint Resolution and Memorial to the Congress of the United States praying for the maintenance of Fort Abraham Lincoln as a Military Post, and for appropriations for its improvement,

Also,

House Bill No. 259,

A bill for an act regulating the business of building and loan corporations,

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

JOHN G. HAMILTON,
 Chief Clerk.

HOUSE OF REPRESENTATIVES, }
 March 1, 1889. }

MR. PRESIDENT:

I have the honor to return herewith
 Council Bill No. 66,

A bill for an act authorizing the refunding of outstanding county bonds,

Which the house has passed,

Also,

Council Bill No. 210,

A bill for an act to amend Section 11, Chapter 5, of the Political Code, relating to vacancies in office,

Which the House has indefinitely postponed,

Also,

Council Bill No. 214,

A bill for an act to amend Chapter 142 of the Laws passed at the Seventeenth Session of the Legislative Assembly of the Territory of Dakota entitled "An act to provide for the collection of city taxes in incorporated cities of the Territory of Dakota,"

Also,

Council Bill No. 203,

A bill for an act to amend Chapter 102 of the Session Laws of 1883, entitled "An act to amend Section 13 of Chapter 39 of the Political Code relating to the salary of probate judges,

Also,

Council Bill No. 283,

A bill for an act providing interest at 7 per centum per annum on Territorial warrants hereafter issued,
Which the House has passed.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
March 1, 1889. }

MR. PRESIDENT:

I have the honor to return herewith

Council Bill No. 182,

A bill for an act entitled "An act to provide for the sale of perishable property of Dakota Exhibit at the World's Industrial and Cotton Centennial Exposition at New Orleans,
Which the House has amended as follows:

A bill for an act authorizing the Commissioner of Immigration to donate the property left from Dakota exhibit at the World's Industrial and Cotton Centennial exposition at New Orleans, to the University of North Dakota at Grand Forks and the University of Dakota at Vermillion, Dakota.

SECTION 1. The Commissioner of Immigration is hereby authorized and directed to donate the property left over from the exhibits of the Dakota exhibit at the World's Industrial and Cotton Centennial exposition at New Orleans, to the University of North Dakota at Grand Forks and the University of Dakota at Vermillion, Dakota. That the same be divided into two equal portions, as near as may be, and that one moiety thereof be donated to the Universities of North and South Dakota respectively.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, {
March 1, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
Council Bill No. 120,

A bill for an act to provide security to the public against errors, omissions and defects in abstracts of title to real estate,

Which the House has passed with the following amendments:

1. In line 13, Section 1, strike out the words and figures "five thousand (\$5,000) dollars" and insert in lieu thereof the words and figures "ten thousand (\$10,000) dollars."

2. Add to Section 1 the following proviso: "Provided, that in counties of less than ten thousand (10,000) inhabitants the bond herein required shall be five thousand (\$5,000) dollars."

3. Add to Section 2 the following: "And it is hereby made the duty of any person, firm or corporation holding said certificate to furnish an abstract of the title to any tract of land in said county when requested so to do and on the payment of the fees hereafter provided."

4. In line 1 of Section 6 strike out the word "chapter" and insert in lieu thereof the word "act."

5. Strike out all of Section 7 and insert in lieu thereof the following: "Section 7. The fees allowed said person, firm or corporation doing business under the provisions of this act shall be as follows and no more:

For the first entry or transfer on any one abstract, one (\$1.00) dollar; for each subsequent entry or transfer on said abstract, twenty-five cents (25c.); for entry or certificate relating to taxes, twenty-five cents (25c.); for entry of certificate relating to merchandise liens, twenty-five cents (25c.); for certificates as to judgments which may constitute a lien on the property so abstracted, fifteen cents (15c.) for each name so certified to; and it shall be the duty of said abstracters to continue any abstract so made by them on the payment of twenty-five cents (25c.) for each entry made thereon, and twenty-five cents (25c.) for the certificate of continuation thereto.

6. Change the number of Section 8 to Section 9 and insert in lieu thereof the following:

SEC. 8. Any person, firm or corporation furnishing abstracts of title to real property under the provisions of this act shall first provide a seal, which seal shall have

stamped thereon the name and location of said person, firm or corporation, and shall deposit with the county clerk or auditor, an impression of said seal before the certificate mentioned in Section 2 shall issue, which said seal shall be affixed to every abstract or certificate of title issued by said abstracter.

7. And that Section 9 be numbered Section 10 and amended to read as follows: Section 10. This act shall take effect and be in force from and after the 10th day of April, A. D., 1889.

And your concurrence therein is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Walsh moved

That the Council concur in the House amendments to Council Bill No. 120.

Mr. Ericson moved

As a substitute for the motion of the gentleman from Grand Forks that the Council do not concur in the House amendments to Council Bill No. 120 and that a conference committee be appointed,

Which motion prevailed, and

Mr. President appointed Messrs. Ericson, Walsh and Hughes as such committee.

Council Bill No. 196,

A bill for an act appropriating funds for the maintenance of the Normal School at Madison, Dakota, for the ensuing two years and for other purposes,

Was read the third time and

The question being upon the report of the Committee on Appropriations,

The report was adopted.

Mr. Patten offered the following amendment and moved its adoption:

To amend Section 1, line 9, strike out "\$1,000" and insert \$1,200.

In line 15 strike out "\$800" and insert \$1,000.

Which motion prevailed.

Mr. Patten offered the following amendment and moved its adoption:

Strike out the figures "300" in line 12, Section 1, and insert in lieu thereof "500."

Which motion prevailed.

Mr. Crawford offered the following amendment and moved its adoption:

Mr. Crawford moves to strike out from line 7 of Section 1 of Council Bill No. 196, by striking therefrom the words and figures "eighteen thousand dollars" and insert in lieu thereof the words and figures "sixteen thousand dollars."

Mr. Van Osdel moved

To amend the amendment of the gentleman from Hughes by striking out the words and figures "eighteen thousand dollars" where they occur in line 7 of the bill and insert in lieu thereof the words and figures "seven-teen thousand."

Which motion was lost.

The question being upon the motion of the gentleman from Hughes.

Roll call demanded.

The roll being called there were ayes, 12; nays, 9.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Crawford Dollard, Harstad, Hughes, Poindexter, Soderberg, Washa-baugh, Woolhiser.

Those who voted in the negative were:

Messrs. Cooper, Ericson, Glaspell, Halley, McDonald, Patten, Van Osdel, Walsh, Mr. President.

Absent and not voting:

Messrs. Lowry Miller, Ryan.

So the motion prevailed.

Mr. Poindexter offered the following amendment and moved its adoption:

Add to end of line 4, Section 1, the following:

Provided, that not more than one-half of the amounts herein appropriated shall be expended during the first year of the time for which said appropriations are made, except the items for permanent improvements.

Which motion prevailed.

Mr. Hughes moved

That the word "namely" in line 4, Section 1, be stricken out.

Which motion prevailed.

Mr. Hughes offered the following amendment and moved its adoption:

That line 1 of Section 1 be amended by adding after the

word "sums" in said line the following words "or so much thereof as may be necessary."

Which motion prevailed.

The question being shall the bill pass.

The roll being called there were ayes, 21; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, McDonald, Patten, Poindexter, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Lowry, Miller and Ryan.

So the bill passed and

The question being as to its title, and being put,

Its title was agreed to.

EXECUTIVE COMMUNICATION.

The following communication was received from His Excellency, the Governor:

EXECUTIVE OFFICE, }
March 1, 1889. }

To the Council

I herewith respectfully return without my approval Council Bill No. 108,

Entitled "An act to change the name of the religious corporation incorporated under the title of the 'First Bohemian Presbyterian Church of Dakota.'"

This bill provides for the change of the present corporate name to that of the "The Bohemian Moravian Evangelical Reformed Church," upon complying with certain provisions to-wit: The payment by the corporation known as the First Bohemian Presbyterian Church of Dakota (within six months after the passage of this act) to the Board of Aid of the Presbyterian church of sums of money, the amount of which is not stated, with interest; and on obtaining consent of the Presbytery in which said church is now situated.

The bill, by Section 1, also confirms the title of all grants or conveyances of real estate heretofore granted to said corporation under its present name.

The bill is objectionable for the following reasons:

If it is deemed proper to change the name of said church, it should be done without the conditioned precedent of the payment of an uncertain sum of money to parties as pro-

vided in Section 1 of said act. This legislation operates in the nature of the collection of indebtedness through the medium of an act of the legislature. Matters of this kind should be left to private adjustment or to the courts.

Section 2 is objectionable for the reason that in confirming all grants or conveyances heretofore made to said church under its present name, it is so sweeping in its nature (there being no qualification) that it might possibly operate to cut off rights or equities of innocent parties in certain real estate, and should this provision so operate as against infants or minors or non-residents, it would be unwise as likewise unjust; and the question further arises whether the Legislature has any right, aside from the propriety of the act, to pass a law confirmatory of title.

The bill is also objectionable for the reason that it is such a special law as the Legislature of this Territory is prohibited from passing by the act of Congress approved July 30, 1886, as follows:

“That the Legislatures of the Territories of the United States, now or hereafter to be organized, shall not pass local or special laws in any of the following enumerated cases, that is to say:

“Granting to any association, corporation or individual any special exclusive privilege, immunity or franchise whatever.”

Respectfully,

LOUIS K. CHURCH,
Governor.

Mr. Hughes moved

That the communication of His Excellency, the Governor, be made a Special Order for to-morrow at at 4 p. m.

Which motion prevailed.

EXECUTIVE COMMUNICATION.

The following communication was received from His Excellency the Governor:

EXECUTIVE OFFICE, }
March 1, 1889. }

To the President of the Council:

I herewith respectfully return without my approval,
Council Bill No. 31,
Entitled “An act to amend Chapter 43 of the Ses-

sion Laws of 1885 relating to the practice of dentistry.”

The object of this bill is to so amend Chapter 43 of the Session Laws of 1885 as to enable a person who may hold a diploma, certificate or license from any other State or Territory to be admitted to practice dentistry in this Territory without submitting to an examination before the board of dentistry as required by Section 5 of the act of 1883.

All States of the Union, except two, have laws relating to the practice of dentistry, and in none of the States having such laws is a dentist permitted to practice his profession merely upon a certificate from another State.

An examination into the matter shows that when the different states legislated in reference to the practice of dentistry they in no way interfered with the practice of any who were practicing in the state at the time of the enactment of such legislation, but issued certificates to such persons without requiring an examination. Section 4 of Chapter 43 of the Laws of 1885 shows this to be the case as far as this Territory is concerned, and by Section 5 an examination is provided for for all who are not engaged in the practice of dentistry prior to six months after the passage of said Chapter 43, above referred to, which took effect March 9, 1885.

There can be no good reason offered for so amending the laws as to allow persons who hold certificates or diplomas or licenses from other states to come to this Territory and enter upon the practice of dentistry without submitting to an examination upon their qualifications before the dental board. Section 5, of the Laws of 1883, shows that the examination therein provided for is not necessarily severe; but confers upon the dental board only the exercise of sound discretion in passing upon the qualifications of applicants and the character of the diplomas, etc., offered by applicants for examination.

This bill would allow a class of dentists to come to the Territory and practice their profession by simply registering their certificates, diplomas or licenses, and paying the fee required by the amendment and leave them subject to no examination by our dental board, while residents of the Territory desiring to enter upon the practice of dentistry would be compelled to submit to the examination already provided for by Chapter 43 of the Laws of 1885. This would operate as a discrimination against our own citizens and make more liberal requirements for non-residents

coming to the Territory to enter upon the practice of dentistry, who would be enabled to escape the necessity of an examination or supervision under the act.

I am informed by the board of dentistry that only one applicant has been refused a license within the last year; and I am further informed that the intent and object of this bill is to enable one man to practice dentistry within the Territory, who has refrained from presenting himself before the present board for an examination.

Respectfully,

LOUIS K. CHURCH,
Governor.

Mr. Ericson moved to lay the Executive communication over until to-morrow at 4 p. m.

Which motion prevailed.

Council Bill No. 173,

A bill for an act appropriating funds for the maintenance of the University of Dakota for the ensuing two years and for other purposes.

Was read the third time, and

The question being upon the report of the Committee on Appropriations,

Mr. Ericson offered the following amendment to the report of the Committee on Appropriations and moved its adoption:

Amend the report by adding "for apparatus and cabinets, fifteen hundred dollars; for water and drainage, two thousand dollars."

Which motion prevailed.

Mr. Crawford offered the following amendment and moved its adoption:

Mr. Crawford moves to amend line 15 of Council Bill No 173 by striking out the words "seven thousand dollars" and inserting in lieu thereof the words and figures "five thousand dollars."

Roll call demanded.

The roll being called there were ayes, 7; nays, 13.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Cooper, Crawford, Harstad, Poindexter, Woolhiser.

Those who voted in the negative were:

Messrs. Atkinson, Campbell, Dollard, Ericson, Glaspell, Halley, Hughes, McDonald, Soderberg, Van Osdel, Walsh, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Lowry, Miller, Patten, Ryan.

So the motion was lost.

The question being upon the report of the committee as amended,

The report was adopted.

Mr. Washabaugh offered the following amendment and moved its adoption:

Insert the following, to be known as Section 2 of Council Bill No. 173:

That not more than one-half of the amount appropriated by this act shall be expended during the first year of the time for which said appropriations are made, except as to the items for permanent improvements.

And to make what is now Section No. 2 in the original bill Section No. 3.

Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 19; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Poindexter, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Lowry, McDonald, Miller, Patten, Ryan.

So the bill passed and

The question being upon its title and being put

Its title was agreed to.

Council Bill No. 106,

A bill for an act entitled "An act making appropriations for the current and contingent expenses of the University of North Dakota."

Was read the third time and

The question being upon the report of the Committee on Appropriations.

Mr. Walsh offered the following amendment to the report of the Committee and moved its adoption:

Amend report by inserting the following as to line 5 of the printed bill: For Salaries of President of Faculty and instructional force \$35,900.

Roll call demanded,

The roll being called there were ayes, 13; nays 8.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, McDonald, Poindexter, Walsh, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Atkinson, Campbell, Cooper, Crawford, Patten, Soderberg, Van Osdel, Woolhiser.

Absent and not voting:

Messrs. Lowry, Miller, Ryan.

So the motion prevailed, and

The question being upon the report of the Committee on Appropriations as amended,

The report was adopted.

Mr. Washabaugh offered the following amendment and moved its adoption:

Amend Council Bill No. 106 by adding the following as Section 2:

That not more than one-half of the amounts appropriated by this act shall be expended during the first year of the time for which said appropriations are made, except as to items for permanent improvements.

To make Section 2 in printed bill Section 3.

Which motion prevailed.

Mr. Ryan now arrives.

Mr. Cooper offered the following amendment and moved its adoption.

Insert in line 1, Section 1, after the word "sums" the words "or so much thereof as may be necessary."

Which motion prevailed.

Mr. Walsh offered the following amendment and moved its adoption:

Amend line 10 by striking out "\$5,000," as amended by the committee, and inserting "\$6,000."

Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 21; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Lowry, McDonald and Miller.

So the bill passed and
The question being as to its title and being put,
Its title was agreed to.

Mr. Hughes moved

That the Council do now adjourn until 10 a. m. to-morrow.

Mr. Ericson offered the following as a substitute to the motion of the gentleman from Burleigh:

That when the Council adjourn it adjourn to meet at 10 a. m. to-morrow.

Which motion prevailed.

Mr. Dollard asked unanimous consent to introduce a bill.

There being no objection

Mr. Dollard introduced—

Council Bill No. 301,

A bill for an act entitled "An act to authorize the Commissioner of Immigration to publish in foreign languages any advertising matter pertaining to his department,

Which was read the first time.

Mr. Dollard moved

That the rules be suspended and Council Bill No. 291 be read the third time and put on its final passage.

Which motion prevailed and

Council Bill No. 291,

A bill for an act abolishing the Territorial Board of Education,

Was read the third time and

The question being upon the report of the Committee on Education,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 20; nays, 2.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, McDonald, Patten, Poindexter, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Cameron and Ryan.

Absent and not voting:

Messrs. Lowry and Miller.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Hughes moved
 That the Council do now adjourn,
 Which motion prevailed, and
 Mr. President announced that the Council stood ad-
 journed till 10 a. m, to-morrow.

R. E. WALLACE,
 Chief Clerk.

FIFTY-FOURTH DAY.

BISMARCK, March 2, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the chaplain.

The roll was called and all the members responded to their names except Messrs. Lowry and Miller, who were excused.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

The following message from the House of Representatives was read:

HOUSE OF REPRESENTATIVES, {
 March 1, 1889. }

MR. PRESIDENT:

I have the honor to return herewith
 Council Bill No. 182,

A bill for an act entitled "An act to provide for the sale of perishable property of Dakota Exhibit at the World's Industrial and Cotton Centennial Exposition at New Orleans,"

Which the House has amended as follows:

A bill for an act authorizing the Commissioner of Immigration to donate the property left from Dakota exhibit at the World's Industrial and Cotton Centennial Exposition at New Orleans, to the University of North Dakota and the University of Dakota at Vermillion, Dakota.

SECTION 1. The Commissioner of Immigration is hereby authorized and directed to donate the property left over from the exhibit of the Dakota exhibit at the World's Industrial an Cotton Centennial Exposition at New Orleans, to the University at Grand Forks and the University of

Dakota at Vermillion. That the same be divided into two equal portions, as near as may be, and that one moiety thereof be donated to the Universities of North and South Dakota respectively.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Crawford moved
That the amendments of the House to Council Bill No. 182 be concurred in.
Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
House Bill No. 272 and Council Bill No. 215,
Have had the same under consideration and recommend
that said bills do pass.

S. L. GLASPELL,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs to whom was referred
House Bill No. 252,
A bill for an act authorizing the Territorial Auditor to
audit a claim against the Territory in favor of George F.
Ingram.

Beg leave to report the same back with the recommen-
dation that it do pass.

F. J. WASHABAUGH,
Chairman.

MR. PRESIDENT:

Your Committee on Temperance to whom was referred
Council Bill No. 156,
A bill to regulate the sale of intoxicating liquors for
medicinal purposes by registered pharmacists.

Have had the same under consideration and recommend
that said bill be amended by striking out of said bill the
following amendment proposed by Mr. Poindexter:

"Provided further, That nothing in this act shall pre-
vent a registered pharmacist from selling any of said liq-
uors for medicinal, mechanical, culinary or sacramental
purposes to any person presenting a prescription therefor
from a licensed and reputable physician,"

And by amending Section 4 of said bill by adding thereto the following:

“Every pharmacist selling liquor in this territory shall, on the first day of every month, file with the county clerk or county auditor of his county, as the case may be, all affidavits and prescriptions upon which he has sold intoxicating liquor during the preceding month. And every sale of liquor for which the affidavit or prescription shall not be filed as hereinbefore provided, shall be deemed in violation of law.”

That as thus amended said bill do pass.

G. A. HARSTAD,
Chairman.

MR. PRESIDENT:

Your Committee on Military Affairs to whom was referred

Council Bill No. 260,

A bill for an act to aid in procuring pensions for disabled soldiers residing in Dakota Territory,

Have had the same under consideration and recommend that said bill do pass,

Also,

Council Bill No. 259,

A bill for an act to amend Chapter 100 of the Laws of 1887, known as the Military Code of Dakota,

And recommend that said bill do pass.

J. C. RYAN,
Chairman.

MR. PRESIDENT:

Your Committee on Military Affairs to whom was referred

Council Bill No. 118,

A bill for an act entitled “An act providing for the election of general of the militia,”

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

Also,

Council Bill No. 271,

A bill for an act to repeal Chapter 100 of the Session Laws of 1887,

And recommend that said bill do not pass.

J. C. RYAN,
Chairman.

MR. PRESIDENT:

Your Committee on Revenue to whom was referred

Council Bills Nos. 176 and 83,

Having had the same under consideration, report the bills back without recommendation, for the reason that your Committee have been unable to properly consider the same.

Also,

Council Bill No. 45,

A bill for an act regulating the time of making assessments and collection of taxes,

Report the same with the recommendation that it be indefinitely postponed, for the reason that similar bills have been acted upon by this body.

Also,

House Bill No. 126,

A bill for an act to provide a board for the equalization of taxes for all incorporated towns and villages in the Territory of Dakota whose charters contain no provisions for such board,

Having considered the same,

Report with recommendation that it do pass.

M. H. COOPER,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs, to whom was referred

House Bill No. 266,

A bill for an act to facilitate the collection of special assessments in cities, towns and villages,

Beg leave to report the same back, and recommend that the same do pass.

F. J. WASHABAUGH,
Chairman.

MR. PRESIDENT:

Your Committee on Immigration, to whom was referred Council Bill No. 277,

A bill for an act authorizing the Commissioner of Immigration to appoint an Assistant Commissioner of Immigration,

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

P. CAMERON,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Cameron introduced—

Council Bill No. 302,

A bill for an act to provide for the printing, publishing and other current and necessary expenses of the office of Commissioner of Immigration,

Which was read the first time.

Mr. Cameron moved

That the rules be suspended and Council Bill No. 302 be read the second time and referred to its appropriate committee,

Which motion prevailed, and

Council Bill No. 302,

A bill for an act to provide for the printing, publishing and other current and necessary expenses of the Commissioner of Immigration,

Was read the second time, and

Referred to the Committee on Public Printing.

Mr. Dollard moved

That the rules be suspended and the vote by which Council Bill No. 291 passed be reconsidered.

Which motion prevailed.

Mr. Dollard offered the following amendment to Council Bill No. 291,

A bill for an act abolishing the Territorial Board of Education,

And moved its adoption.

Amend Section 2 by striking out the words "including Sections 1 and 2 of Chapter 47 of the Session Laws of 1887."

Which motion prevailed and

The question being shall the bill pass,

The roll being called there were ayes, 15; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Cooper, Crawford, Dollard, Ericson, Glaspell, Hughes, Poindexter, Soderberg, Walsh, Washabaugh, Woolhiser, Mr. President.

• Absent and not voting:

Messrs. Campbell, Halley, Harstad, Lowry, McDonald, Miller, Patten, Ryan and Van Osdel.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Glaspell moved

That the rules be suspended and appropriations bills be taken up,

Which motion prevailed, and
The Council took up the consideration of appropriation bills.

Mr. Allin in the chair.

Council Bill No. 216,

A bill for an act making appropriations for the maintenance of the North Dakota Hospital for the Insane, and for other purposes,

Was read the third time, and

The question being upon the report of the Committee on Appropriations

The report was adopted.

Mr. Glaspell offered the following amendment and moved its adoption:

Amend by adding to Section 1, the words and figures following, to wit: "Artesian well and water supply nine thousand (\$9,000) dollars."

Mr. Ericson offered the following amendment to the amendment offered by the gentleman from Stutsman and moved its adoption:

Strike out "\$9,000" and insert "\$5,000."

Mr. Glaspell moved

As a substitute to the amendment to the amendment,

To insert "\$7,000" in lieu of "\$5,000."

Mr. Soderberg moved

That the amendments and substitute be laid on the table.

Roll call demanded.

The roll being called there were ayes, 3; nays, 18.

Those who voted in the affirmative were:

Messrs. Soderberg, Van Osdel, Woolhiser.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Cameron, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, McDonald, Patten, Poindexter, Ryan, Walsh, Washabaugh,
Mr. President.

Absent and not voting:

Messrs. Campbell, Lowry, Miller.

So the motion was lost.

The Committee on Enrolled and Engrossed Bills made the following reports:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 60,

A bill for an act to secure more fully the independence of elections, to enforce the secrecy of the ballot, to punish offenses against a fair election and to provide for the printing and distribution of ballots at public expense,

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

Mr. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 269,

A bill for an act establishing the Dakota Industrial College at Aberdeen, Dakota,

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

Mr. Walsh moved

That the printed Council Journal of the fifty-third day, on page 27, line 41, be corrected so that \$3,500 shall read \$35,000. Also, on page 28, line 32, add after \$5,000 the words "as amended by the committee."

Which motion prevailed.

Mr. Ericson offered the following resolution and moved its adoption.

Resolved, That all clerks of Council Committees shall be required to report for duty to the Committee on Enrolled and Engrossed Bills at nine o'clock p.m. of each legislative day, and that for each failure to so report they shall forfeit one day's pay.

Mr. Poindexter moved to amend by adding to the motion of the gentleman from Union, the following:

And if they so fail to appear a second time they shall be at once discharged.

Which motion prevailed.

The question being upon the motion of the gentleman from Union as amended,

The motion prevailed.

The question being upon the substitute offered by the gentleman from Stutsman.

Roll call demanded.

The roll being called there were ayes, 9; nays 12.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Glaspell, Halley, Hughes, McDonald, Ryan, Walsh.

Those who voted in the negative were:

Messrs. Cooper, Crawford, Dollard, Ericson, Harstad, Patten, Poindexter, Soderberg, Van Osdel, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Campbell, Lowry and Miller.

So the substitute was lost.

Mr. Poindexter offered the following substitute for the amendment of the gentleman from Union;

That there be appropriated for the purpose of furnishing a water supply by putting down an artesian well, pipes, etc., the sum of \$2,000 and also the sum of \$3,000 due from the sureties on the bond of Gray Bros., for putting down an artesian well, and also the sum of \$1,200, or so much thereof as may be collected from Gray Bros., for coal belonging to the asylum and used by said Gray Bros. in putting down a well, provided that not more than 25 per cent. of the contract price shall be paid for putting down a well until a supply of water is obtained.

Roll call demanded.

The roll being called there were ayes, 8; nays, 12.

Those who voted in the affirmative were:

Messrs. Crawford, Patten, Poindexter, Soderberg, Van Osdel, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Cameron, Cooper, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, McDonald, Ryan, Walsh.

Absent and not voting:

Messrs. Atkinson, Campbell, Lowry, Miller,

So the substitute was lost.

Mr. Ericson offered the following amendment and moved its adoption:

Provided, That not more than 25 per cent. of the contract price shall be paid until a flow of water is obtained.

Which motion prevailed.

Mr. Poindexter offered the following amendment to the amendment of the gentleman from Union, and moved its adoption:

Strike out "\$5,000" and insert "\$2,000."

Roll call demanded.

The roll being called there were ayes, 3; nays 18.

Those who voted in the affirmative were:

Messrs. Poindexter, Soderberg, Van Osdel.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Cameron, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, McDonald, Patten, Ryan, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Campbell, Lowry and Miller.

So the motion was lost.

The question being on the motion of the gentleman from Union,

The motion prevailed.

The question being upon the motion of the gentleman from Stutsman as amended,

The motion prevailed.

Mr. Ericson offered the following amendment and moved its adoption:

Strike out line 11 and substitute the words "beds and bedding—\$1,000."

Which motion prevailed.

Mr. Crawford offered the following amendment and moved its adoption:

Amend line 14 of Council Bill No. 216 by striking out the figures "\$3,000" and inserting in lieu thereof the figures "\$1,500."

Which motion was lost.

Mr. Ryan moved

That the Council do now adjourn.

Which motion was lost.

Mr. Glaspell offered the following amendment and moved its adoption:

Amend by adding to Section 1 the following: Provided, That not more than one-half of the several amounts hereby appropriated shall be used during the first year ensuing except that the items:

"Artesian well and water supply,"

"Covering pipes,"

"Electric lights, addition, fixtures and supplies,"

"Improvement of grounds,"

"Deficiency for coal" and

"Plumbing in old building,"

May be used when necessary.

Which motion prevailed.

Mr. Crawford offered the following amendment and moved its adoption:

That the figures \$26,000 be stricken out of line 7 of Council Bill No. 216 and the figures \$25,000 be inserted in lieu thereof.

Mr. Glaspell moved

To lay the motion of the gentleman from Hughes on the table.

Roll call demanded.

The roll being called there were ayes, 10; nays, 11.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Glaspell, Halley, Hughes, Ryan, Van Osdel, Walsh.

Those who voted in the negative were:

Messrs. Cooper, Crawford, Dollard, Ericson, Harstad, Patten, Poindexter, Soderberg Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Lowry, McDonald and Miller.

So the motion was lost.

Mr. Walsh moved

That the Council take a recess until 2 p. m.

Which motion prevailed and

Mr. President announced a recess until 2 p. m.

After recess.

The Council was called to order by Mr. President in the chair.

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

Resolved. That the Railroad Committee be instructed and directed to return forthwith to this body, Council Bill No. 140, being a bill for an act providing for the levy and collection of taxes upon property of railroad companies in this Territory.

Mr. Glaspell moved

To amend the resolution offered by the gentleman from Brown by striking out the word "forthwith" and inserting therein instead the words "Tuesday next."

Mr. Crawford moved

That Council Bill No. 140 be made a Special Order for 8 p. m. to-day.

Mr. Ericson moved

To lay the motion on the table.

Mr. Hughes moved
Call of the House.

The roll being called all the members responded to their names except Messrs. Lowry and Miller, who were excused, and Messrs. Patten, Ryan and Walsh.

The sergeant-at-arms was instructed to bring in the absent members.

The members all being present

Mr. Ericson moved

That further proceedings under the call of the House be dispensed with.

Which motion prevailed.

The question being upon the motion of the gentleman from Union.

Roll call demanded.

The roll being called there were ayes, 8; nays, 12.

Those who voted in the affirmative were:

Messrs. Cooper, Crawford, Ericson, Glaspell, McDonald, Soderberg, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Dollard, Halley, Harstad, Hughes, Poindexter, Van Osdel, Walsh, Washabaugh.

Absent and not voting:

Messrs. Lowry, Miller, Patten, Ryan.

So the motion was lost.

Mr. Hughes offered the following amendment to the motion of the gentlemen from Hughes:

Amend by inserting "5 o'clock" instead of "8 o'clock,"

Which motion prevailed.

The question being upon the amendment of the gentleman from Hughes to Council Bill No. 216,

The motion prevailed.

Mr. Crawford offered the following amendment and moved its adoption:

Amend line 5, Council Bill No. 216, by striking out "\$53,000" and inserting in lieu thereof the figures "\$50,000,"

Which motion prevailed.

Mr. Poindexter offered the following amendment and moved its adoption:

Strike out "\$28,000" in line 6 and insert "\$20,000,"

Which motion was lost.

The question being shall the bill pass

The roll being called there were ayes, 21; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, McDonald, Patten, Poindexter, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Lowry, Miller, Ryan.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 200,

A bill for an act appropriating funds for the maintenance of the Dakota Hospital for the Insane, at Yankton, for the ensuing two years, and for other purposes,

The question being upon the report of the Committee on Appropriations,

The report was adopted.

Mr. Poindexter offered the following amendment and moved its adoption:

Amend the first section by adding to the end thereof "provided that not more than one-half of the above sums or items shall be drawn or expended during the first year, except as to the items for permanent improvements."

Which motion prevailed.

Mr. Crawford offered the following amendment and moved its adoption:

Amend line 5, of Council Bill No. 200, by striking out "\$53,000" and inserting in lieu thereof "\$50,000."

Which motion was lost.

Mr. Van Osdel offered the following amendment and moved its adoption:

Strike out line 16.

Which motion prevailed.

Mr. Van Osdel offered the following amendment and moved its adoption:

Insert as line 16 "beds and bedding—\$1,000."

Roll call demanded.

The roll being called there were ayes 15; nays 5.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Harstad, Patten, Poindexter, Soderberg, Van Osdel, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Halley, McDonald, Ryan, Walsh, Washabaugh.

Absent and not voting:

Messrs. Glaspell, Hughes, Lowry and Miller. .

So the motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 19; nays, none.

Those who voted in the affirmative were:

Messrs. Alin Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Halley, Harstad, Hughes, McDonald, Patten, Ryan, Soderberg, Van Osdel, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Glaspell, Lowry, Miller, Poindexter, Walsh.

So the bill passed.

Mr. Van Osdel moved

To amend the title by striking out the word "at" and insert in lieu thereof the word "near."

Which motion prevailed, and

The title as amended was agreed to.

Mr. Dollard asked permission to make a report.

There being no objections, Mr. Dollard presented the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

Council Bill No. 68,

A bill for an act entitled "An act to appropriate funds for the maintenance of the Dakota Agricultural College and Experiment Station, for the current years 1889 and 1890,

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

In section 1—

In line 6 strike out "35.600" and insert "35,000."

In line 7 strike out "6,000" and insert "5,500."

Insert in line 9, after the word "telegraphing," the words "freight, express."

Insert the following as Section 2.

SEC. 2. Tools and machinery for shops, cooking range, sewing machines and other outfit, domestic economy, mathematical instruments, library, fences and farm house repairs, two thousand three hundred and twenty-five dollars.

Strike out all of lines 10, 11, 12, 13, 14, 15, 16, 17, 18.

Insert as Section 3, "trees, tools, etc., for forestry and gardens, furniture for dormitory and recitation rooms, repairs to steam apparatus, repairs to roof and water pipes and eaves troughs, repairs and finishing basement rooms, for shops, chemical laboratory, material for cooking classes, \$6,550.

That Sections 2 and 3 be numbered 4 and 5,
And as so amended that the bill do pass.

HUGH McDONALD,
Chairman.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 66,

A bill for an act authorizing the refunding of outstanding county bonds,

Also,

Council Bill No. 203,

A bill for an act to amend Chapter 102 of the Session Laws of 1883, entitled "An act to amend Section 13 of Chapter 39 of the Political Code relating to salary of probate judges,"

Also,

Council Bill No. 283,

A bill for an act providing interest at seven per centum per annum on Territorial warrants hereafter issued,

Also,

Council Bill No. 214,

A bill for an act to amend Chapter 142 of Laws of Seventeenth Legislative Assembly,

And find the same correctly engrossed and enrolled.

J. H. PATTEN,
Chairman.

Mr. President announced his signature to Council Bills Nos. 203, 214, 283 and 66.

Mr. Poindexter in the chair.

Mr. Cameron asked unanimous consent to introduce a joint resolution, and that it be read the first, second and third times and put on its final passage,

Which motion prevailed, and

Mr. Cameron introduced—

Council Bill No. 303,

A Joint Resolution providing for the payment of the Jamestown Investigating Committee's stenographer,

Which was read the first, second and third times, and

The question being shall the bill pass,

The roll being call there were ayes, 18; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Halley, Harstad, Hughes, McDonald, Poindexter, Ryan, Soderberg, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Glaspell, Lowry, Miller, Patten, Van Osdel and Walsh.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Hughes moved

That the rules be suspended and he be permitted to introduce a bill and it be read the first, second and third times and put on its final passage.

Which motion prevailed, and

Mr. Hughes introduced—

Council Bill No. 304,

A bill for an act to authorize the boards of county commissioners of the several counties in this Territory to transfer unexpended balances in the county treasury from the road or bridge fund to the general fund.

Which was read the first, second and third times.

The question being shall the bill pass,

The roll being called there were ayes, 14; nays, 2.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Ericson, Hughes, McDonald, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Woolhiser.

Those who voted in the negative were:

Messrs. Harstad and Washabaugh.

Absent and not voting:

Messrs. Crawford, Dollard, Glaspell, Halley, Lowry, Miller, Patten, Mr. President.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

The Committee on Appropriations asked leave to make the following report:

There being no objection

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred Council Bill No. 296,

A bill for an act making an appropriation for the payment of the salary of teachers of the Territorial Normal School at Milnor, Dakota,

Have had the same under consideration and recommend a substitute bill therefor, which accompanies this report, and that said substitute do pass.

A. W. CAMPBELL,
Chairman pro tem.

Council Bill No. 248,

A bill for an act making an appropriation for an artesian well, the purchase of land and for the current and contingent expenses of the Dakota Reform School at Plankinton,

Was read the third time and

The question being upon the report of the Committee on Appropriations

The report was adopted.

Mr. Hughes moved

To make Council Bill No. 248 a Special Order for Monday at 3 p. m.

Which motion prevailed.

Mr. President announced his signature to House Bill No. 221.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills report that Council Bills Nos. 283, 214, 203 and 66 were on the second day of March, 1889, at 3:25 p. m., delivered to his Excellency, Governor L. K. Church for his approval.

J. H. PATTEN,
Chairman.

Mr. Atkinson moved

That the rules be suspended and that Council Bill No. 68 be read the third time and placed on its final passage.

Which motion prevailed and

Council Bill No. 68,

A bill for an act entitled "An act to appropriate funds for the maintenance of the Dakota Agricultural College,

Was read the third time and

The question being upon the report of the Committee on Appropriations,

The report was adopted.

Mr. Stimmel offered the following amendment and moved its adoption:

Amend by adding to the end of Section 3 the following: "Provided that not more than one-half of the amounts appropriated by this act shall be expended during the first year of the time for which said appropriations are made except as to items appropriated for permanent improvements,"

And that the sections be renumbered.

Which motion prevailed.

Mr. Washabaugh offered the following amendment and moved its adoption:

Amend Council Bill No. 68, Section 1, line 2, of the printed bill, by inserting the words, "or so much thereof as may be necessary" after the word "appropriated."

Which motion prevailed.

Mr. McDonald moved

That Council Bill No. 68 be engrossed before its final passage,

Which motion was lost.

Mr. Crawford offered the following amendment and moved its adoption:

Amend by striking from line 6 of the printed bill the words and figures "\$35,000" and inserting in lieu thereof the words and figures "\$30,000."

Which motion was lost.

The question being shall the bill pass,

The roll being called there were ayes, 18; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Crawford, Dollard, Ericson, Harstad, Hughes, McDonald, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Cooper, Glaspell, Halley, Lowry, Miller and Woolhiser.

So the bill passed and

The question being as to its title and being put,
Its title was agreed to.

MESSAGES FROM THE HOUSE.

The following messages were received from the House
of Representatives:

HOUSE OF REPRESENTATIVES, {
March 2, 1889. }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 8,
A bill for an act to repeal Chapter 126, of the Session
Laws of 1885,
Which the House has passed without change.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, {
March 2, 1889, . }

MR. PRESIDENT:

I have the honor to inform the Council that the Speaker
of the House has appointed Messrs. Patridge, Newman and
Hunter as House members of the Conference Committee
to consider Council Bill No. 120.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, {
March 2, 1889, }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 30,
A bill for an act entitled "An act to amend Sections 6, 7
and 8 of Chapter 49 of the General Laws of 1879,"
Together with the following communication from the
Governor, vetoing the same:

EXECUTIVE OFFICE, {
February 28, 1889. }

To the Speaker of the House of Representatives:

I herewith respectfully return without my approval,
House Bill No. 30,
A bill for an act entitled "An act to amend Sections 6, 7
and 8 of Chapter 49 of the General Laws of 1879."
The object of the bill is to postpone the sale of real

estate for delinquent taxes from the month of October to the month of November in each year.

There does not appear to be any great necessity for such postponement, and it is difficult to understand who would be benefitted by the passage of such an act. The benefits thus to be derived do not appear to be sufficient to warrant such interference with the collection of the public revenue.

Respectfully,
 LOUIS K. CHURCH,
 Governor.

And to inform you that the House has passed House Bill No. 30, the objections of the Governor to the contrary, notwithstanding.

JOHN G. HAMILTON,
 Chief Clerk.

EXECUTIVE COMMUNICATION.

The following communication from His Excellency the Governor was received:

EXECUTIVE OFFICE, }
 March 2, 1889. }

To the President of the Council:

I have the honor to inform your honorable body that I have approved

Council Bill No. 12,
 Entitled "An act providing for township organization."

Also,

Council Bill No. 27,
 Entitled "An act to amend Section one hundred and sixty-five of the Code of Civil Procedure."

Also,

Council Bill No. 73,
 Entitled "An act to provide when laws shall go into force and effect."

Also,

Council Bill No. 94,
 Entitled "An act to amend Section 4, of Chapter 121, of the Laws of 1887 (Section 220 of Compiled Laws.)"

Also,

Council Bill No. 40,
 Entitled "An act to amend Section 103, Chapter 28, of the Political Code."

Also,

Council Bill No. 283,

A bill for an act providing interest at 7 per centum per annum on Territorial warrants hereafter issued.

Also,

Council Bill No. 66,

Entitled "An act authorizing the funding of outstanding county bonds."

Also,

Council Bill No. 203,

Entitled "An act to amend Chapter 102 of the Session Laws of 1883, entitled 'An act to amend Section 13, of Chapter 39, of the Political Code, relating to the salary of probate judges.'"

Also,

Council Bill No. 214,

Entitled "An act to amend Chapter 142 of the laws passed at the Seventeenth Session of the Legislative Assembly of the Territory of Dakota, entitled an act to provide for the collection of city taxes in incorporated cities of the Territory of Dakota,"

And the said bills have been filed in the office of the Secretary.

Respectfully,

LOUIS K. CHURCH,
Governor.

The Committee on Cities and Municipal Corporations asked leave to make report:

There being no objections the Committee made the following report:

MR. PRESIDENT:

Your Committee on Cities and Municipal Corporation have had under consideration

House Bill No. 41,

A bill for an act entitled "An act to empower incorporated towns in the Territory of Dakota to levy road and road poll tax."

Also,

Council Bill No. 282,

A bill for an act to define the authority to incur and limit the indebtedness on the part of cities,

Also,

Council Bill No. 285,

A bill for an act to amend Chapter 73 of the Laws of the

Seventeenth Legislative Assembly, in relation to the incorporation of cities,

Also,

House Bill No. 270,

A bill for an act to repeal Section 14 of Article 11 of the act providing a charter for the city of Mayville, approved March 13, 1885,

Also,

Council Bill No. 297,

A bill for an act to authorize cities having the requisite number of inhabitants to extend their corporate limits,

All of which we respectfully report back without recommendation.

GEO. H. WALSH,
Chairman.

SPECIAL ORDERS.

The hour for Special Orders of the day having arrived, the Council took up the consideration of

House Bill No. 290,

A bill for an act creating and defining a subdivision of the Sixth Judicial District,

Was read the third time and

The question being shall the bill pass,

The roll being called there were ayes, 18; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Harstad, Hughes, McDonald, Patten, Poindexter, Ryan, Soderberg, Walsh, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Glaspell, Halley, Lowry, Miller, Van Osdel and Woolhiser.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 2, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 143,

A bill for an act entitled "An act to regulate the conduct of railroads in reference to the construction of grain elevators or warehouses alongside of any of their side tracks and on their rights of way,

Which the House has passed under suspension of the rules, and your favorable consideration thereof is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Allin moved

That the veto messages be laid over until Monday at 3 p. m.

Which motion prevailed.

Mr. Soderberg moved

That the rules be suspended and the consideration of Council Bill No. 181 be taken up.

Which motion prevailed and

Council Bill No. 181,

A bill for an act appropriating money for support and maintenance of the School of Deaf Mutes at Sioux Falls for the ensuing two years,

Was read the third time.

Mr. Hughes offered the following amendment to the report of the Committee on Appropriations:

So much of the report of the committee as relates to line 10 be stricken out.

Which motion prevailed.

Mr. Soderberg offered the following amendment to the report of the Committee on Appropriations and moved its adoption:

Strike out "15,000" in line 7 and insert "18,000."

Roll call demanded.

The roll being called there were ayes, 11; nays, 9.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Ericson, Halley, Hughes, Patten, Poindexter, Ryan, Soderberg, Walsh.

Those who voted in the negative were:

Messrs. Campbell, Cooper, Crawford, Dollard, Glaspell, McDonald, Van Osdel, Washabaugh, Woolhiser.

Absent and not voting:

Messrs. Harstad, Lowry, Miller, Mr. President.

So the motion prevailed.

Mr. Ericson offered the following amendment to the report of the Committee on Appropriations and moved its

adoption:

Strike out "and for their necessary clothing" in Section 1.

Roll call demanded.

The roll being called, there were ayes, 8; nays, 13.

Those who voted in the affirmative were:

Messrs. Campbell, Cooper, Crawford, Dollard, Ericson, McDonald, Van Osdel, Woolhiser.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Cameron, Glaspell, Halley, Hughes, Patten, Poindexter, Ryan, Soderberg, Walsh, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Harstad, Lowry, Miller.

So the motion was lost.

The question being upon the report of the Committee on Appropriations as amended

The report as amended was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 17; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, McDonald, Poindexter, Ryan, Soderberg, Van Osdel, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Harstad, Hughes, Lowry, Miller, Patten, Walsh, Woolhiser.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed bills have examined

Council Bill No. 8,

A bill for an act repealing Chapter 126, of the Session Laws of 1885, providing for the establishment of a board of railroad commissioners.

And find the same correctly Engrossed and Enrolled.

J. H. PATTEN,
Chairman.

Mr. President announced his signature to House Bill No. 234.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 2, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 346, A Joint Resolution providing for an appropriation for the payment of witnesses, and other expenses in the investigation of the conduct and management of the office of Territorial Veterinarian.

Which the House has passed under suspension of the rules, and your favorable consideration thereof is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
March 2, 1889, }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 70,
A bill for an act to permit county commissioners to compromise delinquent taxes,
Together with the following message from the Governor vetoing the same:

EXECUTIVE OFFICE, }
March 1, 1889. }

To the Speaker of the House of Representatives:

I herewith respectfully return without my approval
House Bill No. 70,
A bill for an act to permit county commissioners to compromise delinquent taxes.
This act is as follows:

SECTION 1. Whenever taxes remain unpaid on any town lots or other real estate, and the property shall have been offered for sale, as required by the statutes, two successive years and received no purchaser on account of the depreciation of the value of said property or otherwise, the county commissioners of the county in which the property is situated shall have the power to compromise with the

owners thereof by abating a portion of the delinquent taxes and penalty on said property.

The provisions of this bill not only confers upon the commissioners, power to rebate taxes on account of the depreciation in the value of property. but for reasons that may arise within the meaning of the word "otherwise," which will confer upon the boards of county commissioners almost unlimited power in the abatement of taxes.

I am of the opinion that it would be unwise to confer upon any board any such power as this bill would confer.

It would tend to subject the boards of county commissioners to the influence of individuals and interests that are desirous of escaping taxation, as far as possible, and would be in the direction of making an opening for the grave abuses in reference to matters of this kind. It would not tend in the direction of the protection of the interests of the small property holder and the small tax-payer, but would tend to encourage the non-payment of taxes by many who will have in view the provisions of this act, so they, at their convenience, may apply for a rebate of delinquent taxes under the elastic provisions of this bill expressed in the words "or otherwise."

Respectfully,

LOUIS K. CHURCH.

Governor.

And to inform you that the House has passed House Bill No. 70, the objections of the Governor to the contrary notwithstanding.

JOHN G. HAMILTON,

Chief Clerk.

Council Bill No. 234,

A bill for an act making appropriation for the current and contingent expenses of the Territorial Penitentiary at Bismarck,

Was read the third time and

Mr. Hughes moved

That Council Bill No. 234 be laid over and made a Special Order for Monday next at 10 a. m.

Which motion prevailed.

Mr. Stimmel moved

That the vote by which Council Bill No. 181 was passed be reconsidered.

Which motion prevailed and

Mr. Stimmel offered the following amendment to Council Bill No. 181 and moved its adoption:

Stimmel moved

To amend by adding to Section 2 as follows:

“That not more than one-half of the amounts appropriated by this act shall be expended during the first year of the time for which said appropriations are made except as to items for permanent improvements,” and renumbering Section 2 as Section 3.

Which motion prevailed.

Mr. Soderberg offered the following amendment and moved its adoption:

“Except the items for fuel, light and medicine,”

Which motion was lost.

The question being shall the bill pass,

The roll being called there were ayes, 21; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Hailey, Harstad, Hughes, McDonald, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Atkinson, Lowry, Miller.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Mr. Walsh moved

That the rules be suspended and the Council take up the consideration of Council Bill No. 289.

Which motion was lost.

Mr. President announced his signature to Council Bill No. 8.

SPECIAL ORDERS.

The hour for Special Orders of the day having arrived, the Council took up the consideration of the following resolution offered by the gentleman from Brown.

Resolved, That the Railroad Committee be instructed and directed to return forthwith to this body,

Council Bill No. 140,

A bill for an act providing for the levy and collection of taxes upon property of railroad companies.

Mr. Hughes moved

That the resolution be adopted.

Mr. Ericson offered the following amendment and moved its adoption:

Amend by striking out "forthwith" and insert in lieu thereof the words "on Monday next at 2 p. m."

Roll call demanded.

The roll being called there were ayes 12; nays, 10.

Those who voted in the affirmative were:

Messrs. Cooper, Crawford, Dollard, Ericson, Glaspell, Harstad, Patten, Ryan, Soderberg, Van Osdel, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Halley, Hughes, McDonald, Poindexter, Walsh, Washabaugh.

Absent and not voting:

Messrs. Lowry and Miller.

So the motion prevailed, and

The question being upon the motion of the gentleman from Burleigh as amended,

The motion prevailed.

Council Bill No. 289,

A bill for an act entitled "An act to reappropriate certain balances of the University of North Dakota, or so much thereof as shall be necessary to defray present expenses and salaries,"

Was read the third time and

The question being upon the report of the Committee on Appropriations.

The report was adopted.

The question being shall the bill pass.

The roll being called there were, ayes, 13; nays, 5.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Ericson, Halley, McDonald, Poindexter, Ryan, Walsh, Washabaugh.

Those who voted in the negative were:

Messrs. Harstad, Soderberg, Van Osdel, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Cameron, Glaspell, Hughes, Lowry, Miller, Patten.

So the bill passed, and

The question being as to its title, and being put, Its title was agreed to.

Mr. Ericson moved

That when the Council adjourn it be to meet at 8 p. m. this evening.

Which motion prevailed.

House Bill No. 289,

A bill for an act authorizing and empowering the Governor of the Territory of Dakota to remove any and all officers appointed by the Executive, at pleasure, and providing for filling vacancies caused thereby.

Was read the third time and

Mr. McDonald moved

That the further consideration of House Bill No. 289 be indefinitely postponed.

Mr. Dollard moved

To lay the motion of the gentleman from Barnes on the table.

Roll call demanded.

The roll being called there were ayes, 10; nays, 11.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Dollard, Ericson, Poindexter, Van Osdel, Washabaugh, Woolhiser.

Those who voted in the negative were:

Messrs. Cameron, Crawford, Glaspell, Halley, Harstad, McDonald, Ryan, Patten, Soderberg, Walsh, Mr. President.

Absent and not voting:

Messrs. Hughes, Lowry and Miller.

So the motion was lost.

Mr. Ericson moved

That the Council do now adjourn.

Which motion was lost.

Call of the house demanded.

The roll being called, the members all responded to their names except Messrs. Lowry and Miller, who were excused.

Mr. Campbell moved

That further proceedings under the call of the House be dispensed with.

Which motion prevailed.

Mr. Dollard moved

The previous question.

The question being shall the main question now be put,

The motion prevailed.

The question being shall the bill pass

The roll being called there were ayes, 7; nays, 15.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Cooper, Ericson, Poindexter, Van Osdel, Washabaugh.

Those who voted in the negative were:

Messrs. Allin, Cameron, Crawford, Dollard, Glaspell, Halley, Harstad, Hughes, McDonald, Patten, Ryan, Soderberg, Walsh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Lowry and Miller.

So the bill was lost.

Mr. Campbell moved

That the Council do now adjourn,

Which motion was lost.

Mr. Ericson moved

That the Council take a recess till 8 p. m.

Which motion prevailed.

After recess,

The Council was called to order by the President in the chair.

Mr. Dollard moved

That Council Bill No. 8 be recalled from the Committee on Enrolled and Engrossed Bills.

Mr. President ruled the motion out of order.

Mr. Dollard asked that Mr. Mathews, clerk of the Committee on Education be excused from attendance on Tuesday next,

Which request was granted.

Mr. Ericson asked to introduce a bill,

There being no objections

Mr. Ericson introduced—

Council Bill No. 305,

A bill for an act making appropriations to cover deficiencies in the funds of the University of Dakota, School of Mines of Dakota, the Dakota Hospital for the Insane,

Which was read the first time.

Mr. Cameron asked permission to introduce a bill.

There being no objections

Mr. Cameron introduced—

Council Bill No. 306,

A bill for an act to repeal Chapter 105, Laws of 1883, entitled "Security,"

Which was read the first time.

Mr. Dollard asked permission to introduce a bill.

There being no objections,

Mr. Dollard introduced—

Council Bill No. 307,

A bill for an act to declare and fix the character of railroad property for the purpose of taxation,

Which was read the first time.

Mr. Ericson moved

That the rules be suspended and the bills just introduced be read the second time and referred to their appropriate committees.

Which motion prevailed and

Council Bill No. 305,

A bill for an act making appropriations to cover deficiencies in the funds of the University of Dakota, School of Mines of Dakota, Hospital for the Insane,

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 306,

A bill for an act to repeal Chapter 105, Laws of 1883, entitled "Security,"

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 307,

A bill for an act to declare and fix the character of railroad property for the purpose of taxation,

Was read the second time and

Referred to the Committee on Railroads.

Mr. Hughes moved

That Council Bill No. 307 be recalled from the Committee on Railroads and be referred to the Committee on Judiciary.

Mr. Crawford moved

The previous question.

Which motion prevailed and

The question being shall the main question be now put.

The motion prevailed and

The question being upon the motion of the gentleman from Burleigh,

The roll being call there were ayes, 5; nays, 14.

Those who voted in the affirmative were:

Messrs. Campbell, Harstad, Hughes, McDonald, Walsh.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Cameron, Cooper, Crawford, Dollard, Ericson, Glaspell, Patten, Poindexter, Ryan, Soderberg, Washabaugh, Woolhiser.

Absent and not voting:

Messrs. Halley, Lowry, Miller, Van Osdel, Mr. President.
So the motion was lost.

Council Bill No. 95,

A bill for an act entitled "An act to provide funds for the maintenance of the School of Mines at Rapid City, Dakota, for the ensuing two years,

Was read the third time and

The question being upon the report of the committee,
The report was adopted.

Mr. Cooper offered the following amendment and moved its adoption:

Insert "thereof" in line 4 of Section 1 after the word "much,"

Which motion prevailed.

Mr. Crawford offered the following amendment and moved its adoption:

Amend Council Bill No. 95, by adding the following as Section 2:

SEC. 2. That not more than one-half of the amounts appropriated by this act shall be expended during the first year of the time for which said appropriations are made except as to items for continuance of geological survey and printing of reports, etc.,

That Section 2 in original bill be numbered Section 3,
Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 18; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Ericson, Glaspell, Harstad, Hughes, McDonald, Poindexter, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Dollard, Halley, Lowry, Miller, Patten, Van Osdel.

So the bill passed and

The question being as to its title and being put,
Its title was agreed to.

Council Bill No. 107,

A bill for an act entitled "An act to provide funds for the construction of a dormitory and gymnasium and other purposes of the University of North Dakota,

Was read the third time, and

Mr. Crawford moved

That the further consideration of Council Bill No. 107 be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes, 7; nays, 12.

Those who voted in the affirmative were:

Messrs. Cooper, Crawford, Dollard, Ericson, Soderberg, Washabaugh, Woolhiser.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Glaspell, Harstad, Hughes, McDonald, Poindexter, Ryan, Walsh, Mr. President.

Absent and not voting:

Messrs. Halley, Lowry, Miller, Patten, Van Osdel.

So the motion was lost.

Call of the House demanded.

The roll being called, all the members responded to their names except Messrs. Halley, Lowry, Miller and Van Osdel.

Mr. Washabaugh moved

That Mr. Halley be excused.

Which motion prevailed.

Mr. Campbell moved

That further proceedings under call of the House be dispensed with.

Roll call demanded.

The roll being called there were ayes 17; nays 2,

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Ericson, Glaspell, Harstad, Hughes, McDonald, Poindexter, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Crawford and Dollard.

Absent and not voting:

Messrs. Halley, Lowry, Miller, Patten and Van Osdel.

So the motion prevailed.

Mr. Campbell offered the following amendment and moved its adoption:

Amend Section 1 by adding thereto the following: "Provided, that the bonds of the Territory of Dakota issued for the purposes hereinbefore provided for shall, together with

the interest thereon, be assumed and paid in case of the division of this Territory, by that State or Territory in which the said University is located.

Which motion prevailed.

Mr. Walsh offered the following amendment and moved its adoption:

Amend Council Bill No. 107 by striking out all after the word "to" in line 1, Section 1, and up to and including the word "purposes" and inserting "to refund to the citizens of Grand Forks for funds advanced in rebuilding the addition."

Also amend lines 5 and 6, Section 1, by striking out "\$58,000" and insert "\$22,700."

Which motion prevailed.

Mr. McDonald offered the following amendment and moved its adoption:

Amend by striking out all of lines 6 and 7 in Section 7, printed bill.

Which motion prevailed.

Mr. Cooper offered the following amendment and moved its adoption:

Amend Section 6 by striking out all of Section 6 after the word "art," in second line of printed bill.

Which motion prevailed.

Mr. Crawford offered the following amendment and moved its adoption:

Amend Section 7 by inserting in the second line of the printed bill, after the word "thereof," the words: "And on due and sufficient proof of any claim presented under the provisions of this act, accompanied by proper vouchers, duly verified, showing that such claimants are entitled thereto."

Which motion prevailed.

Mr. Walsh moved

That the rules be suspended and smoking be allowed at the evening session.

Roll call demanded.

The roll being called there were ayes, 7; nays, 12.

Those who voted in the affirmative were:

Messrs. Dollard, Glaspell, Harstad, McDonald, Poindexter, Walsh, Woolhiser.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper,

Crawford, Ericson, Hughes, Ryan, Soderberg, Washabaugh,
Mr. President.

Absent and not voting:

Messrs. Halley, Lowry, Miller, Patten, Van Osdel.

So the motion was lost.

Mr. Ericson moved

That when the Council adjourn it be until 10 a. m. Monday.

Which motion prevailed.

Mr. Campbell moved

That when Council Bill No. 107 is disposed of, House Bill No. 142 and Council Bills Nos. 105, 121, 141 and 25 be taken up,

Which motion prevailed.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 136,

A bill for an act appropriating funds for the maintenance of the Normal School at Spearfish.

Also,

Council Bill No. 286,

A bill for an act to amend Chapter 63 of the General Laws of the Sixteenth Legislative Assembly, and to create county boards of health,

Also,

Council Bill No. 196,

A bill for an act appropriating funds for the maintenance of the Normal School at Madison, Dakota for the ensuing two years and for other purposes.

Also,

Council Bill No. 106,

A bill for an act entitled "An act making appropriations for the current and contingent expenses of the University of North Dakota,

Also,

Council Bill No. 173,

A bill for an act appropriating funds for the maintenance of the University of Dakota for the ensuing two years and for other purposes,

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

Mr. Crawford offered the following amendment to Council Bill No. 107 and moved its adoption:

Amend Section 7 by inserting in line 5 of the printed bill after the word "damage" the words "to the addition to the university building of North Dakota."

Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 16; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Ericson, Harstad, Hughes, McDonald, Poindexter, Soderberg, Walsh, Washabaugh, Woolhiser, Mr. President.

Mr. Dollard voting in the negative.

Absent and not voting:

Messrs. Glaspell, Halley, Lowry, Miller, Patten, Ryan, and Van Osdel.

So the bill passed.

Mr. Walsh moved

To amend the title so as to read "A bill for an act entitled an act to refund to the citizens of Grand Forks for a loan advanced to repair damages caused by a storm, and for other purposes,"

Which motion prevailed, and

The title as amended was agreed to.

Mr. Hughes moved

That the Council do now adjourn.

Which motion was lost:

Council Bill No. 142,

A bill for an act defining the class of newspapers in which legal notices shall be published,

Was read the third time and

Mr. Poindexter moved

That the Council take up House Bill No. 142 in place of Council Bill No. 142,

Which motion prevailed, and

House Bill No. 142,

A bill for an act defining the class of newspapers in which legal notices shall be published.

Mr. Ericson moved

To dispense with the reading of House Bill No. 142 at length;

Which motion prevailed.

Mr. Cooper offered the following amendment and moved its adoption:

Amend Section 1, line 5, by inserting after the word "intervals" where it first occurs the words "not exceeding one week."

Also amend Section 2, line 6, by inserting the words "not exceeding one week" after the word "intervals."

Which motion prevailed.

Mr. Poindexter offered the following amendment and moved its adoption:

Amend Section 1 by inserting after the word "city" in the seventh line of printed bill the words "or county."

And after the word "city" in the eighth line insert the words "or county."

Which motion prevailed.

The question being shall the bill pass,

The roll being called, there were ayes, 10; nays, 5.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Cooper, Dollard, Ericson, Poindexter, Ryan, Soderberg, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Cameron, Harstad, Patten, Washabaugh.

Absent and not voting:

Messrs. Glaspell, Halley, Hughes, Lowry, McDonald, Miller, Van Osdel, Woolhiser.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Poindexter moved

That Council Bill No. 142 be indefinitely postponed.

Which motion prevailed.

Council Bill No. 105,

A bill for an act to amend Section 658, of the Civil Code of the Territory, relating to acknowledgments of instruments,

Was read the third time and

The question being upon the report of the committee,

The report was adopted.

Mr. Dollard offered the following amendment and moved its adoption:

Amend by striking out in line 19, page 2, the words "now or."

Which motion prevailed.

The question being shall the bill pass.

The roll being called there were ayes 16; nays 2.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Patten, Poindexter, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Harstad.

Absent and not voting:

Messrs. Halley, Hughes, Lowry, McDonald, Miller and Van Osdel.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Mr. Poindexter moved

That House Bills Nos. 185, 140, 165, 182, and Council Bills Nos. 296, 193 and 229 be placed on calendar after the bills included in the motion of the gentleman from Brown.

Which motion was lost.

Mr. McDonald moved

That the Council do now adjourn.

Which motion prevailed and

Mr. President announced that the Council stood adjourned till 10 a. m. Monday.

R. E. WALLACE,
Chief Clerk.

FIFTY-SIXTH DAY.

BISMARCK, March 4, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll was called and the members all responded to their names except

Messrs. Campbell, Glaspell, Halley, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Walsh and Washabaugh.

A quorum not being present, Mr. Crawford moved a call of the House.

Mr. Cooper in the chair.

The roll being called all the members responded to their names except

Messrs. Halley, Lowry and Miller, who were excused.

Mr. Crawford moved

That further proceedings under the call be dispensed with.

Which motion prevailed.

Mr. Cameron asked unanimous consent to present a petition.

There being no objection

Mr. Cameron presented the following petition.

HAMILTON, DAK., March 1, 1889.

To the Hon. P. Cameron, Member Ter. Council, and Hon. E. P. Bergman, Representative, Bismarck, Dak.:

GENTLMEN:—We, your petitioners, who are stockholders in the

Hamilton Artesian Well and Water Works Co. beg leave to submit to you for your earnest consideration and profound thought a few facts in regard to the work that has been accomplished, and the present state in which the artesian well is now situated.

This well was commenced in September of 1887, and is being sunk by a stock company for the reason that this town (Hamilton) not then being incorporated, but this company does not nor did they ever expect to realize anything out of it. They expect and intend to make it a free institution, but an organization was necessary in order to accomplish the desired end.

The contractors have worked incessantly from the time of its commencement up to the present and are still working day and night.

The well is now down 1150 feet deep. Granite was struck at the depth of 988 feet. The total cost up to this time is six thousand dollars. Pembina county made a grant toward this well of two thousand dollars, one thousand of which has been expended, and when the contractors reach the depth of 1200 feet it will take the balance of the grant to square up with them (providing the granite strata is not got through before that depth is reached.) Five thousand dollars of the money which has already been expended has been subscribed and paid by the stockholders, which consists of a few business men and farmers living here. It was not expected when the well was commenced that it would be necessary to go any deeper than 600 feet, and that three thousand dollars would cover the entire cost, so you may well imagine the tremendous strain which we have felt in having to nearly double that amount, and the condition of our finances are such that without aid from somewhere the work will have to be discontinued.

This would indeed be a sad blow to this county and in fact to all the country lying north of Grand Forks, the residents of which are watching with great earnestness the progress of the boring here, as the success or failure of this well will in a greater or less degree affect the whole region mentioned, which is almost without exception sadly in need of good water. Towns throughout this entire region are anxious to put down artesian wells, but are afraid that this granite strata cannot be penetrated. It never has been but is that to say that it is impossible.

Grafton went 12 feet into it and stopped; had she continued and went through it, Walsh county would have by to-day increased her valuation 25 per cent. more than she has. Then does it not behoove counties and this Territory to lend a helping hand in order to go through this strata, ascertain its thickness and find out what lies beneath it.

We say it does, and we, your petitioners, ask you honorable gentlemen, our representatives in the Legislature, to use all the powers at your command to induce the Legislature at its present session to grant this the prayer of your petitioners, and give us the sum

of four thousand dollars to aid in completing this the test artesian well of this part of North Dakota.

For all of which we humbly pray.

Yours respectfully,

H. L. NORTON,	20	shares.
O. H. JOHNSON,	20	"
W. H. RANDALL,	25	"
CHISHOLM & MCGREGOR,	15	"
DICKEY BROS.,	18	"
H. N. JOY,	14	"
O. S. HAGERMAN,	4	"
M. SARVER,	19	"
THOS. W. BROWN,	5	"
A. B. HELLYAR,	1	"
T. W. KIBBEE,	1	"
C. H. ASSETSTINE,	4	"
F. W. REYNOLDS,	1	"
JAS. HEWITT,	1	"
E. H. McDONALD,	1	"
THOS. W. WRIGHT,	2	"
W. J. BRIDE,	1	"
J. M. CHISHOLM,	6	"
SAMSON BJORNSON,	1	"
BOYLAN & COOK,	2	"
W. L. ABRAMS,	2	"
THOS. RONEY,	12	"

A. B. HELLYAR, Secretary.

Mr. Crawford asked unanimous consent to introduce two bills.

There being no objection the request was granted and

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

Resolved, That all house bills when received shall at once be read the first and second times and referred to the appropriate committee.

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Crawford introduced—

Council Bill No. 308.

A bill for an act to appropriate money to pay J. M.

Which was read the first time.

Learn for certain horses killed by the Territorial Veterinary Surgeon,

Mr. Crawford introduced—

Council Bill No. 309,

A bill for an act to amend Subdivision 5 of Section 29,

Chapter 21 of the Political Code relating to furnishing blanks, blank books and stationery to county sheriffs and county attorneys,

Which was read the first time.

Mr. Allin introduced—

Council Bill No. 310,

A bill for an act permitting the consolidation of uniform taxes on tax list,

Which was read the first time.

Mr. Crawford moved

That the rules be suspended and Council bills be read the second time and referred to their appropriate committees,

Which motion prevailed, and

Council Bill No. 308,

A bill for an act to appropriate money to pay J. M. Learn for certain horses killed by the Territorial Veterinary Surgeon,

Was read the second time, and

Referred to the Committee on Territorial Affairs.

Council Bill No. 309,

A bill for an act to amend Subdivision 5 of Section 29, Chapter 21, of the Political Code, relating to the furnishing of blanks, blank books and stationery to county sheriffs and county attorneys,

Was read the second time, and

Referred to the Committee on Counties.

Council Bill No. 310,

A bill for an act permitting the consolidation of uniform taxes on tax list,

Was read the second time, and

Referred to the Committee on Counties.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 346,

A joint resolution providing for an appropriation for the payment of witnesses and other expenses in the investigation with the conduct and management of the office of the Territorial Veterinarian,

Was read the first and second time, and

Referred to the Committee on Territorial Affairs.

House Bill No. 189,

A bill for an act amending Section 1, Chapter 10, of the Session Laws of 1887,

Was read the first and second times, and
Referred to the Committee on Judiciary.

House Bill No. 235,

A bill for an act relating to elevator and warehouse receipts for grain stored, to protect owners of such receipts and defining the duties, liabilities and obligations of persons issuing the same as to delivering grain therefrom,

Was read the first and second time, and

Referred to the Warehouse and Grain Grading Committee.

House Bill No. 267,

A bill for an act to provide for the giving of notice before the execution of tax deed by county treasurer,

Was read the first and second times, and

Referred to the Committee on Judiciary.

House Bill No. 259,

A bill for an act regulating the business of building and loan corporations,

Was read the first and second times, and

Referred to the Committee on Incorporations.

Mr. Hughes moved

That the rules be suspended and House Bill No. 318 be read the first second and third times and put upon its final passage.

Which motion prevailed, and

House Bill No. 318,

A joint resolution and memorial to the Congress of the United States praying for the maintenance of Fort Abraham Lincoln as a military post and for appropriations for its improvement.

Was read the first, second and third times.

The question being shall the bill pass.

The roll being called there were ayes, 16; nays, 0.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Harstad, Hughes, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser.

Absent and not voting:

Messrs. Allin, Halley, Lowry, McDonald, Miller, Patten, Poindexter, and Mr. President.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

Mr. President in the chair.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, {
March 2, 1889, }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 129.

A bill for an act to provide for the appointment of trustees for the several public institutions of the Territory of Dakota and to define their terms of office, duties and compensations.

Which the House has passed without change.

Respectfully,

JOHN G. HAMILTON,
Chief Clerk.

Council Bill No. 258,

A bill for an act locating an Asylum for the Blind at Pierre.

The roll being called there were ayes, 15; nays, 2.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Crawford, Ericson, Glaspell, Harstad, Hughes, Patten, Poindexter, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser.

Those who voted in the negative were:

Messrs. Cooper, Van Osdel.

Absent and not voting:

Messrs. Campbell, Dollard, Halley, Lowry, McDonald, Miller, and Mr. President

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

SPECIAL ORDERS.

The hour for special orders for the day having arrived the Council took up the consideration of Council Bill No. 234.

Council Bill No. 234,

A bill for an act making appropriations for current and contingent expenses of the Territorial Penitentiary at Bismarck,

Was read the first time and

Mr. Hughes offered the following amendment and moved its adoption:

That the report of the committee be amended as follows:

Line 19, of Section 1, be amended by striking out the word "total" and the figures "71,900," and that as amended the report be adopted.

Which motion prevailed.

Mr. Ericson offered the following amendment and moved its adoption:

Strike out lines 20 to 27 inclusive of Section 1.

Which motion prevailed.

Mr. Poindexter offered the following amendment and moved its adoption:

Amend bill by adding to the end of Section 2 the following, viz:

Provided, That not more than one-half of said amounts, except for repairs and permanent improvements, shall be expended in the first year.

Which motion prevailed.

Mr. Van Osdel offered the following amendment and moved its adoption:

Amend by striking out the sum of \$1,000 for teacher and librarian where it occurs in line 18 of the printed bill.

Which motion was lost.

Mr. Ericson offered the following amendment and moved its adoption:

Add to Section 1 the following: "All claims against the Territory to be paid under this appropriation shall first be allowed by the board of directors and certified to the Territorial Auditor, who shall audit and allow the same as in other cases."

Which motion prevailed.

Mr. Poindexter offered the following amendment and moved its adoption:

Strike out of the bill as amended in the 19th line the item of \$4,000 for tools, machinery, etc.,

Which motion was lost.

Mr. Van Osdel offered the following amendment and moved its adoption.

Striking out the figures "\$17,100" in the 9th line and insert "\$15,000" in lieu thereof.

Which motion was lost.

The question being shall the bill pass,

The roll being called there were ayes, 20; nays, 0.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Harstad, Hughes, McDonald, Patten, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Halley, Lowry, Miller and Poindexter.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Atkinson moved

That the rules be suspended and House Bill No. 121 be read the third time and put on its final passage.

Which motion prevailed, and

House Bill No. 121,

A bill for an act entitled "An act to amend Section 61, of Chapter 28, of the Political Code,"

Was read the third time and

The question being upon the report of the Committee on Territorial Affairs.

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 19; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Harstad, Hughes, Patten, Poindexter, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Halley, Lowry, McDonald, Miller and Van Osdel.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Soderberg asked unanimous consent to introduce a bill and moved that it be read the first, second and third times and put on its final passage.

Which motion prevailed, and

Mr. Soderberg introduced—

Council Bill No. 311.

A bill for an act authorizing the mayor of cities having five thousand or more inhabitants to appoint one or more city assessors,

Which was read the first, second and third times, and Mr. Walsh offered the following amendment and moved its adoption:

Amend Section 1 by adding "or more" after 5,000.

Which motion prevailed.

Mr. Washabaugh offered the following amendment and moved its adoption.

To correct the title to Council Bill No. 311, so as to conform to the body of the bill.

Which motion prevailed.

The question being shall the bill pass,

The roll being call there were ayes, 19; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Harstad, Hughes, Patten, Poindexter, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Halley, Lowry, McDonald, Miller and Van Osdel.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Ericson offered the following resolution and moved its adoption

Resolved, That each member of the Council, in alphabetical order, shall have the right to name a bill for consideration, and that bills so selected shall be considered in their order of selection, subject, however, to appropriation bills for existing institutions, which shall have the preference over all other bills.

Which motion prevailed.

The roll being called the members responded by naming choice of bills as follows:

Mr. Allin, Council Bill No. 222; Atkinson, House Bill No. 211; Cameron, Council Bill No. 288; Campbell, House Bill No. 259; Cooper, Council Bill No. 256; Crawford, House Bill No. 203; Dollard, Council Bill No. 252; Ericson, House Bill No. 276; Glaspell, Council Bill No. 244; Halley, absent; Harstad, passed; Hughes, Council Bill No. 140; Lowry, absent; McDonald, passed; Miller, absent; Patten, Council Bill No. 54; Poindexter, Council Bill No. 156; Ryan, House Bill No. 40; Soderberg, House Bill No. 165; Van Osdel, Council Bill No. 96; Walsh, Council Bill No. 229; Washa-

baugh, House Bill No. 252; Woolhiser, Council Bill No. 193; Mr. President, Council Bill No. 141.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
March 4, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 322,

A bill for an act to provide clerks for Probate Courts.

Which the House has passed under suspension of the rules and your favorable consideration thereof is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, {
March 4, 1889. }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 211,

A bill for an act providing for a lien upon grain for the threshing of the same.

Also,

Council Bill No. 255,

A bill for an act to amend Section 2 of a Special Law passed by the Fifteenth Legislative Assembly of Dakota Territory, approved March 9, 1883, entitled "An act to authorize Lawrence county to issue bonds to be used in refunding and paying off its indebtedness, and to provide for the payment of the same."

Also,

Council Bill No. 100,

A bill for an act to amend Chapter 112, Session Laws of 1883,

Also,

Council Bill No. 184,

A bill for an act relating to the Compiled laws,

Also,

Council Bill No. 220,

The report of Special Committee to examine Compiled Laws, appointed under Council Bill No. 97.

Which the House has passed without change under suspension of the rules.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Ryan moved

That the Rules be suspended and that all bills selected upon the motion of Mr. Ericson be given all the readings necessary and be placed on final passage in the order of selection, except as to bills for appropriations which shall be given the preference,

Which motion prevailed.

Mr. Hughes moved

That Council Bill No, 260 be made a Special Order for 4 p. m., this afternoon,

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

House Bill No. 69,

A bill for an act to compensate the owners of certain cattle killed by order of the Governor and Territorial Board of Health, in Oliver County, Dakota,

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

Amend Section 1 by adding the figures "\$2,580," the words "or so much thereof as may be allowed by the Territorial Auditor."

Amend Section 3 by striking out the words, "for the amount appropriated in Section 1 of this act," and inserting in lieu thereof the words, "for the amount of such appropriation as the proof shows they are entitled to,"

And as so amended that the bill do pass.

HUGH McDONALD,
Chairman.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 182,

A bill for an act entitled "An act to provide for the sale

of the property of Dakota's exhibit at the World's Industrial and Cotton Centennial Exposition at New Orleans,"

And find the same correctly engrossed and enrolled.

J. H. PATTEN,
Chairman.

Mr. Walsh moved

That the Council take a recess till 2 p. m.

Which motion prevailed, and

Mr. President announced the Council at recess until 2 o'clock p. m.

After recess

The Council was called to order by Mr. President in the chair.

Mr. Cooper in the chair.

Call of the house demanded.

The roll being called the members all responded to their names except Messrs. Halley, Lowry and Miller who were excused and Mr. McDonald and Mr. President.

The sergeant-at-arms was instructed to bring in the absent members.

All the members being present

Mr. Ericson moved

That further proceedings under the call be dispensed with.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Counties, to whom was referred Council Bill No. 241,

A bill for an act to change the name of Church county to McCormack county,

Have had the same under consideration and recommend that said bill be amended by striking out the word "McCormack" wherever it occurs and inserting the word "Harrison," and that as thus amended it do pass.

COE I. CRAWFORD,
Chairman.

MR. PRESIDENT:

Your Committee on Counties, to whom was referred Council Bill No. 309,

A bill for an act to amend Section 29 of Chapter 21 of the Political Code,

Have had the same under consideration and recommend that said bill do pass,

Also,

Council Bill No. 310,

A bill for an act permitting the consolidation of uniform taxes,

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

COE I. CRAWFORD,
Chairman.

MR. PRESIDENT:

Your Committee on Railroads to whom was referred House Bill No. 74,

A bill for an act fixing the liability of railroad corporations for setting fires,

Have had the same under consideration and recommend that said bill do pass,

Also,

Council Bill No. 284,

A bill for an act to regulate warehouses and provide for the sale of unclaimed personal property,

Have had the same under consideration and report it back without recommendation.

J. H. PATTEN,
Chairman, pro tem.

MR. PRESIDENT:

Your Committee on Railroads to whom was referred Council Bill No. 140,

Entitled "An act providing for the levy and collection of taxes on the property of railroad companies in this Territory."

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

J. H. PATTEN,
Chairman, pro tem.

MR. PRESIDENT:

Your Committee on Public Printing to whom was referred

Council Bill No. 302,

A bill for an act to provide for the printing, publishing and other current and necessary expenses of the office of the Commissioner of Immigration,

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

I. ATKINSON,
Chairman.

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred House Bill No. 207,

A bill for an act to encourage the organization and maintenance of county or district agricultural societies in the Territory of Dakota,

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

C. A. SODERBERG,
Chairman.

MR. PRESIDENT:

Your Committee on Incorporations to whom was referred House Bill No. 259,

Have had the same under consideration, and have instructed me to report the same back with the recommendation that the same do pass.

D. W. POINDEXTER,
Chairman.

MR. PRESIDENT:

Your Committee on Counties to whom was referred House Bill No. 179,

A bill for an act authorizing county commissioners to purchase an artesian well drilling outfit for the benefit of their respective counties,

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

COE I. CRAWFORD,
Chairman.

MR. PRESIDENT:

Your Committee on Counties to whom was referred House Bill No. 159,

A bill for an act to make it the duty of the county auditor or clerk to supply civil townships with necessary books and blanks,

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

COE I. CRAWFORD,
Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs to whom was referred

House Bill No. 275,

A bill for an act to enable townships and incorporated towns and cities to aid in the construction of railroads,

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

F. J. WASHABAUGH.

Chairman.

MR. PRESIDENT:

Your Committee on Counties to whom was referred

House Bill No. 195,

A bill for an act to amend Section 13, of sub-chapter, 1, of Chapter 112, of the General Laws of 1883,

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

Also,

Substitute for House Bill No. 228,

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

COE I. CRAWFORD,

Chairman.

Mr. President in the chair.

Council Bill No. 222,

A bill for an act providing for extension of the time for payment of taxes,

Was read the third time.

Mr. Crawford offered the following amendment and moved its adoption:

Amend Council Bill No. 222 by adding to Section 1 thereof the words: "Provided, that no other interest or penalty shall be imposed for non-payment of such taxes prior to the tax roll, than is herein expressly provided for."

Which motion prevailed.

Mr. Cooper offered the following amendment and moved its adoption:

Strike out the word "shall," where it occurs in line 5, Section 2.

Which motion prevailed.

The question being shall the bill pass.

The roll being called there were ayes, 16; nays 3.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Harstad, Hughes, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Ericson, Glaspell, Washabaugh.

Absent and not voting:

Messrs. Glaspell, Halley, Lowry, McDonald, Miller, Patten.

So the bill passed and

The question being as to its title, and being put,

Its title was agreed to.

Mr. Ericson moved

That the rules be suspended and House Bill No. 211 be read the first, second and third times and placed upon its final passage.

Which motion prevailed.

House Bill No. 211,

A bill for an act providing for a lien upon grain for the threshing of the same,

Was read the first, second and third times.

Mr. Harstad offered the following amendment and moved its adoption:

Amend by striking out all of Section 2.

Which motion was lost.

Mr. Ericson offered the following amendment and moved its adoption:

Amend Section 4 by substituting the word "filing" in lieu of the word "threshing" in line 5 thereof.

Which motion prevailed.

The question being shall the bill pass.

The roll being called there were ayes, 12; nays, 7.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Crawford, Hughes, Ryan, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Cooper, Dollard, Ericson, Glaspell, Harstad, Patten, Soderberg.

Absent and not voting:

Messrs. Halley, Lowry, McDonald, Miller, Poindexter.

So the bill passed and

The question being upon its title and being put

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives.

HOUSE OF REPRESENTATIVES, }
 March 4, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
 House Bill No. 343,
 A bill for an act to provide clerks of probate courts in
 this Territory,
 Which the House has passed and your favorable con-
 sideration thereof is respectfully requested.

JOHN G. HAMILTON,
 Chief Clerk.

The Committee on Enrolled and Engrossed Bills sub-
 mitted the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have
 examined

Council Bill No. 291,

A bill for an act abolishing the Territorial Board of Edu-
 cation,

And find the same correctly engrossed.

Also,

Council Bill No. 142,

A bill for an act defining the class of newspapers in
 which legal notices shall be published,

And find the same correctly engrossed.

Also,

Council Bill No. 200,

A bill for an act appropriating funds for the maintenance
 of the Dakota Hospital for the Insane, near Yankton, for
 the ensuing two years, and for other purposes,

And find the same correctly engrossed.

J. H. PATTEN,
 Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have
 examined

Council Bill No. 105,

A bill for an act to amend Section 658, of the Civil Code,
 of the Territory, relating to acknowledgment of instru-
 ments,

And find the same correctly engrossed.

Also,

Council Bill No. 181,

A bill for an act appropriating money for support and maintenance of the School of Deaf Mutes at Sioux Falls for the ensuing two years,

And find the same correctly engrossed.

Also,

Council Bill No. 311,

A Bill for an act authorizing the mayor of cities having five thousand or more inhabitants to appoint one or more city assessors,

And find the same correctly engrossed.

Also,

Council Bill No. 95,

A bill for an act entitled "An act to provide funds for the maintenance of the School of Mines, at Rapid City, Dakota, for the ensuing two years,

And find the same correctly engrossed.

Also,

Council Bill No. 216,

A bill for an act making appropriation for the maintenance of the North Dakota Hospital for the Insane, and for other purposes,

And find the same correctly engrossed.

J. H. PATTEN,

Chairman.

Council Bill No. 288,

A bill for an act entailing a certain duty upon county treasurers,

Was read the third time and

Mr. Ericson offered the following amendment and moved its adoption:

Amend Section 1 by adding thereto, "for such service the county treasurer shall receive reasonable compensation, to be fixed by the board of county commissioners."

Which motion was lost,

The question being shall the bill pass,

The roll being called there were, ayes, 14; nays, 5.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper Dollard, Glaspell, Harstad, Hughes, Poindexter, Soderberg, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Crawford, Ericson, Ryan, Van Osdel, Washabaugh.

Absent and not voting:

Messrs. Halley, Lowry, McDonald, Miller, Patten.

So the bill passed and
The question being as to its title and being put,
Its title was agreed to.

House Bill No. 259,

A bill for an act to regulate the business of building and
loan associations.

The question being upon the report of the Committee
on Territorial Affairs,

The report was adopted.

The question being shall the bill pass,
The roll being called there were ayes 15; nays none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford,
Harstad, Hughes, Poindexter, Ryan, Soderberg, Van Osdel,
Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Cameron, Dollard, Ericson, Glaspell, Halley,
Lowry, McDonald, Miller, Patten.

So the bill passed and
The question being as to its title and being put,
Its title was agreed to.

Council Bill No. 297,

A bill for an act to authorize cities having the requisite
number of inhabitants to extend their corporate limits,

Was read the third time and
The question being shall the bill pass.

The roll being called there were ayes, 13; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford,
Dollard, Ericson, Hughes, Ryan, Soderberg, Washabaugh,
Woolhiser, Mr. President.

Mr. Harstad voting in the negative.

Absent and not voting:

Messrs. Cameron, Glaspell, Halley, Lowry, McDonald,
Miller, Patten, Poindexter, Van Osdel, Walsh.

So the bill passed and
The question being as to the title and being put,
Its title was agreed to.

Council Bill No. 256,

A bill for an act providing for the collection and compilation
of the statistics of the Territory of Dakota,

Was read the third time, and

The question being upon the report of the Committee on Counties,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 10; nays, 4.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Cooper, Crawford, Dollard, Glaspell, Hughes, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Ericson, Harstad, Soderberg, Woolhiser.

Absent and not voting:

Messrs. Campbell, Halley, Lowry, McDonald, Miller, Patten, Poindexter, Ryan, Van Osdel and Washabaugh.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 276,

A Joint Resolution authorizing the Adjutant General to turn over to the directors of the University of Dakota one hundred condemned muskets, for use for drilling purposes,

Was read the third time, and

The question being upon the report of the Committee on Military Affairs,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 17; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Cooper, Crawford, Ericson, Glaspell, Harstad, Hughes, Patten, Poindexter, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Atkinson, Dollard, Halley, Lowry, McDonald Miller and Van Osdel.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to,

The Committee on Counties asked unanimous consent to make a report.

There being no objections

Mr. Crawford made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred Council Bill No. 182,

A bill for an act entitled "An act to provide for the sale of Dakota's exhibit at the World's Industrial and Cotton Centennial Exposition at New Orleans."

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

By striking out from the 5th line of Section 1, of the printed bill the words "one hundred dollars," and inserting in lieu thereof the words "two hundred and fifty dollars."

Also, by striking from said bill all words between the words "provided" in the 8th line of Section 1 of the printed bill and the word "shall" in the 10th line thereof, and inserting in lieu thereof the words, "all contracts"

And that said bill as thus amended do pass.

COE I. CRAWFORD,
Chairman.

Council Bill No. 244,

A bill for an act to prevent the sending of demands out of the Territory to be sued in a foreign jurisdiction for the purpose of evading the exemption laws of this Territory,

Was read the third time.

The question being upon the report of the Committee on Judiciary,

The report was adopted.

Mr. Glaspell offered the following amendment and moved its adoption:

Amend by adding as Section 3: "This act shall take effect from and after its passage and approval."

Which motion was lost.

The question being shall the bill pass,

The roll being called there were ayes, 13; nays, 6.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Glaspell, Harstad, Hughes, McDonald, Ryan, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Crawford, Dollard, Ericson, Patten, Soderberg, Washabaugh.

Absent and not voting:

Messrs. Halley, Lowry, Miller, Poindexter, Van Osdel.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

Mr. President announced his signature to House Bill No. 290.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
March 4, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith House Bill No. 350,

A bill for an act giving the right of way through the penitentiary grounds of the Sioux Falls Penitentiary at Sioux Falls, Dakota Territory, for drainage purposes,

Which the House has passed, under suspension of the rules, and your favorable consideration thereof is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

SPECIAL ORDERS.

The hour for special orders of the day having arrived, The Council took up the consideration of Council Bill No. 248.

Mr. Ryan offered the following amendment and moved its adoption:

That "\$2,800" as reported by the committee be stricken out and "\$4,000" be inserted in lieu thereof, referred to as line 6, printed bill.

That "\$1,000" reported by the committee be stricken out and "\$2,000" be inserted in lieu thereof, referred to as line 7 in the printed bill.

That "\$5,000" reported by the committee be stricken out and "\$7,000" be inserted in lieu thereof, referred to as line 8 of the printed bill.

That line 9 of the printed bill be reinstated, except the figures "\$3,000," and that the figures "\$1,000" be inserted in lieu thereof.

Roll call demanded.

The roll being called there were ayes, 12; nays, 6.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Glaspell, Hughes, Mc-

Donald, Patten, Poindexter, Ryan, Soderberg, Walsh, Washabaugh.

Those who voted in the negative were:

Messrs. Campbell, Ericson, Harstad, Van Osdel. Woolhiser, Mr. President.

Absent and not voting:

Messrs. Cooper, Crawford, Dollard, Halley, Lowry and Miller.

So the motion prevailed.

Mr. Ryan offered the following amendment and moved its adoption.

That line 10 of the printed bill be reinstated, providing for an appropriation of five thousand dollars for drilling and piping an artesian well.

Which motion was lost.

Mr. Washabaugh offered the following amendment and moved its adoption.

Amend by adding to the end of Section 2 the following: "Provided, that not more than one-half of the amounts appropriated by this act shall be expended during the first year of the time for which said appropriations are made except as to items for permanent improvements."

Which motion prevailed.

The question being, shall the bill pass.

The roll being called there were ayes, 18; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Crawford, Ericson, Glaspell, Harstad, Hughes, Patten, Poindexter, Ryan, Soderberg, VanOsdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Cooper, Dollard, Halley, Lowry, McDonald, Miller.

So the bill passed, and

Mr. Washabaugh offered the following amendment to the title:

Amend title of Council Bill No. 248 to correspond with the bill.

Which motion prevailed and

The title as amended was agreed to.

Mr. Ericson moved

That when the Council adjourn it meet at 8 p. m. for the purpose of considering the list of bills as selected by the members of this Council.

Which motion prevailed.

Mr. President announced his signature to House Bill No. 142.

Mr. Hughes moved

That all committees be and they are hereby requested to return all bills in their hands on or before 10 o'clock a. m., to-morrow.

Mr. Ericson moved

To add, "Unless in the judgment of the chairmen of the several committees, sufficient time can be had for the consideration of any bill in their possession,"

Which motion was lost.

The question being on the motion of the gentleman from Burleigh, the motion was lost.

REPORT OF COMMITTEE OF CONFERENCE.

The Joint Conference Committee made the following report:

MR. PRESIDENT:

A majority of your Special Joint Committee on Conference upon

Council Bill No. 120,

A bill for an act to provide security to the public against errors, omissions and defects in abstracts of title to real estate,

Have considered the same, and the House Committee refuse to recede from their or House amendments to the same, and that we recommend that the Council do concur in said House amendments.

GEO. H. WALSH,
C. C. NEWMAN,
A. L. PATRIDGE,
H. F. HUNTER,
ALEXANDER HUGHES.

Mr. Ericson gave notice that he would make a minority report.

Mr. Campbell moved

That the majority report be adopted.

Roll call demanded.

The roll being called there were ayes, 13; nays, 7.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Crawford, Dollard, Hughes, McDonald, Poindexter, Ryan, Soderberg, Walsh, Washabaugh.

Those who voted in the negative were:

Messrs. Cooper, Ericson, Glaspell, Patten, Van Osdel, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Halley, Harstad, Lowry and Miller.

So the majority report was adopted.

Mr. Walsh moved

That the Council concur in the House amendments to Council Bill No. 120.

Roll call demanded.

The roll being called there were ayes 12; nays, 8.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Crawford, Dollard, Hughes, McDonald, Poindexter, Ryan, Soderberg, Walsh, Washabaugh.

Those who voted in the negative were:

Messrs. Cameron, Cooper, Ericson, Glaspell, Patten, Van Osdel, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Halley, Harstad, Lowry and Miller.

So the motion prevailed.

Council Bill No. 296,

A bill for an act making an appropriation for the payment of the salary of teachers of the Territorial Normal School at Milnor, Dakota.

Was read the third time, and

Mr. Allin moved

To lay Council Bill No. 296 over until Mr. Miller returns, Which motion prevailed.

Mr. Hughes asked unanimous consent to present a communication.

There being no objections

Mr. Hughes presented the following communication:

WASHBURN, Dak., March 4, 1889.

To the Honorable President and Members of the Council, Eighteenth Legislative Assembly, Territory of Dakota:

The citizens of Washburn, McLean county, extend to your honorable body a most cordial invitation to visit their young city and county for the purpose of examining "the coal fields" that here abound. The coal fields of McLean county, which have become famous throughout the northwest, are inexhaustible and the quality of the coal is superior to that in any other section of the Territory. In-

asmuch as your honorable body is composed of representatives of all portions of this great Territory and as a proper knowledge of the resources of Dakota is desirable, the citizens of Washburn trust that you will accept the invitation and pay a visit to Washburn, the future capitol of North Dakota and to the "coal county" of the Territory where fuel sufficient to supply the entire northwest awaits the developments which wise legislation and the building of railroads will insure.

[Signed]

Committee.

Mr. Dollard moved

That the invitation be accepted.

Mr. Ericson moved

As a substitute to the motion of the gentleman from Bon Homme that the Council send their regrets.

Roll call demanded.

The roll being called there were ayes, 10; nays, 2.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Hughes, Poindexter, Ryan, Soderberg, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Glaspell, McDonald.

Absent and not voting:

Messrs: Cameron, Cooper, Crawford, Dollard, Ericson, Halley, Harstad, Lowry, Miller, Patten, Van Osdel, Walsh.

So the substitute prevailed.

REPORTS OF STANDING COMMITTEES.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

Council Bill No. 195,

A bill for an act to appropriate the sum of five hundred dollars to Bengamin F. Slaughter,

Haue had the same under consideration and report the bill back without recommendation.

ROBERT DOLLARD,
Chairman pro tem.

The Committee on Temperance made the following report:

MR. PRESIDENT:

Your Committee on Temperance to whom was referred House Bill No. 202,

A bill for an act to suppress selling, lending, giving away or showing to any minor child, any paper or publication, principally devoted to illustrating or describing immoral deeds,

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

G. A. HARSTAD,
Chairman.

The Committee on Charitable and Penal Institutions made the following report:

MR. PRESIDENT:

Your Committee on Charitable and Penal Institutions, to whom was referred

Council Bill No. 279,

A bill for an act to locate, establish and endow a hospital for the insane, idiots and incurables of the Territory of Dakota,

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

Amend Section 5. Strike out the words "provided the funds herein provided are available at that time and if not thirty days after the same become available" in the 43d, 44th and 45th lines of the original bill and insert in lieu thereof the following words, to-wit: "And within thirty days after the funds shall become available for the purpose of carrying out the provisions of this act."

Amend Section 6 by striking out all of said section after the word "anew" in the 68th line of the original bill.

Amend said bill by striking out all of Sections 11, 12, 13, 14, 15, 16 and 17.

And as so amended that said bill do pass.

G. A. HARSTAD,
Chairman pro tem.

Council Bill No. 140,

A bill for an act entitled "An act providing for the levy and collection of taxes upon the property of railroad companies in this territory."

Was read the third time.

Mr. Ericson moved

That the further consideration of Council Bill No. 140 be indefinitely postponed.

Call of the House demanded.

The roll being called the members all responded to their names, except Messrs. Halley, Lowry and Miller who were excused, and Mr. Washabaugh.

The Sergeant-at-Arms was instructed to bring in the absent member.

The members all being present further proceedings under the call was dispensed with.

MESSAGES FROM THE HOUSE.

The following message were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 4, 1889. }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 268,

A bill for an act to limit the terms of Territorial officers, directors and trustees,

Which the House has passed under suspension of the rules, without change.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
March 4, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. No. 203,

A bill for an act to provide for the sinking of artesian wells and construction of waterways,

Which the House has passed under suspension of the Rules, and your favorable consideration thereof is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

The question being upon the motion of the gentleman from Union,

Roll call demanded,

The roll being called there were ayes 5; nays, 16.

Those who voted in the affirmative were:

Messrs. Cooper, Ericson, Glaspell, Patten, Woolhiser.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Crawford, Dollard, Harstad, Hughes, McDonald, Poindexter, Ryan,

Soderberg, Van Osdel, Walsh, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Halley, Lowry, Miller.

So the motion was lost.

Mr. Ericson moved

That the report of the Committee on Railroads be adopted.

Mr. Hughes moved

As a substitute to the motion of the gentleman from Union that the report of the Committee on Railroads be not adopted.

Roll call demanded.

The roll being called there were ayes, 12; nays, 9.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Crawford, Harstad, Hughes, Poindexter, Ryan, Walsh, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Cooper, Dollard, Ericson, Glaspell, McDonald, Patten, Soderberg, Van Osdel, Woolhiser.

Absent and not voting:

Messrs. Halley, Lowry, Miller.

So the substitute prevailed.

The Committee on Enrolled and Engrossed Bills made the following report:

Mr. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 107,

A bill for an act to refund to the citizens of Grand Forks for a loan advanced to repair damages caused by a storm, and for other purposes.

And find the same correctly engrossed.

Also,

Council Bill No. 255,

A bill for an act to amend Section 2 of a special law passed by the Fifteenth Legislative Assembly of Dakota Territory, approved March 9th, 1883, entitled "An act to authorize Lawrence County to issue bonds to be used in refunding and paying off its outstanding indebtedness and to provide for the payment of the same,"

And find the same correctly engrossed and enrolled.

J. H. PATTEN,
Chairman.

Mr. President announced his signature to Council Bill No. 255.

Mr. Hughes offered the following amendment to Council Bill No. 140, and moved its adoption:

Amend by striking out Section 9 and inserting in lieu thereof the following:

SEC. 9. This act shall be subject to repeal or amendment by any future Legislature and nothing herein contained shall be construed as a repeal of any revenue laws now in existence as applicable to any railroad company which shall not accept the provisions of this act as herein provided.

Which motion prevailed.

Mr. Poindexter offered the following amendment and moved its adoption:

That the 7th section of said bill be amended by adding to the end of the 5th line of Section 7 of the printed bill the following, viz:

“And, provided, that any railroad company which is now in arrears in the payment of taxes assessed under Chapter 99 of the Laws of 1883, shall, within thirty days after the passage of this act, pay into the Territorial treasury the full amount of the taxes and interest due under the assessments under said laws of 1883 before they can avail themselves of the provisions of this act, by accepting its terms “including taxes on both Territorial and interstate earnings.”

Which motion prevailed.

Mr. President announced the appointment of Misses Susy Abbey and Emma Bell as Assistant Enrolling Clerks, and

Misses Abbey and Bell presented themselves and the oath of office was administered to them by Mr. President.

The Committee on Judiciary presented the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred Council Bills Nos. 230 and 280, have had the same under consideration and recommend that said bills do pass.

S. L. GLASPELL,
Chairman.

Mr. President announced his signature to Council Bill No. 243.

Mr. Hughes offered the following amendment to Council Bill No. 140, and moved its adoption:

That all of Section 6 embraced in lines 6 to 13 inclusive, of printed bill, be stricken out.

Which motion prevailed.

Mr. McDonald moved

That the Council take a recess till 8 p. m.

Which motion prevailed.

Mr. President announced the Council at recess until 8 p. m.

After recess the Council was called to order by Mr. President, in the chair.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 4, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith House Bill No. 344,

A bill for an act providing for an appropriation for the maintenance of the several public institutions of the Territory of Dakota,

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

JOHN G. HAMILTON,
Chief Clerk.

Mr. Ericson moved

That House Bill No. 344 be made a special order for 10 a. m., to-morrow,

Which motion prevailed.

Mr. Ericson moved

That when the Council adjourns it be to meet to-morrow at 10 a. m.

Which motion prevailed.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred House Bill No. 310 having had the same under consideration recommend that said bill do pass.

S. L. GLASPELL,
Chairman.

EXECUTIVE COMMUNICATIONS.

The following communication was received from his Excellency, the Governor:

EXECUTIVE OFFICE, }
March 4, 1889. }

To the Council:

I herewith respectfully return without my approval Council Bill No. 8,

Entitled "An act repealing Chapter 126 of the Session Laws of 1885, providing for the establishment of a board of railroad commissioners."

- Investigation shows that the railroad commissioners, during the last two years, have adjusted upwards of five hundred complaints against the railroad companies, and that the operation of the law has resulted very beneficially to the public. The effect of this repealing act will likewise render unavailable the provisions of Chapter 130 of the laws of 1887, entitled "An act to regulate grain grading and warehouses and the inspection, weighing and handling of grain and to define the duties of the railroad and warehouse commission in relation thereto."

It is a grave question whether or not the preservation of the powers and duties with which the commission is clothed by virtue of Chapter 130 of the laws of 1887 relating to the grain warehouse law is not of the greatest importance to the agricultural interests of the territory. This feature alone presents many reasons why in my opinion I should withhold my approval from this act.

The enforcement of the grain warehouse law during the brief season since its passage has given to the farmers of Dakota for the first time in the history of the territory the assurance that when they placed their grain in a public warehouse, the warehouseman was held responsible and placed in a position where he could not dispose of the grain and leave the country, and thereby defraud the farmers of the value of their grain. In the neighborhood of three hundred warehouses and elevators in the territory are already under bond in the aggregate sum of \$919,000. The railway and warehouse commission in its last annual report recommends that the law be so amended that all warehousemen handling grain in Dakota be brought under the operation of the law and compelled to procure licenses and secure standard grades of grain as established by the board.

The question of standard grades, provided for in the grain warehouse law, is one of the most vital importance to the people, as it gives the farmer some assurance when he sells grain to the dealer that the same is properly graded.

Within the last two years, or since the grain warehouse law has been put in operation by the commission, there has not been a case of defaulting or absconding on the part of a warehouseman in

the Territory of Dakota, while in the past, hundreds of thousands of dollars have been lost to the farmers by the failure of irresponsible buyers.

Another question involved in the abolishment of the railroad and warehouse commission, is that of an open wheat market, which is already established in the wheat growing sections of the territory through the operation of the railroad and grain warehouse laws.

The commission has considered over two hundred complaints from independent wheat buyers to the effect that railroad companies refused to furnish cars, discriminating in favor of the larger elevator companies. In every case the board has adjusted the matter satisfactorily to the complainant and thereby made it possible for the farmer to sell his wheat in an open market, where competition and the legitimate laws of trade gave to him the price to which he was entitled.

The railroad commissioners are the only officers in the Territory of Dakota who are vested with power to stand between the people and the corporations and to speak in behalf of the humblest citizen with the dignity and force of the Territory of Dakota, and to bring about the desired relief without putting the complainant to the expense and annoyance of litigation.

The sum of \$9,000, which the railroad and warehouse commission costs each year, is small in comparison with the benefit which the industrial and agricultural classes receive from the operation of the laws under which said commission is created. The entire cost for the railroad commission, and for the discharge of the duties imposed by the warehouse act for the last two years is \$18,0000.

Respectfully,

LOUIS K. CHURCH,
Governor.

Mr. McDonald moved

That the further consideration of the Governor's message be laid over until Wednesday at 2 p. m.

Which motion prevailed,

Mr. Cooper moved

That the rules be suspended and he be permitted to introduce a bill and that it be read the first and second times and referred to its appropriate committee.

Which motion prevailed and

Mr. Cooper introduced—

Council Bill No. 312,

A bill for an act to amend Section 1 of Chapter 50 of the Session Laws of the Seventeenth Legislative Assembly,

Which was read the first and second times and

Referred to the Committee on Counties.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 322,

A bill for an act to provide clerks for probate courts,
Was read the first and second times and
Referred to the Committee on Judiciary.

House Bill No. 343,

A bill for an act to provide clerks of probate courts in
this Territory,

Was read the first and second times and
Referred to the Committee on Judiciary.

Mr. Poindexter offered the following amendment and
moved its adoption:

Amend Section 1 by striking out the words "shall be or
shall have been operated in whole or in part" in lines 15
and 16 of the printed bill and insert in lieu thereof the
words "after the approval of this act."

Which motion prevailed.

Mr. Crawford offered the following amendment and
moved its adoption:

Amend Council Bill No. 140 by striking out all after the
word "pay" in line 17, of Section 7, and all of lines 18 and
19 in said section and insert in lieu thereof the words "one-
half of the entire amount due under the agreement and ac-
ceptance herein referred to, for the current year, and also
the entire amount of taxes heretofore claimed by the Terri-
tory, and local and inter-state earnings of such companies,
but remaining unpaid at the time of filing said account,
and within thirty days after the passage of this act, or the
same shall not apply to such company or companies. The
balance of said taxes due for the current year shall be paid
to the Territorial Treasurer on or before the 15th day of
August, 1889."

Which motion prevailed.

Mr. Ericson offered the following amendment and moved
its adoption:

Amend Section 7 by striking out the words "said act" in
line 14 and insert in lieu thereof the words "Chapter 99 of
the Session Laws of 1883 by paying all taxes claimed on
gross earnings, both Territorial and inter-state or,"

Which motion prevailed.

Mr. Crawford offered the following amendment and
moved its adoption:

Amend Section 7 by inserting immediately after the amendment of the gentleman from Spink the words:

"It is further expressly provided that any company failing to strictly comply with the provisions of this act within the time herein provided shall be immediately subject to assessment and taxation in the manner provided for the assessment and taxation of the property of individuals of this Territory, and said taxes shall be collected in the same manner as is now provided in cases of the property of individuals."

Which motion prevailed.

Mr. Ericson offered the following amendment and moved its adoption:

Amend by striking out the word "three" in line 16 of Section 1 of the printed bill and inserting in lieu thereof the word "four," and by striking out the word "two" in line 18 of Section 1 and inserting in lieu thereof the word "three."

Roll call demanded.

The roll being called there were ayes, 9; nays, 10.

Those voted in the affirmative were:

Messrs. Cooper, Crawford, Ericson, Glaspell, Patten, Soderberg, Van Osdel, Woolhiser, Mr. President.

Those who voted in the negative were:

Messr. Allin, Cameron, Campbell, Harstad, Hughes, McDonald, Poindexter, Ryan, Walsh, Washabaugh.

Absent and not voting:

Messrs. Lowry and Miller who were excused, and Messrs. Atkinson and Halley being paired.

Mr. McDonald offered the following amendment and moved its adoption:

Amend Section 6 by striking out the word "thirty" in line 10 and insert the word "thirty-five." Also strike out the word "forty" in line 14 and insert the word "thirty." Also strike out the word "thirty" in line 14 and insert the word "forty-five."

Roll call demanded.

The roll being called there were ayes, 5; nays, 12.

Those who voted in the affirmative were:

Messrs. Cameron, Glaspell, Hughes, McDonald, Walsh.

Those who voted in the negative were:

Messrs. Allin, Campbell, Cooper, Crawford, Ericson, Harstad, Poindexter, Ryan, Soderberg, Van Osdel, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Dollard, Halley, Lowry, Miller, Washabaugh.

Messrs. Atkinson and Patten being paired.

So the motion was lost.

Mr. Dollard offered the following amendment and moved its adoption:

Amend Council Bill No. 140 by adding to Section 1 the words following:

“Provided that nothing contained in the provisions of this act shall be construed to exempt from taxation the lands of any railroad corporation outside of the right of way and not used in the ordinary business of railroads.”

Roll call demanded.

The roll being called there were ayes, 8; nays, 10.

Those who voted in the affirmative were:

Messrs. Cooper, Crawford, Dollard, Ericson, Glaspell, Soderberg, Van Osdel, Woolhiser.

Those who voted in the negative were:

Messrs. Allin, Cameron, Campbell, Harstad, Hughes, McDonald, Poindexter, Ryan, Walsh, Mr. President.

Absent and not voting:

Messrs. Lowry and Miller.

Messrs. Atkinson and Halley, and Patten and Washabaugh being paired.

So the motion was lost.

Mr. Cooper offered the following amendment and moved its adoption:

Amend line 15, page 2 by striking out “for the first five years,” and all after the word “earnings” in line 17 up to and including the word “earnings” in line 19,

Which motion was lost.

Mr. Dollard offered the following amendment and moved its adoption:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. That every person, company or corporation, owning, operating or constructing a railroad in this territory, shall return sworn lists or schedules of the taxable property of such railroad, as hereinafter provided. Such property shall be listed and assessed with reference to the amount, kind and value on the first day of April in the year in which it is listed.

SEC. 2. They shall in the month of April, 1887, and at the same time in each year thereafter, when required, make out and file with the county clerks of the respective counties in which the

railroad may be loca'ed a statement or schedule showing the property held for right of way, and the length of the main and all side or second tracks or turnouts in such county, and in each city, town and village in the county through or into which the road may run, and describing each tract of land, other than a city, town or village lot, through which the road may run, in accordance with the United States surveys, giving the width and length of the strip of land in each tract, and number of acres thereof. They shall also state the value of improvements and stations located on the right of way. New companies shall make such statement in April next after the location of their roads. When such statement shall have been once made, it shall not be necessary to report the description as hereinbefore required unless directed so to do by the board of county commissioners; but the company shall, during the month of April, annually, report the value of such property by the description set forth in the next section of this act, and note all additions or changes in such right of way as shall have occurred.

SEC. 3. Such right of way shall be held to be real estate and the superstructure of main, side or second tracks, and turnouts and the stations and improvements on such right of way, fixed and stationary personal property for the purpose of taxation, and shall be so listed and valued, and the right of way shall be described in the assessment thereof as a strip of land extending under and on each side of such railroad track and embracing the same, commencing at a point where such railroad track crosses the boundary line in entering the county, city, town or village and extending to the point where such track crosses the boundary line leaving such town, city, county or village or to the point of termination in the same as the case may be, containing acres more or less (inserting name of county, township, city, town or village boundary line of same, and numbers of acres and length in feet), and when advertised or sold for taxes, no other description shall be necessary.

SEC. 4. The value of the right of way and superstructure of main track shall be listed in the several counties, towns, townships, villages, districts and cities, in the proportion that the length of the main track in such county, town, township, village, district or city bears to the whole length of the road in this territory, except the value of the side or second track, and all turnouts, and all station houses, depots, machine shops, or other buildings belonging to the road, which shall be taxed in the county, town, township, village, district or city in which the same are located.

SEC. 5. The moveable property belonging to a railroad company shall be held to be personal property, and denominated, for the purpose of taxation, "rolling stock." Every person, company or corporation, owning, constructing or operating a railroad in this territory, shall, in the month of April, annually, return a list or schedule which shall contain a correct detailed inventory of all the rolling stock belonging to such company, and which shall be dis-

tinctly set forth, the number of locomotives of all classes, passenger cars of all classes, sleeping and dining cars, express cars, baggage cars, cattle cars, coal cars, platform cars, wrecking cars, pay cars, hand cars, and all other kinds of cars.

SEC. 6. The rolling stock shall be listed and taxed in the several counties, towns, townships, villages, districts, and cities in the proportion that the length of the main track used or operated in such county, town, township, village, district or city bears to the whole length of the road used or operated with such rolling stock by such person, company or corporation, whether owned or leased by him or them in whole or in part. Said list or schedule shall set forth the number of miles of main track on which said rolling stock is used in the territory, and the number of miles of main track on which said rolling stock is used elsewhere.

SEC. 7. The tools and material for repairs, and all other personal property of any railroad except "rolling stock," shall be listed and assessed in the county, town, township, village, district or city, wherever the same may be on the 1st day of April. All real estate and structures thereon, other than the "right of way" belonging to the railroad, shall be listed as lands or lots, as the case may be, in the county, town, township, village, district or city where the same are located.

SEC. 8. The county clerk shall return to the assessor of the county, town, township, village, district or city, as the case may require, a copy of the schedule or list of real estate (other than right of way) and of the personal property, (except rolling stock) pertaining to the railroad, and such real and personal property shall be assessed by the assessor. Such property shall be treated in all respects, in regard to assessment and equalization, the same as other similar property belonging to individuals, except that it shall be treated as property belonging to railroads, under the terms: lands, lots and personal property.

SEC. 9. At the same time that the lists or schedules are hereinbefore required to be returned to the county clerk, the person, company or corporation running, operating or constructing any railroad in this territory, shall return to the auditor of the territory, sworn statements or schedules as follows:

1. Of the property denominated "right of way," giving the length of the main and side or second tracks and turnouts, and showing the proportions in each county and the total in the territory, also the fixed and stationary personal property thereon.

2. The "rolling stock," giving the length of the main track in each county, the total in the territory, and the entire length of the road on which said rolling stock is used.

3. Showing the number of ties in track per mile, the weight of iron or steel per yard used in main and side tracks; what joints or chairs are used in tracks, the ballasting of the road whether graveled or dirt, the number and quality of buildings or other struc-

tures on railroad track, the length of time iron in track has been used, and the length of time the road has been built.

4. A statement of schedule showing:

1. The amount of capital authorized, and the number of shares into which such capital stock is divided.

2. The amount of capital stock paid up.

3. The market value, or if no market value, then the actual value of the shares of said stock.

4. The total amount of indebtedness except for current expenses for operating the road.

5. The total listed valuation of all its tangible property in this territory. Such schedule shall be made in conformity to such instructions and forms as may be prescribed by the Territorial Auditor.

SEC. 10. If any person, company or corporation, owning, operating or constructing any railroad, shall neglect to return to the county clerk the statement or schedule required to be returned to them, the property to be returned and assessed by the assessor, shall be listed and assessed as other property. In case of failure to make returns to the Territorial Auditor, as before provided, the auditor, with the assistance of county clerks and assessors, when he shall require such assistance, shall ascertain the necessary facts and lay the same before the Territorial Board of Equalization. In case of failure to make said statements either to the county clerk or auditor such corporation, company or person shall forfeit as a penalty no less than one thousand (\$1,000) dollars nor more than ten thousand (\$10,000) for each offense, to be recovered in any proper form of action in the name of the Territory of Dakota and paid into the Territorial Treasury.

SEC. 11. The auditor shall annually, on the meeting of the Territorial Board of Equalization, lay before said board the statements and schedules herein required to be returned to him, and said board shall assess such property in the manner hereinafter provided.

SEC. 12. The county clerk shall procure, at the expense of the county, a record book, properly ruled and headed, in which to enter the railroad property of all kinds, as listed for taxation, and shall enter the valuation as assessed, corrected and equalized in the manner prescribed by this act and against such assessed, corrected and equalized valuation, as the case may require, the county clerk shall extend all taxes thereon for which said property is liable. And at the time fixed by law for delivering tax books to the county collector, upon which the said collector is hereby required to collect the taxes therein charged against railroad property, and pay over and account for the same in the manner provided in other cases. Said books shall be returned by the collector and be filed in the office of the county clerk for future use.

SEC. 13. When any railroad company shall make or record a

plat of any contiguous lots or parcels of land belonging to it, the same shall be described and assessed as designated on such plat.

SEC. 14. The president or proper agent or officer of railroad company or companies shall furnish the list, schedule or statement required by this act, and shall verify the same by their respective affidavits.

SEC. 15. The capital stock of said company or companies, organized under the laws of this territory, shall be so valued by the territorial board of equalization as to ascertain and determine respectively the fair cash value of such capital stock, including the franchise, over and above the assessed value of the tangible property of such companies. Said board shall adopt such rules and principles for ascertaining the fair cash values of such capital stock as to it may seem equitable and just; and such rules and principles, when so adopted, if not inconsistent with this act, shall be as binding and of the same effect as if contained in this act, subject, however, to such change, alteration or amendment as may be found from time to time to be necessary by said board.

SEC. 16. All other property of such companies shall be assessed at its fair cash value.

SEC. 17. The property of said corporations shall not be subject to taxation except as herein provided.

SEC. 18. The territorial board of equalization shall consist of two members from each judicial district of this territory.

SEC. 19. Upon the passage of this act, and every two years thereafter, the governor of this territory, with the advice and consent of the council, shall appoint the members of said board from among the electors of said judicial districts, who shall hold their respective offices for two years, and until their successors are appointed and qualified. All vacancies in said board shall be filled by appointment by the governor.

SEC. 20. Each member of said board, before entering upon the duties of his office, shall take an oath (or affirmation) to faithfully discharge the duties of his office as herein provided.

SEC. 21. At the first meeting of said board biennially it shall organize by selecting one of its members as chairman, and appointing a secretary, and may, from time to time select such employes as may be deemed necessary. The secretary shall take the oath prescribed in Sec. 21 of this act, except that said duties shall apply to the duties of secretary as described herein.

SEC. 22. It shall be the duty of the secretary of said board, under directions of the auditor of public accounts, to compile the abstracts of assessments received from the county clerk into tabular statements, convenient for the use of the board; which statements and the original abstracts shall be submitted to the board on the first day of its session in each year, or as soon thereafter as possible. The secretary shall perform such duties in vacation as shall be assigned to him by the board.

SEC. 23. Said board of equalization shall hold a session at the capital of the territory, commencing on the first Monday of August of each year, and it shall be the duty of said board to examine the various county assessments, and to decide upon the rate of the territorial tax to be levied for the current year, together with any other general or special territorial taxes required by law to be levied, and to equalize the levy of such taxes through the territory; but such equalization shall be made by varying the rate of taxation on the different counties, in case said board are satisfied that the scale of valuation has not been adjusted with reasonable uniformity by the different assessors.

SEC. 24. The Territorial Board of Equalization shall assess the railroad property denominated in this act as "right of way," "rolling stock," and "fixed and stationary personal property," and said board is hereby given the power and authority, by committee or otherwise, to examine persons and papers. The amount so determined and assessed shall be certified by the auditor to the county clerks of the proper counties. The county clerk shall in like manner, distribute the value so certified to him, to the county and to the several towns, townships, districts, villages and cities in his county entitled to a proportionate value of such "railroad track," "fixed and stationary personal property," and "rolling stock," and said clerk shall extend taxes against such values, the same as against other property in such towns, townships, districts, villages and cities.

SEC. 25. The aggregate amount of capital stock of railroad companies, assessed by said board, shall be distributed proportionately by said board to the several counties in like manner that the property of railroads denominated "right of way," etc., is distributed. The amount so determined shall be certified by the auditor to the county clerk of the proper counties. The clerk shall, in like manner, distribute the value so certified to him to the county, and to the several towns, townships, districts, villages and cities in his county entitled to a proportionate value of such capital stock, and said clerk shall extend taxes against such values, the same as against other property in such towns, townships, districts, villages and cities.

SEC. 26. When said board shall have completed its equalization of assessments for any year, the chairman and secretary shall certify to the auditor the rates finally determined by said board to be added to or deducted from the listed or assessed valuation of each class of property in the several counties, and also the amount assessed by said board; and it shall be the duty of said auditor, under his seal of office, to report the action of the board to the several county clerks, immediately after the adjournment of said board.

SEC. 27. All property which is subject to taxation under the provisions of this act, the taxes on which have not been paid, under the gross earnings system for the year of 1887 or 1888 shall be assessed and taxed in accordance with the provisions of this act for

the years during which the taxes have so remained unpaid, and said assessment and taxation shall be uniform in valuation and rate per cent. thereon with that of other taxable property for the same year.

SEC. 28. The Secretary of the Territory shall furnish such printing, fuel, lights and room as may be necessary for the transaction of the business of said board. Each member of said board shall receive for his services during its session, the sum of \$5 per day, and ten cents per mile for each mile necessarily traveled in going to and returning from the seat of government, to be computed by the auditor of public accounts. The pay and mileage allowed to each member of said board, and the pay allowed to its secretary and employes, shall be certified by the chairman of the board to the auditor of the territory, who shall issue his warrants on the Territorial Treasurer therefor. Said board may employ one page at \$2 per day, a secretary and assistant at \$5 per day each; and one janitor or doorkeeper at \$3 per day. Two-thirds of the whole number of members shall constitute a quorum, and said board may adjourn from time to time until the business before it is disposed of.

SEC. 29. Nothing in this act shall be held to subject to taxation the "right of way" of the Northern Pacific Railroad from the point where the same enters this territory in the east line thereof to the point where the same leaves said territory on its west line in the route of said railroad from Lake Superior to Puget Sound.

SEC. 30. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 31. This act shall take effect from and after its passage and approval.

Mr. Hughes moved

To lay the amendment of the gentleman from Bon Homme on the table,

Roll call demanded.

Mr. Poindexter moved

That the Council do now adjourn,

Which motion was lost.

Mr. Walsh moved

That the further reading of the amendment be dispensed with,

Roll call demanded,

The roll being called there were ayes, 9; nays, 10.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Crawford, Harstad, Hughes, McDonald, Poindexter, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Cameron, Cooper, Dollard, Ericson, Glaspell, Patten, Ryan, Soderberg, Van Osdel, Woolhiser.

Absent and not voting:

Messrs. Lowry, Miller and Washabaugh.

Messrs. Atkinson and Halley being paired.

So the motion was lost.

Call of the House demanded.

The roll being called the members all responded to their names except Messrs. Lowry and Miller who were excused, and Mr. Washabaugh.

The sergeant-at-arms was instructed to bring in the absent member.

The members all being present,

Mr. Ericson moved

Further proceedings under the call be dispensed with.

Roll call demanded.

The roll being called there were ayes, 18; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Harstad, Hughes, McDonald, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser.

Mr. President voting in the negative.

Absent and not voting:

Messrs. Halley, Lowry and Miller.

Messrs. Atkinson and Patten being paired.

So the motion prevailed.

Mr. Hughes moved

That the Council do now adjourn.

Which motion was lost.

Mr. Ericson moved

That all persons paired refrain from voting.

Mr. Hughes moved

To lay the motion of the gentleman from Union on the table.

Roll call demanded.

The roll being called there were ayes 10; nays 7.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Dollard, Glaspell, Harstad, Hughes, McDonald, Patten, Ryan, Soderberg, Walsh, Washabaugh.

Those who voted in the negative were:

Messrs. Cooper, Crawford, Ericson, Poindexter, Van Osdel, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Halley, Lowry, Miller.
So the motion prevailed.

Mr. Hughes moved
That the Council do now adjourn.
Which motion was lost.

Mr. Hughes moved
That the Council take a recess of 10 minutes.
Which motion prevailed.

Mr. President announced the Council at recess.
After recess.

The council was called to order by Mr. President in the chair.

Mr. Glaspell moved
That the Council do now adjourn.
Which motion prevailed and

Mr. President announced that the Council stood adjourned till 10 a. m. to-morrow.

R. E. WALLACE,
Chief Clerk.

FIFTY-SEVENTH DAY.

BISMARCK, March 5, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll being called, the members all responded to their names except

Messrs. Lowry and Miller, who were excused.

Mr. President appointed Messrs. Crawford and Soderberg as the committee to examine the Journal of yesterday.

Mr. Hughes asked unanimous consent to introduce a bill.

And moved that the rules be suspended and it be given its first, second and third reading and placed on its final passage.

Which motion prevailed.

Mr. Hughes introduced—

Council Bill No. 313,

A Concurrent Resolution to appoint Joint Committee,

Which was read the first, second and third times, and

The question being shall the bill pass.

The roll being called there were ayes, 18; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Harstad, Hughes, McDonald, Patten, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Atkinson, Halley, Lowry, Miller, Poindexter and Ryan.

So the bill passed, and
The question being as to its title and being put,
Its title was agreed to.

Mr. Hughes called up Council Bill No. 140.

Mr. Glaspell raised the point of order.

That the Council adjourned while Council Bill No. 140 was under consideration and is now unfinished business and cannot be taken up until that order is reached.

Mr. President decided the point not well taken.

Mr. Glaspell appealed from the decision of the chair.

The roll call demanded.

The question being shall the ruling of the chair be sustained,

The roll being called, there were ayes, 12; nays, 7.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Crawford, Dollard, Harstad, Hughes, Ryan, Van Osdel, Walsh, Washabaugh.

Those who voted in the negative were:

Messrs. Cooper, Ericson, Glaspell, McDonold, Patten Soderberg, Woolhiser.

Absent and not voting:

Messrs. Halley, Lowry, Miller, Poindexter, Mr. President.

So the decision of the chair was sustained.

Mr. President announced his signature to House Bill No. 211.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred House Bill No. 322,

A bill for an act to provide clerks for Probate Courts,
Report the same back without recommendation.

S. L. GLASPELL,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

Council Bill No. 305,

A bill for an act making appropriations to cover deficiencies in the funds of the University of Dakota, School of Mines of Dakota and the Dakota Hospital for the Insane,

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

Add to the bill as Section 4:

"SEC. 4. The Auditor of the Territory of Dakota is hereby authorized and empowered to hear, determine and audit claims arising under the foregoing items, and to issue his warrant upon the Territorial Treasurer in amounts not exceeding the foregoing appropriations for such amounts as he shall find to be justly due; provided, that the boards of the proper institutions shall certify the same to be due and unpaid,"

And as so amended that the bill do pass.

HUGH McDONALD,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred Council Bill No. 300,

A Joint Resolution providing for payment to the watchman and the messenger in both the Council and the House of the sum of five dollars per day,

Have had the same under consideration and respectfully report the same back without recommendation.

HUGH McDONALD,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred Council Bill No. 298,

A bill for an act to relieve the Jewell Nursery Company of Lake City, Minnesota.

Have had the same under consideration and respectfully report the same back without recommendation.

HUGH McDONALD,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

Council Bill No. 299,

A bill for an act making appropriation for the maintenance of the Territorial Penitentiary at Sioux Falls, Dakota, for the ensuing two (2) years,

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

In section 1—

In line 7, strike out the figures "2.40," and insert "2,400."

In line 10, strike out "25,530," and insert "20,000."

In line 11, strike out "3,500," and insert "3,000."

In line 12, strike out "2,000," and insert "1,500."

In line 14, strike out "16,000," and insert "15,000."

In line 15, strike out "7,000," and insert "2,000."

Strike out all of line 16, and insert in lieu thereof the words and figures "for teacher and librarian, 1,000."

And as so amended that the bill do pass.

HUGH McDONALD,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills report that

Council Bill No. 225 was on the 5th day of March, 1889, at 11:30 a. m., delivered to His Excellency, Governor L. K. Church, for his approval.

J. H. PATTEN,
Chairman.

Mr. Campbell in the chair.

Council Bill No. 140.

The question being upon the amendment offered by the gentleman from Bon Homme.

Roll call demanded.

The roll being called there were, ayes, 8; nays, 12.

Those who voted in the affirmative were:

Messrs. Cooper, Dollard, Ericson, Glaspell, Patten, Soderberg, Van Osdel, Woolhiser.

Those who voted in the negative were:

Messrs. Allin, Cameron, Campbell, Crawford, Harstad, Hughes, McDonald, Poindexter, Ryan, Walsh, Washbaugh, Mr. President.

Absent and not voting:

Messrs. Lowry and Miller.

Messrs. Atkinson and Halley being paired.

So the amendment was lost.

Mr. Crawford offered the following amendment and moved its adoption:

Amend Section 1 of Council Bill No. 140 by striking out

from the 6th and 7th lines of the printed bill the words, "there shall hereafter be paid" and inserting in lieu thereof the words "such company may pay."

Which motion was lost.

Mr. Glaspell offered the following amendment and moved its adoption:

Amend Section 1 by adding thereto the following:

"Provided, that nothing herein contained shall be construed to exempt from taxation the lands of any railroad company granted by the United States and not within the right of way of such company nor used in its ordinary business."

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
March 4, 1889. }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 226,

A bill for an act entitled "An act to provide for appeal and for change in the place of trial in cases before police justices and municipal magistrates,"

Which the House has indefinitely postponed.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Hughes demanded a division of the question.

Call of the House demanded.

The roll being called all the members responded to their names except

Messrs. Halley, Lowry and Miller, who were excused.

Mr. Hughes moved

That further proceedings under the call be dispensed with.

Which motion prevailed.

The question being upon the amendment offered by the gentleman from Stutsman.

Roll call demanded.

The roll being called there were ayes, 10; nays, 10.
Those who voted in the affirmative were:

Messrs. Cooper, Crawford, Dollard, Ericson, Glaspell, McDonald, Patten, Soderberg, Van Osdel, Woolhiser.

Those who voted in the negative were:

Messrs. Allin, Cameron, Campbell, Harstad, Hughes, Poindexter, Ryan, Walsh, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Lowry and Miller, who were excused.

Messrs. Atkinson and Halley being paired.

So the amendment was lost.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined,

Council Bill No. 120.

Being an act entitled "An act to provide security to the public against errors, omissions and defects in abstracts of title to real estate."

And find the same correctly engrossed and enrolled.

I. ATKINSON,

Chairman pro tem.

Mr. Crawford offered the following amendment and moved its adoption:

Amend Section 7 by inserting in line 28 of the printed bill after the word "pay," the words: "At the time of rendering such account all amounts claimed by the Territorial Auditor as tax due on the local and inter-state earnings of such company for the current or any preceding year, and shall thereafter pay."

Also by adding to Section 7 the words:

"Provided that any company failing to promptly and strictly comply with the provisions herein set forth and to pay all sums herein provided to be paid, shall be subject to assesment and taxation in the same manner as individuals."

Roll call demanded.

The roll being called there were ayes, 18; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Ericson, Glaspell, Harstad, Hughes, McDonald, Patten, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Mr. Ryan voting in the negative.

Absent and not voting:

Messrs. Dollard, Halley, Lowry, Miller, Poindexter.
So the motion prevailed.

Mr. Ericson moved
That the Council take a recess till 2 p. m.
Which motion was lost.

Mr. President announced his signature to House Bill
No. 121 and Council Bill No. 268.

Mr. McDonald moved
That the Council do now adjourn.
Which motion was lost.

Mr. Hughes moved
The previous question.
The question being shall the main question be now put.
Roll call demanded.

The roll being called there were ayes 11; nays 9.
Those who voted in the affirmative were:
Messrs. Allin, Campbell, Crawford, Dollard, Harstad,
Hughes, Poindexter, Ryan, Walsh, Washabaugh, Mr. President.

Those who voted in the negative were:
Messrs. Cameron, Cooper, Ericson, Glaspell, McDonald,
Patten, Soderberg, Van Osdel, Woolhiser.

Absent and not voting:
Messrs. Lowry and Miller who were excused.
Messrs. Atkinson and Halley being paired
So the motion prevailed.

Call of the house was demanded.

The roll being called the members all responded to their
names except Messrs. Halley, Lowry and Miller who were
excused, and Mr. Poindexter.

The sergeant-at-arms was instructed to bring in the ab-
sent member.

All the members being present further proceedings un-
der the roll call was dispensed with.

Mr. Ericson moved
That the Council take a recess till 2 p. m.
Which motion was lost,
The question being shall the bill pass,
The roll being called there were ayes, 8; nays, 10.
Those who voted in the affirmative were:
Messrs. Allin, Cameron, Campbell, Hughes, Poindexter,
Ryan, Walsh, Washabaugh.

Those who voted in the negative were:

Messrs. Cooper, Crawford, Dollard, Ericson, Glaspell, McDonald, Patten, Soderberg, Van Osdel, Woolhiser.

Absent and not voting:

Messrs. Atkinson and Hally, Lowry and Harstad, and Miller and Mr. President being paired.

Mr. Crawford made the following explanation of his vote:

"I vote against this bill on the ground that it includes all lands owned by railway companies not necessary to their use for right of way and depot grounds. I cannot vote to exempt such lands from taxation."

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 268,

A bill for an act to limit the terms of Territorial officers, directors, regents and trustees,

And find the same correctly engrossed and enrolled.

I. ATKINSON,
Chairman pro tem.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 68,

A bill for an act entitled "An act to appropriate funds for the maintenance of the Dakota Agricultural College,"

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives.

HOUSE OF REPRESENTATIVES, }
March 5, 1889, }

MR. PRESIDENT:

I have the honor to inform the Council that the House has concurred in

Council Joint Resolution providing a Joint Committee to consider appropriation bills,

And also to inform you that the Speaker of the House

has appointed Messrs. Greene, Patton and Smith as the House members of said Joint Committee.

Respectfully,
JNO. G. HAMILTON,
Chief Clerk.

Mr. Glaspell moved

That the Council take a recess till 2 p. m.

Which motion prevailed,

And Mr. President, pro tem., announced the Council at recess.

After recess

The Council was called to order by Mr. President in the chair.

Mr. President announced Messrs. Hughes, Ericson and Cooper as Council members of Conference Committee.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 184,

A bill for an act relating to the Compiled Laws,

Also,

Council Bill No. 220,

A bill for an act declaring the admissibility of the Compiled Laws of 1887 as legal evidence of General Statutes of Dakota Territory.

And find the same correctly engrossed and enrolled.

J. H. PATTEN,
Chairman.

MESSAGE FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 5, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 254,

A bill for an act to correct and define the boundary lines of Day County,

Also,

House Bill No. 262,

A bill for an act relating to the care, custody, control and maintenance of feeble minded persons and idiots.

Also,

House Bill No. 219,

A bill for an act providing for the printing of the reports of the Territorial officers and institutions for the fiscal years of 1887 and 1888.

Also,

House Bill No. 76,

A bill for an act to amend Section 7 of Chapter 121 of the Laws of 1887, entitled "An act to regulate the practice of pharmacy, the licensing of persons to carry on such practice and the sale of poisons in the Territory of Dakota,"

Also,

House Bill No. 300,

A bill for an act entitled "An act making appropriation to reimburse Benjamin F. Porter, ex-sheriff of Custer county, Dakota, for money expended and official duty performed while sheriff of Custer county, Dakota, in conveying one Jennié Hart from Custer City in Custer county, Dakota, to the Dakota Reform School at Plankinton. Dakota."

Also,

House Bill No. 256,

A bill for an act providing payment for the transportation of the mail to and from the Capitol.

Also,

House Bill No. 283,

A bill for an act empowering corporations created and existing under and by virtue of the laws of this Territory, to amend their articles of incorporation and providing the manner thereof.

Also,

House Bill No. 271,

A bill for an act to authorize the settlement of differences between certain independent school districts and cities and school townships, growing out of the adjustment of school debts,

Also,

House Bill No. 268,

A bill for an act to amend Section 1, Article 19, Chapter 73 of the General Laws of 1887,

Also,

House Bill No. 124,

A bill for an act to amend Section 1 of Chapter 118 of the Session Laws of 1881, relating to the time of making assessment and collection of taxes,

Also,

House Bill No. 243,

A bill for an act to amend Section 47 of Chapter 27 of the Political Code of the Territory of Dakota, relating to the eligibility of persons to hold office,

Also,

House Bill No. 46,

A bill for an act entitled "An act authorizing the incorporation of banking associations and for regulating the same."

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

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, {
March 5, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 281,

A bill for an act authorizing the directors of the Dakota Penitentiary at Sioux Falls to sell certain real estate and for other purposes,

Also,

House Bill No. 317,

A Joint Resolution providing for payment to Frank Donnelly for serving subpoenas outside the Territory of Dakota in the matter of the Jamestown asylum investigation,

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

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, {
March 5, 1889. }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 201,

A bill for an act entitled "An act to provide for filing the bond of township assessors and duties of township clerks,"

Also,
 Council Bill No. 178,
 A bill for an act to amend Section 121 of the Code of Civil Procedure relating to sham and irrelevant defenses.

Also,
 Council Bill No. 7,
 A bill for an act to amend Section 1100 of the Civil Code,

Also,
 Council Bill No. 65,
 A bill for an act to amend Section 2 of Chapter 58 of the General Laws of the Seventeenth Legislative Assembly, entitled "An act for the protection of game,"

Also,
 Council Bill No. 145,
 A bill for an act to provide for making reports and disposals of fines, forfeitures, penalties and costs in criminal cases.

Also,
 Council Bill No. 163,
 A bill for an act for the maintenance of the public offices of the Territory.

Also,
 Council Bill No. 212,
 A bill for an act entitled "An act giving police powers to conductors of railway trains carrying passengers,"
 Which the House has passed without change.

Also,
 Council Bill No. 122,
 A bill for an act to provide for a system of Territorial accounts,
 Which was lost on passage.

JOHN G. HAMILTON,
 Chief Clerk.

HOUSE OF REPRESENTATIVES, }
 March 5, 1889. }

MR. PRESIDENT:

I have the honor to return herewith
 Council Bill No. 107,
 A bill for an act entitled "An act to refund to the citizens of Grand Forks for a loan advanced to repair damages caused by a storm, and for other purposes,"
 Which the House has amended as follows:

“Strike out 6 per cent. per annum,” and insert “not more than 5 per cent. per annum.”

JOHN G. HAMILTON,
Chief Clerk.

Mr. Walsh moved

That the Council concur in House amendments to Council Bill No. 107,

Which motion prevailed.

Mr. President announced his signature to Council Bills Nos. 220, 184 and 120.

Mr. Glaspell moved

That the gentleman from Spink be excused from attendance till 4 p. m.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 203,

A bill for an act to provide for the sinking of artesian wells and construction of wells.

Was read the first and second times, and

Referred to the Special Committee on Artesian Wells.

House Bill No. 46,

A bill for an act entitled “An act authorizing the incorporation of banking associations and for regulating the same,”

Was read the first and second times, and

Referred to the Committee on Incorporations.

House Bill No. 243,

A bill for an act to amend Section 47 of Chapter 27 of the Political Code of the Territory of Dakota, relating to the eligibility of persons to hold office,

Was read first and second times, and

Referred to Committee on Elections.

House Bill No. 256,

A Joint Resolution providing payment for the transportation of the mail to and from the Capitol.

Was read first and second times, and

Referred to Committee on Appropriations.

House Bill No. 317,

A Joint Resolution providing for payment to Frank Donnelly for serving subpoenas outside the Territory in the matter of Jamestown Asylum investigation.

Was read the first and second times, and

Was referred to Committee on Appropriations.

House Bill No. 254,

A bill for an act to correct and define the boundary lines of Day county,

Was read the first and second times and
Referred to Committee on Counties.

House Bill No. 262,

A bill for an act relating to the care, custody, control and maintenance of feeble minded persons and idiots,

Was read the first and second times and
Referred to Committee on Charitable and Penal Institutions.

House Bill No. 281,

A bill for an act authorizing the directors of the Dakota Penitentiary at Sioux Falls to sell certain real estate, and for other purposes,

Was read the first and second times and
Referred to Committee on Charitable and Penal Institutions.

House Bill No, 76,

A bill for an act to amend Section 7, of Chapter 121, of the Laws of 1887, entitled "An act to regulate the practice of pharmacy, the licensing of persons to carry on such practice, and the sale of poisons in the Territory of Dakota."

Was read the first and second times and
Referred to the Committee on Public Health.

House Bill No. 124,

A bill for an Act to amend Section 1, of Chapter 118, of the Session Laws of 1881, relating to the time of making assessment and collection of taxes,

Was read the first and second times and
Referred to Committee on Revenue.

House Bill No. 219,

A bill for an act providing for the printing of the reports of the Territorial officers and institutions for the fiscal years 1887 and 1888.

Was read the first and second times and
Referred to Committee on Public Printing.

House Bill No. 300,

A bill for an act entitled "An act making appropriation to reimburse Benjamin F. Porter, ex-sheriff of Custer county, Dakota, for money expended and official duty performed while sheriff of Custer county, Dakota, in conveying one

Jennie Hart from Custer City in Custer county, Dakota, to the Dakota Reform School at Plankinton, Dakota,"

Which was read the first and second times and Referred to the Committee on Territorial Affairs.

Council Bill No. 143,

A bill for an act entitled "An act to amend Section 112 of the Civil Code, relating to the adoption of children,"

Was read the third time and

The question being upon the report of the Special Committee,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 14; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Dollard, Glaspell, Halley, Harstad, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Atkinson, Cooper, Crawford, Ericson, Hughes, Lowry, McDonald, Miller, Patten, Poindexter.

So the bill passed and

The question being as to its title and being put, Its title was agreed to.

House Bill No. 268,

A bill for an act to amend Section 1, Article 19, Chapter 73 of the General Laws of 1887,

Was read the first, second and third times and

The question being shall the bill pass,

The roll being called there were ayes, 11; nays, 3.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Crawford, Dollard, Halley, Harstad, Ryan, Soderberg, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Patten, Van Osdel, Woolhiser.

Absent and not voting:

Messrs. Atkinson, Cooper, Ericson, Glaspell, Hughes, Lowry, McDonald, Miller, Poindexter, Walsh.

So the bill passed and

The question being as to its title and being put, Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 5, 1889. }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 289,

A bill for an act entitled "An act to reappropriate certain balances of the University of North Dakota, or so much thereof as shall be necessary to defray present expenses and salaries,"

Which the House has amended as follows:

Strike out the word "several" in line 3, of Section 1, and insert in lieu thereof the word "teachers," and your concurrence therein is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Campbell moved

That the Council concur in House amendments to Council Bill No. 289.

Which motion prevailed.

The Committee on Incorporations made the following report:

MR. PRESIDENT:

Your Committee on Incorporations to whom was referred House Bill No. 194,

A bill for an act entitled "An act to provide for the incorporation of certain classes of benevolent and charitable institutions,"

Have had the same under consideration and return the same without recommendation.

D. W. POINDEXTER,
Chairman.

House Bill No. 252,

A bill for an act authorizing the Territorial Auditor to audit a claim against the Territory in favor of George F. Ingram.

Was read the third time, and

The question being upon the report of the Committee on Appropriations,

The report was adopted.

The question being shall the bill pass,

The roll being called, there were ayes, 14; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Crawford, Dollard, Halley, Harstad, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Atkinson, Cooper, Ericson, Glaspell, Hughes, Lowry, McDonald, Miller, Patten and Poindexter.

So the bill passed and

The question being as to its title and being put,
Its title was agreed to.

House Bill No. 165,

A bill for an act authorizing the Territorial Auditor to audit a claim a claim of John Sundback against the Territory,

Was read the third time and

The question being upon the report of the Committee on Territorial Affairs,

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 12; nays, 2.

Those who voted in the affirmative were:

Messrs. Cameron, Campbell, Crawford, Dollard, Halley, Harstad, Patten, Ryan, Soderberg, Van Osdel, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Allin and Woolhiser.

Absent and not voting:

Messrs. Atkinson, Cooper, Ericson, Glaspell, Hughes, Lowry, McDonald, Miller Poindexter and Walsh.

So the bill passed, and

The question being as to its title, and being put
Its title was agreed to.

Council Bill No. 96.

A Joint Resolution for the relief of Viola Thompson, Katharine Lee and Rannie Vognild,

Was read the third time, and

The question being upon the report of the Committee on Appropriations

The report was not adopted.

The question being shall the bill pass,

The roll being called there were ayes, 7; nays, 6.

Those who voted in the affirmative were:

Messrs, Dollard, Halley, Harstad, Soderberg, Van Osdel, Walsh, Washabaugh.

Those who voted in the negative were:

Messrs. Allin, Cameron, Cooper, Ryan, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Atkinson, Campbell, Crawford, Ericson, Glaspell, Hughes, Lowry, McDonald, Miller, Patten, Poindexter.

So the bill passed and

The question being as to its title, and being put,

Its title was agreed to.

House Bill No. 283,

A bill for an act empowering corporations created and existing under and by virtue of the Laws of the Territory to amend their articles of incorporation and providing the manner thereof.

Was read the third and

Mr. Walsh offered the following amendment and moved its adoption:

Amend Section 1 line 3 printed bill by inserting after stockholders, the words "or members."

Also in line 5 by adding "member" after stockholder.

Also in line 8, after stockholder add "or member."

Also in line 11 after stock, add "or members."

Also at end of line 21, add "or members"

Also in line 28, after stockholders, add "or members."

Which motion prevailed.

The question being shall the bill pass.

The roll being called there were ayes, 14; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Cooper, Crawford, Dollard, Glaspell, Halley, Hughes, Patten, Ryan, Soderberg, Walsh, Mr. President.

Mr. Washabaugh voting in the negative.

Absent and not voting:

Messrs. Atkinson, Ericson, Harstad, Lowry, McDonald, Miller, Poindexter, Van Osdel and Woolhiser.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

Mr. President announced his signature to Council Bill No. 178.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred
Council Bill No. 312,

A bill for an act to amend Section 1 of Chapter 50 of
the Session Laws of the Seventeenth Legislative Assembly.

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

COE I. CRAWFORD,
Chairman.

The Committee on Enrolled and Engrossed Bills made
the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills report
that

Council Bill No. 255 was on the 5th day of February,
1889, at 10:30 a. m., delivered to His Excellency, Governor
L. K. Church, for his approval.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills report
that

Council Bills Nos. 120, 268, 220 and 184 were on the 5th
day of March, 1889, at 2:15 p. m., delivered to His Excel-
lency, Governor L. K. Church, for his approval.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills report
that

Council Bill No. 178 was on the 5th day of March, 1889,
at 3:50 p. m., delivered to His Excellency, Governor L. K.
Church, for his approval.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have ex-
amined

Council Bill No. 178,

A bill for an act to amend Section 121 of the Code of

Civil Procedure, relating to sham and irrelevant defenses,
And find the same correctly engrossed and enrolled.

J. H. PATTEN,
Chairman.

Council Bill No. 156,

A bill for an act to regulate the sale of intoxicating
liquors for medicinal purposes by registered pharmacists in
the Territory of Dakota,

Was read the third time and

The question being upon the report of the Committee on
Temperance,

The report was adopted.

The question being shall the bill pass.

The roll being called there were ayes, 10; nays, 3.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Crawford, Glaspell, Halley,
Poindexter, Soderberg, Washabaugh, Wochliser, Mr.
President.

Those who voted in the negative were:

Messrs. Cooper, Dollard, Ryan.

Absent and not voting:

Messrs. Allin, Cameron, Ericson, Harstad, Hughes,
Lowry, McDonald, Miller, Patten, Van Osdel, Walsh.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Campbell in the chair.

Council Bill No. 193,

A bill for an act entitled "An act to provide for the pub-
lication of the laws in certain newspapers,"

Was read the third time and

The question being upon the report of the committee,

The report was adopted.

Mr. Crawford offered the following amendment and
moved its adoption:

Amend by striking out the words and figures "350,"
where they occur in 9th line of Section 3, and insert in
lieu thereof the words and figures "one hundred (100)."

Mr. Hughes asked unanimous consent to offer a report.

There being no objections the request was granted and

The Conference Committee on Appropriations made the
following report:

To the Council and House of Representatives:

Your Special Joint Committee appointed to consider and report upon appropriations for the maintenance and improvement of the public institutions of this Territory, respectfully submit the accompanying bill and recommend that it be passed,

All of which is respectfully submitted.

ALEXANDER HUGHES,
J. M. GREENE,
E. C. ERICSON,
M. H. COOPER,
JOHN D. PATTON,
J. O. SMITH.

Mr. Hughes moved

That the rules be suspended and omnibus appropriation bill be placed on its final passage.

Which motion prevailed.

Mr. Stimmel moved

That the bill be read first, second and third times by its title only.

Which motion prevailed.

Joint Committee on Conference introduced—
Council Bill No. 314,

A bill for an act providing for an appropriation for the maintenance of the several public institutions of the Territory of Dakota.

The question being shall the bill pass,

The roll being called there were, ayes, 18; nays, 2.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Patten, Soderberg, Van Osdel, Walsh, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Ryan and Woolhiser.

Absent and not voting:

Messrs. Lowry, McDonald, Miller, Poindexter.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Dollard offered the following amendment to the amendment offered by the gentleman from Hughes on Council Bill No. 193.

Amend amendment by substituting the figures "500," and by adding to Section 3 of said bill the words, "provided, that in counties not having any newspaper that has a circulation of 500 copies, such laws shall be published in one newspaper in each of such counties to be designated by the board of county commissioners thereof."

Which motion prevailed.

The question being upon the amendment offered by the gentleman from Hughes.

The amendment prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 15; nays, 4.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Glaspell, Halley, McDonald, Soderberg, Van Osdel, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Harstad, Patten, Ryan, Washabaugh.

Absent and not voting:

Messrs. Ericson, Hughes, Lowry, Miller, Poindexter.

So the bill passed, and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 141,

A bill for an act to amend Chapter 112, Sub-Chapter 23, Section 114 of the Session Laws of 1883, relating to the impounding of trespassing animals.

Mr. Stimmel moved

That the reading of the bill be dispensed with,

Which motion prevailed.

The question being upon the report of the Committee on Judiciary,

The report was adopted.

Mr. Cooper offered the following amendment and moved its adoption:

Amend Section 1, line 20, by inserting after the words "town supervisors" the words "or board of county commissioners" and inserting after the word "supervisors" wherever else it occurs in said section the words "or county commissioners,"

Which motion prevailed.

Mr. Cooper offered the following amendment and moved its adoption:

Amend Section 1, line 22, by inserting after the word "town" the words "or county,"

Which motion prevailed.

Mr. Dollard offered the following amendment and moved its adoption:

Strike out the word "town" in line 11, Section 1, and insert the words "town or county," and in line 14, same section, strike out the words "when the town meetings of said town are usually held" and insert in lieu thereof the words "designated in the notice within the town or county where impounded."

Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes 15; nays 2.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Dollard, Ericson, Glaspell, Patten, Poindexter, Ryan, Soderberg, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Crawford and Harstad.

Absent and not voting:

Messrs. Halley, Hughes, Lowry, McDonald, Miller, Van Osdel and Washabaugh.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 5, 1889. }

MR. PRESIDENT:

I have the honor to return herewith

Council Bill No. 133,

A bill for an act to prohibit the manufacture, sale or giving away of intoxicating liquors, except for medical, scientific, mechanical and sacramental purposes, and to regulate the manufacture and sale thereof for such excepted purposes.

Which the House has passed without change.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES. }
 March 5, 1889. }

MR. PRESIDENT:

I have the honor to return herewith
 Council Bill No. 314,

A bill for an act providing for an appropriation for the
 maintenance of the several public institutions of the Ter-
 ritory of Dakota.

Which the House has passed without change.

JOHN G. HAMILTON,
 Chief Clerk.

Mr. President in the chair.

Mr. Crawford moved

That the vote by which Council Bill No. 140 was lost be
 reconsidered.

Call of the House demanded.

The roll being called all the members responded to their
 names, except

Messrs. Lowry and Miller, who were excused, and Mr.
 Patten.

The sergent-at-arms was directed to bring in the absent
 members.

All the members being present.

Mr. Hughes moved

That further proceedings under the call of the House be
 dispensed with.

Which motion prevailed.

Mr. President announced his signature to Council Bills
 Nos. 289, 212, 65, 163, 201, 7, 314 and 145.

The Committee on Enrolled and Engrossed Bills made
 the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have ex-
 amined

Council Bill No. 107,

A bill for an act to refund to the citizens of Grand Forks
 for a loan advanced to repair damages caused by a storm,
 and for other purposes,

And find the same correctly engrossed and enrolled.

C. A. SODERBERG,
 Chairman pro tem.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have ex-
 amined

Council Bills Nos. 145, 7, 201, 163, 65, 212, 289,
And find the same correctly engrossed and enrolled.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 314,

A bill for an act for an appropriation for the maintenance of the several public institutions of the Territory of Dakota.

And find the same correctly engrossed and enrolled.

J. H. PATTEN,
Chairman.

Mr. President announced his signature to House Bills Nos. 259, 276, 252, and Council Bill No. 107.

Mr. Ryan in the chair.

Mr. President in the chair.

Call of the House demanded.

The roll being called the members all responded to their names except:

Messrs. Lowry and Miller, who were excused, and Messrs. Cooper, Patten, Poindexter and Walsh.

The Sergeant-at-arms was instructed to bring in the absent members.

All members being present.

Mr. Hughes moved

That further proceedings under the call be dispensed with.

Which motion prevailed.

EXECUTIVE COMMUNICATION.

The following communication was received from His Excellency the Governor:

EXECUTIVE OFFICE, }
March 5, 1889. }

To the Council

I herewith respectfully return without my approval,
Council Bill No. 69,

Entitled "An act to locate and establish the North Dakota Territorial Agricultural College."

A careful examination of the reports of the committee

submitted to your honorable body on the 15th of February on the matter of locating this institution, relieves me of any doubt as to the propriety of my giving my approval to this bill; and as I have heretofore indicated in my veto message of House Bill No. 39,—being known as the act to locate a soldiers' home,—North and South Dakota are to all intents and purposes as separate and distinct, politically, as either section is separate and distinct from any state in the Union. Considering the comparatively few representatives in the Legislature, of each of the great sections which will in a few short months comprise the states of North and South Dakota, it necessarily follows that the people are not fully represented in the law-making body at this time; and under these circumstances, and by reason of the reports above referred to, submitted by the examining committee, I am fully satisfied that this question can, with propriety, be postponed until the first session of the State Legislature of North Dakota, which will, in all probability, assemble before the 1st of January next.

Again expressing my doubts as to the propriety of locating any new institutions at this time, either in North or South Dakota, I respectfully return said bill without my approval.

Respectfully,

LOUIS K. CHURCH,
Governor.

•
Mr. McDonald moved

That the further consideration of this matter be laid over until to-morrow at 4 p. m.

Which motion prevailed.

Mr. President announced his signature to Council Bill No. 52.

Mr. Glaspell moved

To lay the motion to reconsider Council Bill No. 140 on the table.

Roll call demanded,

The roll being called there were ayes, 9; nays 11.

Those who voted in the affirmative were:

Messrs. Atkinson, Cooper, Dollard, Ericson, Glaspell, Ryan, Soderberg, Van Osdel, Woolhiser.

Those who voted in the negative were:

Messrs. Allin, Cameron, Campbell, Crawford, Halley, Harstad, Hughes, McDonald, Poindexter, Walsh, Mr. President.

Absent and not voting:

Messrs. Lowry and Miller, who were excused.

Messrs. Patten and Washabaugh being paired.

So the motion was lost.

The question being upon the motion of the gentleman from Hughes,

Roll call demanded.

The roll being called there were ayes, 11; nays, 8.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Crawford, Halley, Harstad, Hughes, McDonald, Ryan, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Atkinson, Cooper, Dollard, Ericson, Glaspell, Soderberg, Van Osdel, Woolhiser.

Absent and not voting:

Messrs. Lowry, Miller and Poindexter, who were excused,

Messrs. Patten and Washabaugh being paired.

So the motion prevailed.

Council Bill No. 140.

Mr. Hughes moved

The previous question.

The question being shall the main question be now put,

Roll call demanded.

The roll being called there were ayes, 11; nays, 9.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Crawford, Halley, Harstad, Hughes, McDonald, Poindexter, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Atkinson, Cooper, Dollard, Ericson, Glaspell, Ryan, Soderberg, Van Osdel, Woolhiser.

Absent and not voting:

Messrs. Lowry and Miller, who were excused.

Messrs. Patten and Washabaugh being paired.

So the motion prevailed.

Mr. Ericson moved

That the further consideration of Council Bill No. 140 be laid over till 10 a. m. to-morrow.

Roll call demanded.

The roll being called there were ayes, 10; nays, 10,

Those who voted in the affirmative were:

Messrs. Atkinson, Cooper, Dollard, Ericson, Glaspel, McDonald, Ryan, Soderberg, Van Osdel, Woolhiser.

Those who voted in the negative were:

Messrs. Allin, Cameron, Campbell, Crawford, Halley, Harstad, Hughes, Poindexter, Walsh, Mr. President.

Messrs. Lowry and Miller being excused.

Messrs. Patten and Washabaugh being paired.

To the motion was lost.

Mr. Hughes moved

To make Council Bill No. 140 a special order for 6 p. m. to-night.

Mr. Ericson moved

To lay the motion of the gentleman from Burleigh on the table.

Which motion was lost.

Mr. Ericson moved

To make Council Bill No. 140 a special order for 8 p. m. this evening.

Mr. Hughes moved

To lay the motion of the gentleman from Union on the table.

Roll call demanded.

The roll being called there were, ayes, 11; nays, 9.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Crawford, Halley, Harstad, Hughes, Poindexter, Ryan, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Atkinson, Cooper, Dollard, Ericson, Glaspell, McDonald, Soderberg, Van Osdel, Woolhiser.

Absent and not voting:

Messrs. Lowry and Miller, who were excused.

Messrs. Patten and Washabaugh being paired.

So the motion prevailed.

The question being on the motion of the gentleman from Burleigh,

The motion prevailed.

The Committee on Enrolled and Engrossed Bills made the following reports:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 133,

A bill for an act to prohibit the manufacture, sale or giving away of intoxicating liquors, except for medical, scientific, mechanical and sacramental purposes, and to regulate the manufacture and sale thereof for such excepted purposes.

And find the same correctly engrossed and enrolled.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 193,

A bill for an act entitled "An act to provide for the publication of the laws in certain newspapers."

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 52,

A bill for an act making the taking of usury a misdemeanor,

And find the same correctly engrossed and enrolled.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 193,

A bill for an act entitled "An act to provide for the publication of the laws in certain newspapers,

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills report that

Council Bill No. 133 was on the 5th day of March, 1889, at 5 p. m. delivered to His Excellency, Governor L. K. Church for his approval.

J. H. PATTEN,
Chairman.

The Committee on Counties made the following report:

COUNCIL COMMITTEE REPORT.

MR. PRESIDENT:

Your Special Committee on Artesian Well Bills to whom was referred

House Bill No. 203,

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

COE I. CRAWFORD,
Chairman.

Mr. President announced his signature to Council Bill No. 133.

House Bill No. 271,

A bill for an act to authorize the settlement of differences between certain independent school districts and cities, and school townships growing out of the adjustment of school debts.

The rules were suspended and House Bill No. 271 was read the first, second and third times, and

The question being shall the bill pass,

The roll being called there were ayes, 12; nays, 3.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Dollard, Halley, Harstad, Hughes, Ryan, Walsh, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Cooper, Ericson, Soderberg.

Absent and not voting:

Messrs. Crawford, Glaspell, Lowry, McDonald, Miller, Patten, Poindexter, Van Osdel, Woolhiser.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 310,

A bill for an act to amend Subdivision 4 of Section 752 of the Penal Code of the Territory of Dakota,

Was read the third time.

The question being upon the report of the committee

The report was adopted.

The question being shall the bill pass.

The roll being called there were ayes, 16; nays, none

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Dollard, Ericson, Halley, Harstad, Hughes, McDonald, Ryan, Soderberg, Walsh, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Crawford, Glaspell, Lowry, Miller, Patten, Poindexter, Van Osdel, Woolhiser.

The question being as to its title, and being put,

Its title was agreed to.

House Bill No. 40,

A bill for an act to amend Section 14 of Chapter 10, Session Laws of 1887, relating to county auditors,

Was read the third time, and

The question being upon the report of the Committee on Counties,

The report was adopted.

Mr. Ericson offered the following amendment and moved its adoption;

Strike out the words "and one-half of one mill on each dollar in excess of said last named sum and less than two million dollars" in lines 13 and 14 in section 2.

Roll call demanded,

The roll being called there were ayes 12; nays 8.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Cooper, Crawford, Dollard, Ericson, Harstad, Soderberg, Van Osdel, Woolhiser, Mr. President,

Those who voted in the negative were:

Messrs. Campbell, Glaspell, Halley, Hughes, McDonald, Ryan, Walsh, Washabaugh.

Absent and not voting:

Messrs. Lowry, Miller, Patten, Poindexter.

So the motion prevailed.

The question being shall the bill pass.

The roll being called there were ayes, 12; nays, 7.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Crawford, Dollard, Halley, Hughes, McDonald, Poindexter, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Atkinson, Cooper, Ericson, Harstad, Ryan, Soderberg, Van Osdel.

Absent and not voting:

Messrs. Lowry, Miller, Patten, Poindexter and Washa-
baugh.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

Mr. President announced his signature to Council Bill
No. 193.

Mr. Glaspell asked leave to introduce a bill and moved

That the rules be suspended and Council Bill No. 315 be
read the first and second times and referred to its appro-
priate committee.

Which motion prevailed.

Mr. Glaspell introduced—

Council Bill No. 315,

A bill for an act making appropriation for deficiency for
coal for the North Dakota Hospital for the Insane,

Was read the first and second times and

Referred to the Committee on Appropriations.

SPECIAL ORDERS.

The hour for special orders for the day having arrived
the Council took up the consideration of Council Bill No.
140.

Call of the house demanded.

The roll being called, all the members responded to their
names except

Messrs Lowry and Miller who were excused.

The members all being present,

Mr. Hughes moved

That further proceedings under the call of the house be
dispensed with.

Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 11; nays, 8.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Crawford, Halley,
Hughes, McDonald, Poindexter, Ryan, Walsh, Mr. Presi-
dent.

Those who voted in the negative were:

Messrs. Atkinson, Cooper, Dollard, Ericson, Glaspell,
Soderberg, Van Osdel, Woolhiser.

Absent and not voting:

Mr. Lowry, who was excused.

Messrs. Harstad and Miller, Patten and Washabugh being paired.

So the bill passed, and

The question being as to its title and being pu'

Its title was agreed to.

Mr. Crawford presented the following explanation to his vote on Council Bill No. 140:

I now vote for this bill on the ground that since voting before I have received a communication from people in my district requesting that I vote for this bill. That feature of the bill relating to the exempting of all the lands of any railroad company, paying under the gross earnings system, from taxation is against my judgment, but I do not desire to set up my judgment against the only expression I have from my district on this subject.

Mr. Van Osdel moved

That the Council do now adjourn.

Mr. Ericson moved

To amend the motion of the gentleman from Yankton by inserting 8 p. m.

Which motion prevailed.

The question being upon the motion of the gentleman from Yankton,

Which motion prevailed, and

Mr. President announced the Council at recess till 8 p. m.

After recess.

The Council was called to order by Mr. President in the chair.

Mr. Ericson in the chair.

Mr. Crawford moved

That Mr. Allin be excused from this evening's session.

Which motion prevailed.

House Bill No. 19,

A bill for an act to give publicity to chattel mortgage sales,

Was read the third time and

The question being upon the report of the Committee on Judiciary,

The report was adopted.

Mr. Crawford offered the following amendment and moved its adoption:

Amend Section 4 of Council Bill No. 19, by striking from lines 13, 14 and 15, of the written bill, the words: "In the county wherein the mortgage shall have been filed."

Which motion prevailed.

Mr. Crawford offered the following amendment and moved its adoption:

Amend House Bill No. 19 by striking out Section 11 of written bill.

Which motion prevailed.

Mr. Atkinson moved

That the further consideration of House Bill No. 19 be indefinitely postponed.

Which motion prevailed.

Mr. Washabaugh moved

That the roll be called and each member make a choice of a bill to be brought up in the regular order.

Mr. Stimmel moved

To amend by reversing the order of roll call.

Mr. Cooper moved

To lay the motion of the gentleman from Cass on the table.

Which motion prevailed.

The question being upon the motion of the gentleman from Lawrence,

The motion prevailed.

The Committee on appropriations make the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred Council Bill No. 315,

A bill for an act making appropriation for deficiency for coal for the North Dakota Hospital for the Insane,

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

Add the following as Section 2:

"Sec. 2. The Auditor of the Territory of Dakota is hereby authorized and empowered to hear, determine and audit claims arising under the foregoing item, and to issue his warrant upon the Territorial Treasurer in amounts not exceeding the foregoing appropriation for such amounts as he shall find to be justly due; provided, that the board of the said Hospital for the Insane shall certify the same to be due and unpaid."

Change the number of Section two to section three.
And as so amended that the bill do pass.

HUGH McDONALD,
Chairman.

EXECUTIVE COMMUNICATION.

The following communication was received from His Excellency, the Governor:

EXECUTIVE OFFICE, }
March 5, 1889. }

To the Council:

I herewith respectfully return, without my approval,
Council Bill No. 178,

Entitled "An act to amend Section 121 of the Code of Civil Procedure relating to to sham and irrelevant defenses."

Section 121 of the Code of Civil Procedure by this proposed bill is amended so as to read as follows: "Sham and irrelevant answers and defenses including general or specific denials may be stricken out upon motion and upon such terms as the court may in their discretion impose."

The effect of this bill would be to enable the determination on affidavits of such issues as may be created by a general or specific denial, and to render it very doubtful whether an appeal could be taken from such decision,—as this amendment provides that a motion to strike out defenses under a general and specific denial may be made upon such terms as the court may in their discretion impose.

The rule of law, as at present laid down by Section 121, that sham and irrelevant defenses may be stricken out upon motion and upon such terms as the courts may in their discretion impose, relates to a certain class of defenses which appear to be sham and irrelevant on the face of the pleadings. For the Legislature to go further and provide that defenses which arise by virtue of a general or specific denial may be stricken out on motion, and in the discretion of the court, in my opinion, confers too much power on the judge; and in the event of mistake or abuse, would operate, not only harshly, but would tend to the trial of issues of fact and the determination of the same upon affidavits, which is certainly very objectionable, because—if there is any question at all as to whether a certain defense which

is interposed under a specific or general denial has any merit, it should certainly be determined as other questions of fact—by a jury—and not left open, per adventure, to be determined on affidavits, which we must all concede would be a very unsatisfactory way of determining any question—especially one of fact—it being better in questions of this character for the court or jury to have an opportunity of seeing the witnesses, hearing their testimony, and from all the surrounding circumstances, together with the manner of the witness and the giving of his testimony, to determine whether or not the truth is told.

Respectfully,

LOUIS K. CHURCH,
Governor.

Mr. Ryan moved

That all appropriation bills be given the preference.

There being less than two-thirds voting in the affirmative, the chair decided the motion was lost.

Mr. Hughes appealed from the decision of the chair.

The question being shall the chair be sustained,
Roll call demanded.

The roll being called, there were ayes, 8; nays, 9,

Those who voted in the affirmative were:

Messrs. Campbell, Cooper, Crawford, Glaspell, Harstad,
Patten, Soderberg, Van Osdel.

Those who voted in the negative were:

Messrs. Atkinson, Cameron, Dollard, Halley, Hughes,
Ryan, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Allin, Ericson, Lowry, McDonald, Miller, Poin-
dexter and Walsh.

So the chair was not sustained.

The question being upon the motion of the gentleman
from Aurora,

The motion prevailed.

Mr. Halley moved

That Council Bill No. 305 be put upon its third reading
and final passage.

Mr. Glaspell moved

To amend by including Council Bill No. 315,

Which motion prevailed.

The question being upon the motion of the gentleman
from Pennington,

The motion prevailed,
Mr. President in the chair.
Council Bill No. 305,

A bill for an act making appropriations to cover deficiencies in the funds of the University of Dakota School of Mines of Dakota, the Dakota Hospital for the Insane,

Was read the third time, and

The question being upon the report of the Committee on Appropriations.

The report was adopted.

The question being shall the bill pass,
The roll being called there were ayes. 13; nays, 3.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Crawford, Ericson, Glaspell, Halley, Hughes, McDonald, Soderberg, Van Osdel, Walsh, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Campbell, Cooper, Woolhiser.

Absent and not voting:

Messrs. Allin, Dollard, Harstad, Lowry, Miller, Patten, Poindexter and Ryan.

So the bill passed, and

The question being as to its title, and being put,
Its title was agreed to.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from his Excellency the Governor:

EXECUTIVE OFFICE, / }
March 5, 1889. }

To the President of the Council:

I have the honor to inform your honorable body that I have approved

Council Bill No. 182,

Entitled "An act authorizing the Commissioner of Immigration to donate the property left from the Dakota exhibit at the Worlds Industrial and Cotton Centennial Exposition at New Orleans to the University of North Dakota at Grand Forks and the University of Dakota at Vermillion, Dakota."

Also,

Council Bill No. 184,

Entitled an act entitled "An act relating to the Compiled Laws."

Also,

Council Bill No. 220,

Entitled "An act declaring the admissibility of the Compiled Laws of 1887 as legal evidence of the General Statutes of Dakota Territory,"

Also,

Council Bill No. 201,

Entitled an act entitled "An act to provide for filing of bonds of township assessors and the duties of township clerks,"

Also,

Council Bill No. 145,

Entitled "An act to provide for making reports and disposal of fines, forfeitures, penalties and costs in criminal cases."

Also,

Council Bill No. 52,

Entitled "An act making the taking of usury a misdemeanor."

Also,

Council Bill No. 268,

Entitled "An act to limit the terms of territorial officers, directors, regents and trustees."

Also,

Council Bill No. 212,

Entitled "An act giving police powers to conductors of railway trains carrying passengers,"

Also,

Council Bill No. 7,

Entitled "An act to amend Section 1100 of the Civil Code,"

Also,

Council Bill No. 163,

Entitled "An act for the maintenance of the public offices of the Territory."

And the said bills have been filed in the office of the Secretary.

Respectfully,

LOUIS K. CHURCH.

Governor.

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

Be it Resolved. By the Council that Council Bill No. 193 be recalled from the office of the Governor.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
 March 5, 1889, }

MR. PRESIDENT:

I have the honor to transmit herewith
 House Bill No. 234,

A bill for an act to amend Sections 1, 5, 6, 7, 9, 12, 13 and 15, of Chapter 3, of the General Laws of 1887, entitled "An act to create a Territorial Department of Agriculture and relating to agricultural societies and agricultural fairs, and providing for reports of same."

Together with the message of the Governor vetoing the same and to inform the Council that the House has passed the same, the objections of the Governor to the contrary notwithstanding, and your favorable consideration thereof is respectfully requested.

JOHN G. HAMILTON,
 Chief Clerk.
 EXECUTIVE OFFICE, }
 March 5, 1889. }

To the House of Representatives:

I herewith respectfully return without my approval
 House Bill No. 234,

Entitled "An act to amend Sections 1, 5, 6, 7, 9, 12, 13, and 15, of Chapter 3, of the General Laws of 1887, entitled "An act to create a Territorial Department of Agriculture, and relating to agricultural societies and agricultural fairs, and providing for reports of same,"

Section 7 of Chapter 3 of the Laws of 1887 appropriates the sum of six thousand dollars from the Territorial treasury which shall be paid in equal moieties to the district boards of agriculture.

Upon examination of this bill it seems that the principal object in view is to increase said appropriation from six thousand to ten thousand dollars.

I decline to approve of this appropriation, believing that some provision might be made whereby the participants in the fairs and the stock showmen, who receive almost the entire benefit, should pay a just proportion of the expense. I believe that the sum of six thousand dollars, already appropriated by Chapter 3 of the laws of 1887, is an ample contribution from the general tax payers of the Territory.

Respectfully,
 LOUIS K. CHURCH, Governor.

Mr. Ericson moved

That the consideration of veto messages be laid over until 3 p. m., Thursday,

Which motion prevailed.

Council Bill No. 315,

A bill for an act making appropriation for deficiency for coal for the North Dakota Hospital for the Insane,

Was read the third time, and

The question being upon the report of the Committee

The report was adopted.

The question being shall the bill pass.

The roll being called there were ayes, 13; nays, 2.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Crawford, Ericson, Glaspell, Halley, Harstad, Hughes, McDonald, Ryan, Walsh, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Soderberg and Woolhiser.

Absent and not voting:

Messrs. Allin, Campbell, Cooper, Dollard, Lowry, Miller, Patten, Poindexter, Van Osdel, Washabaugh.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 5, 1889, }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 330,

A bill for an act to authorize and direct the Territorial Auditor to audit and allow an account of M. L. McCormack, against the Territory of Dakota,

Also,

House Bill 338,

A bill for an act to establish a Territorial board of corrections and charities for the Territory of Dakota,

Also,

House Bill No. 340,

A Joint Resolution providing for the printing and dis-

tribution of 100,000 copies of the Sioux Falls constitution and making appropriation therefor,

Also,

House Bill No. 327,

A bill for an act to provide for the appointment of county board of auditors, and for the loaning and deposit of county funds and for the duties and compensation of said board and county treasurer.

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

Also to return,

Council Bill No. 47,

A bill for an act to authorize courts by their judgment to cancel incumbrances upon and to establish and convey title to real property in certain cases,

Also,

Council Bill No. 287,

A bill for an act to prohibit the importation, sale or exposure of infected animals and to prescribe punishment therefor,

Which the House has passed without change.

JOHN G. HAMILTON,

Chief Clerk.

Mr. Hughes moved

To take up House Bill No. 151 and Council Bill No. 198,
Which motion prevailed.

The Committee on Territorial Affairs presented the following reports:

MR. PRESIDENT:

Your Committee on Territorial Affairs to whom was referred

House Bill No. 300.

A bill for an act entitled "An act making appropriation to reimburse Benjamin F. Porter, ex-sheriff of Custer county, Dakota, for money expended and for official duty performed in conveying Jennie Hart to the Dakota Reform School,"

Beg leave to report that they have had the same under consideration and recommend that said bill do pass.

F. J. WASHBAUGH,

Chairman.

MR. PRESIDENT:

Your Committee on Territorial Affairs to whom was referred

Council Bill No. 138,

A bill for an act to establish, locate and build a Soldiers' Home,

Also,

Council Bill No. 308,

A bill for an act to appropriate money to pay J. M. Learn for certain horses killed by the Territorial Veterinary Surgeon,

Also,

Council Bill No. 186,

A concurrent resolution,

Also,

Council Bill No. 262,

A concurrent resolution, and

House Bill No. 58,

A bill for an act to repeal Chapter 124, of the General Laws of 1887, entitled "An act to create the office of public examiner, defining their duties, etc.,"

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

Your Committee have also had under consideration

House Bill No. 212,

A Joint Resolution extending thanks to Hon. P. F. McClure,

Also,

House Bill No. 346.

A Joint Resolution providing for an appropriation for the payment of witnesses and other expenses in the investigation into the conduct and management of the office of Territorial Veterinarian,

Also,

House Bill No. 201,

A bill for an act providing for the appointment of regents, directors or trustees of educational, penal and charitable institutions of the Territory,

Have had the same under consideration and report the same back without recommendation.

F. J. WASHABAUGH,

Chairman.

Mr. Ericson in the chair.

Mr. Hughes moved

To suspend the rules and put Council Bill No. 316 on its first, second and third readings and final passage,

Which motion prevailed.

Mr. Patten asked unanimous consent to introduce a bill and moved it be read the first, second and third times and put on its final passage,

Which motion prevailed.

Mr. Patten introduced—

Council Bill No. 316,

A Joint Resolution calling Council Bill No. 193 from the Governor,

Was read the first, second and third times.

The question being shall the bill pass.

The roll being called there were ayes, 16; nays, none.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Halley, Hughes, McDonald, Patten, Poindexter, Soderberg, Van Osdel, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Allin, Glaspell, Harstad, Lowry, Miller, Poindexter, Ryan, Walsh.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

House Bill No. 151,

A bill for an act providing for the publication and distribution of Long's Legislative Hand Book.

Was read the third time, and

Mr. Cooper offered the following amendment, and

Moved its adoption,

To amend section 1, line 2, by striking out the word "two" and inserting the word "one," and amend section 2 by striking out "fifteen hundred dollars" where it occurs in said section and inserting in lieu thereof "seven hundred and fifty dollars," which motion was lost.

Mr. Crawford offered the following amendment, and moved its adoption,

Amend House Bill No. 151 by striking out the words and figures "fifteen hundred" where they occur in the bill and inserting in lieu thereof the words and figures "one thousand,"

Roll call demanded.

The roll being called, there were ayes, 10; nays, 11.

Those who voted in the affirmative were:

Messrs. Cameron, Cooper, Crawford, Ericson, Glaspell, Harstad, Patten, Poindexter, Soderberg, Van Osdel.

Those who voted in the negative were:

Messrs. Atkinson, Campbell, Dollard, Halley, Hughes, McDonald, Ryan, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Allen, Lowry and Miller.

So the motion was lost.

The question being shall the bill pass.

The roll being called there were ayes 13; nays 8.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Campbell, Dollard, Glaspell, Halley, Hughes, McDonald, Ryan, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Cooper, Crawford, Ericson, Harstad, Patten, Poindexter, Soderberg, Van Osdel.

Absent and not voting:

Messrs. Allin, Lowry and Miller.

So the bill passed.

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 198,

A bill for an act to appropriate funds to pay Charles W. Thompson for rebate of freights on material for the construction of the capitol building at Bismarck, as per finding of board of arbitration in the case of C. W. Thompson vs. Territory of Dakota,

Was read the third time.

The question being upon the report of the Committee on Appropriations.

The report was adopted.

The question being shall the bill pass.

The roll being called, there were ayes, 10; nays, 3.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Campbell, Glaspell, Hughes, McDonald, Poindexter, Ryan, Soderberg, Walsh.

Those who voted in the negative were:

Messrs. Ericson, Harstad, Washabaugh.

Absent and not voting:

Messrs. Allin, Cooper, Crawford, Dollard, Halley, Lowry, Miller, Patten, Van Osdel, Woolhiser and Mr. President.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Mr. President announced his signature to House Bills Nos. 371 and 310.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 5, 1889. }

MR. PRESIDENT:

I have the honor transmit herewith

Council Bill No. 316,

A Joint Resolution recalling Council Bill 193 from the Governor,

Also,

Council Bill No. 205,

A bill for an act to revise and harmonize the existing systems of public education and to abolish the Territorial Board of Education, which have passed the house without change.

Respectfully,

J. G. HAMILTON,
Chief Clerk.

Mr. Hughes moved

That the enrolling committee be instructed to secure the signature of the presiding officers, and Chief Clerks of both Houses to Council Bill No. 205, and the amendments made thereto, and present the same to the Governor for his approval at once without enrollment.

Which motion prevailed by unanimous consent.

House Bill No. 346

Was taken up and put upon its final passage.

Mr. Cooper moved,

That the further consideration of House Bill No. 346 be indefinitely postponed,

Which motion was lost.

The roll being called there were ayes 11, Nays 5,

The question being shall the bill pass.

Those who voted in the affirmative were,

Messrs. Atkinson, Cameron, Campbell, Crawford, Ericson, Glaspell, Halley, Hughes, Soderberg, Walsh.

Those who voted in the negative were,

Messrs. Cooper, Harstad, Ryan, Van Osdel, Washabaugh.

Absent not voting,

Messrs. Allin, Dollard, Lowry, McDonald, Miller, Patten, Poindexter, Woolhiser, and Mr. President.

So the bill passed and
The question being as to its title and being put,
Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives.

HOUSE OF REPRESENTATIVES, }
March 5, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
Council Bill No. 297,

A bill for an act authorizing cities having the requisite
number of inhabitants to extend their corporate limits.

Also,

Council Bill No. 105,

A bill for an act to amend Section 658 of the Civil Code
of the Territory of Dakota relating to the acknowledge-
ment of instruments.

Which has passed the House without change.

Respectfully,

J. G. HAMILTON,
Chief Clerk.

The Committee on Enrolled and Engrossed Bills made
the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills report
that Council Bill No. 193 is returned herewith from the
Governor's office as required by joint resolution.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have ex-
amined

Council Bill No. 105,

A bill for an act to amend Section 658 of the Civil Code
of the Territory relating to acknowledgment of instru-
ments,

And find the same correctly engrossed.

Also,

Council Bill No. 297,

A bill for an act to authorize cities having the requisite
number of inhabitants to extend their corporate limits.

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

Mr. Hughes moved
That House Bill No. 69 be taken up.
Which motion prevailed.
House Bill No. 69,

A bill for an act to compensate the owner or owners of certain cattle killed in Oliver county, Dakota, on order of the Governor and Territorial board of health,

Was read the third time and

Mr. Glaspell offered the following amendment and moved its adoption:

Mr. Glaspell moved

To amend by inserting between Sections 3 and 4 an additional section to read as follows:

That there is hereby appropriated out of the Territorial treasury, not otherwise appropriated, the sum of four hundred dollars to compensate William Hart of Stutsman county for four horses killed under the authority of the veterinary surgeon of the Territory for alleged glanders; and

Heber McHugh of Foster county the sum of seven hundred dollars for seven horses; and to

John McGinnis of Stutsman county the sum of nine hundred dollars for nine horses; and to

W. F. Gardner of Lawrence county the sum of two hundred dollars for two horses; and to

John Wood of Lawrence county the sum of one hundred dollars for one horse; and to

Mrs. Jane S. Knight of ——— county the sum of three hundred dollars for three horses, all killed by the same authority and for like cause,

And amend the bill by renumbering the sections.

Mr. Hughes moved

To lay the motion of the gentleman from Stutsman on the table,

Which motion prevailed.

The question being shall the bill pass.

Mr. Glaspell raised the point of order

That the motion to lay the amendment on the table carried the bill with it.

The President pro tem decided the point not well taken.

Mr. Glaspell appealed from the decision of the chair.

The question being shall the chair be sustained.
The decision of the chair was sustained.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 353,

A bill for an act to amend Section 39, Chapter 69, Laws of 1885, regulating the distribution of fees received by the Insurance Department of the Territorial Auditor's office.

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

Respectfully,

JOHN G. HAMILTON,
Chief Clerk.

Mr. Walsh offered the following amendment, and
Moved its adoption,

There is hereby appropriated out of the territorial treasury, not otherwise appropriated, the sum of seven hundred dollars to pay the following persons for horses killed by order of Territorial Veterinary, as follows:

To John Lynch, for one horse the sum of.....	\$100
To Theodore Holton, for two horses the sum of.....	200
To J. K. Swan, for one horse the sum of.....	100
To Nels Nelson, for two horses the sum of.....	200
To Fred Brown for one horse the sum of.....	100

Mr. Washabaugh moved

To lay the motion of the gentleman from Grand Forks 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 beg leave to report that Council Bill No. 205 was presented at the door of the Executive Office at the hour of 10:15 p. m., March 5, 1889, both houses being in session at the time, and was unable to obtain admittance.

J. H. PATTEN,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 5, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
Council Bill No. 193,

A bill for an act to provide for the publication of the
laws in certain newspapers,

Which has passed the house unchanged.

Respectfully,

J. G. HAMILTON,
Chief Clerk.

Mr. Dollard moved

That a copy of the report of the Committee on Enrolled
and Engrossed bills in reference to Council Bill No. 205 be
transmitted to the House of Representatives.

Which motion prevailed.

Mr. Crawford moved

That the Council do now adjourn till 10 a. m. tomorrow,
and that House Bill No. 69 be made a special order for
that hour.

Which motion prevailed, and

The president pro tem. announced that the council stood
adjourned till 10 a. m. tomorrow.

R. E. WALLACE,
Chief Clerk.

FIFTY-EIGHTH DAY.

BISMARCK, March 6, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll being called, the members all responded to their names except

Mr. Miller who was excused.

Mr. Hughes moved

That House Bill No. 69 be made a Special Order for 2 p. m. to-day.

Which motion prevailed.

FIRST AND SECOND READING OF COUNCIL BILLS.

Mr. Ryan introduced—

Council Bill No. 317,

A bill for an act to appropriate funds to pay deficiency in the construction fund of the Dakota Reform School at Plankinton.

Which was read the first and second times, and Referred to Committee on Appropriations.

Council Bill No. 301,

A bill for an act entitled "An act to authorize the Commissioner of Immigration to publish in foreign languages any advertising matter pertaining to his department."

Which was read the first and second times, and Referred to Committee on Territorial Affairs.

House Bill No. 256,

A Joint Resolution providing payment for the transportation of the mail to and from the Capitol.

Was read the third time, and

The question being upon the report of the Committee on Appropriations,

The report was adopted.

The question being shall the bill pass.

The roll being called there were ayes, 12; nays, 9.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Crawford, Dollard, Glaspell, Hughes, McDonald, Ryan, Soderberg, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Atkinson, Cooper, Ericson, Halley, Harstad, Poin-dexter, Van Osdel, Washabaugh, Woolhiser.

Absent and not voting:

Messrs. Lowry, Miller and Patten.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Erickson in the chair.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 6, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 297,

A bill for an act to provide for incorporation and regulation of Co-operative or Assessment, Life, Endowment, and Casualty Insurance Associations and Societies,

Also,

House Bill No. 332.

A bill for an act to declare certain combinations, con-trivances, agreements and trusts unlawful and to restrain and punish the same,

Also,

House Bill No. 355,

A bill for an act to define the boundaries of Wells and Eddy counties.

Which the House has passed and your favorable consid-eration thereof is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Highways, Bridges and Ferries to whom was referred

House Bill No. 94,

A bill for an act amending Section 36 of Sub-Chapter 2 of Chapter 112 of the General Laws of 1883, entitled "An act to provide for the organization of civil townships and the government of the same,"

Have had the same under consideration and return the same without recommendation.

G. A. HARSTAD,
Chairman.

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred

Council Bill No. 292,

A bill for an act to amend an act entitled "An act to enable the land owners of lands to drain and reclaim them, prescribing the powers of county commissioners to provide for the enlargement of such drains,"

Have had the same under consideration and herewith return the same without recommendation.

C. A. SODERBERG,
Chairman.

Mr. Dollard moved

That the Committee on Enrolled and Engrossed Bills is instructed to deliver to the Governor, Council Bill No. 205.

Which motion prevailed.

Council Bill No. 260,

A bill for an act to aid in procuring pensions for disabled soldiers residing in Dakota Territory.

The question being upon the report of the Committee on Military Affairs,

The report was adopted.

The question being shall the bill pass.

The roll being called there were ayes 8; nays 10.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Hughes, McDonald, Ryan, Walsh, Mr. President,

Those who voted in the negative were:

Messrs. Cameron, Cooper, Crawford, Ericson, Harstad, Patten, Soderberg, Van Osdel, Washabaugh, Woolhiser.

Absent and not voting:

Messrs. Dollard, Glaspell, Halley, Lowry, Miller, Poin-dexter.

So the bill was lost.

Mr. President in the chair.

Mr. President announced his signature to Council Bill No. 297.

Mr. Ericson in the chair.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Grain and Warehouses to whom was referred

House Hill No. 235,

A bill for an act relating to elevator and warehouse receipts for grain stored, to protect owners of such receipts, and defining their duties, liabilities and obligations of persons issuing the same as to delivery of grain thereupon,

Have had the same under consideration and report same back without recommendation.

Also,

House Bill No. 385,

A bill for an act to amend Chapter 151 of the General Laws of 1885, relating to weights and measures,

Which your Committee reports back without recommendation.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

Your Committee having had under consideration

House Bill No. 76,

A bill for an act to amend Section 7 of Chapter 121 of the Laws of 1887, entitled "An act to regulate the practice of pharmacy, the licensing of persons to carry on such practice and the sale of poisons in the Territory of Dakota,"

Would respectfully report and recommend that the same do pass.

A. W. CAMPBELL,
Chairman.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 297,

A bill for an act to authorize cities having the requisite number of inhabitants to extend their corporate limits, and find the same correctly engrossed and enrolled.

J. H. PATTEN.

Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills report that

Council Bill No. 297 was on the 6th day of March, 1889, at 11:15 a. m., delivered to His Excellency, Governor L. K. Church, for his signature.

J. H. PATTEN,

Chairman.

House Bill No. 207,

A bill for an act to encourage organization and maintenance of county or district agricultural societies in the Territory of Dakota,

Was read the third time and

The question being upon the report of the committee.

The report was not adopted.

The question being shall the bill pass.

The roll being called there were ayes 3; nays 16.

Those who voted in the affirmative were:

Messrs. Campbell, Soderberg, Walsh.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Cameron, Cooper, Crawford, Dollard, Ericson, Glaspell, Harstad, Hughes, Poindexter, Ryan, Van Osdel, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Halley, Lowry, McDonald, Miller and Patten.

So the bill was lost.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 6, 1889. }

MR. PRESIDENT:

I have the honor transmit herewith
House Bill No. 348,

A bill for an act to regulate the receiving and transportation of freight and passengers on railroads in this territory, and to empower the attorney general and district attorneys to enforce the provisions of the same,

Also,

House Bill No. 319,

A bill for an act making it the duty of county commissioners to assist indigent persons entitled to admission to the School for Deaf Mutes at Sioux Falls,

Also,

House Bill 274,

A bill for an act to aid in the enforcement of statutes relating to the sale of intoxicating liquors,

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

JOHN G. HAMILTON,
Chief Clerk.

Mr. Cooper moved

To suspend the rules and take up the consideration of Council Bill No. 294.

Which motion prevailed.

Council Bill No. 294,

A bill for an act to amend Section 47, Chapter 27 of the Political Code (Section 1,486 of Compiled Laws) defining who are entitled to vote,

Was read the third time and

Mr. Hughes moved

That further consideration of Council Bill No. 294 be indefinitely postponed.

Roll call demanded.

Mr. Patten moved

To amend the motion of the gentleman from Burleigh by making Council Bill No. 294 a Special order for 3 p. m. today.

Which motion prevailed.

Mr. Hughes, with the consent of his second, withdrew the motion to indefinitely postpone.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills report that Council Bill No. 205 was on the 6th day of March, 1889, at the hour of 10:30 a.m. presented to His Excellency,

Governor Louis K. Church, and that he refused to receive it.

J. H. PATTEN,
Chairman.

Mr. Stimmel moved

That the Engrossing Committee be instructed to have Council Bill No. 205 properly engrossed and enrolled.

Which motion prevailed.

House Bill No. 219,

A bill for an act providing for the printing of the reports of the Territorial officers and institutions for the fiscal years 1887 and 1888,

Was read the third time and

The question being, shall the bill pass.

The roll being called there were ayes, 16; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Ryan, Soderberg, Walsh, Woolhiser.

Absent and not voting:

Messrs. Lowry, McDonald, Miller, Patten, Poindexter, Van Osdel, Washabaugh, Mr. President.

So the bill passed and

The question being as to the title and being put,

Its title was agreed to.

Mr. Ryan moved

That the Council take a recess till 2 p. m.

Which motion prevailed, and

The President pro tem announced the Council at recess.

After recess.

The Council was called to order by the President in the chair.

Mr. Hughes moved

That a committee of three be appointed to enroll Council Bill No. 140, and report as soon as possible, and that Messrs. Ericson, Dollard and Patten be the committee.

Which motion prevailed.

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

Resolved, That no bill in the hands of the Governor be ordered recalled by the Council without the consent of its author.

Which motion prevailed.

House Bill No. 348,

A bill for an act entitled "An act to regulate the receiving and transportation of freight and passengers on railroads in this Territory, and to empower the attorney general and district attorneys to enforce the provisions of the same."

Mr. Cooper moved

That House Bill No. 348 be read the first and second times and

Referred to its appropriate committee.

Mr. President announced the appointment of Mr. A. C. McMillan and Misses M. L. Waterburg, E. S. Hanson, F. T. Staley, A. Eagan and Miss Keys as assistant enrolling and engrossing clerks.

The newly appointed clerks all presented themselves and the oath was administered to them by Mr. President.

Mr. Van Osdel in the chair.

House Bill No. 322,

A bill for an act to provide clerks for probate courts,
Was read the third time, and

Mr. Walsh offered the following amendment and moved its adoption:

Amend line 2, Section 1, printed bill, by striking out the word "three."

Which motion prevailed.

Mr. Stimmel moved

That the Sergeant-at-Arms be instructed to remove the tables in the back part of the Council Chamber to the room of the Enrolling and Engrossing Committee,

Which motion prevailed.

Mr. Poindexter offered the following amendment and moved its adoption:

Strike out the word "three" in line 4 of Section 1 of the printed bill,

Which motion was lost.

The question being shall the bill pass.

The roll being called there were ayes, 14; nays 4.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Glaspell, Halley, Lowry, Poindexter, Ryan, Soderberg, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Crawford, Ericson, Harstad, Van Osdel.

Absent and not voting:

Messrs. Dollard, Hughes, McDonald, Miller, Patten.
Washabaugh.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives.

HOUSE OF REPRESENTATIVES, }
March 5, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 327,

A bill for an act to provide for the appointment of
county board of auditors and for the loaning and deposit
of county funds, and compensation of said board and
county treasurer,

Which the House has passed and your favorable consid-
eration thereof is respectfully requested.

J. G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
March 6, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 246,

A bill for an act to provide for fees for foreclosure of
mortgage of real estate by advertisement.

Which the House has passed and your favorable consid-
eration thereof is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

The Committee on Revenue made the following report:

MR. PRESIDENT:

Your Committee on Revenue to whom was referred
Council Bill No. 70.

A bill for an act to amend Section 3 of Chapter 140 of
the Laws of 1887, relating to the manner of assessing bank
stock,

Also,

Council Bill No. 77,

A bill for an act to amend Section 54 of Chapter 28 of the Political Code of 1877,

Return the above without recommendation, as the committee have been unable to consider them for lack of time.

M. H. COOPER,
Chairman.

Mr. President in the chair.

Council Bill No. 282,

A bill for an act to define the authority to incur and limit indebtedness on the part of cities,

Was read the third time, and

The question being shall the bill pass.

The roll being called there were ayes, 13; nays, 2.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Cooper, Crawford, Halley, Lowry, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Harstad and Wochliser.

Absent and not voting:

Messrs. Atkinson, Dollard, Ericson, Glaspell, Hughes, McDonald, Miller, Patten, Washabaugh.

So the bill passed and

The quest on being as to its title, and being put,

Its title was agreed to.

Mr. Allin moved

That the vote by which House Bill No. 40 was passed be reconsidered.

Which motion prevailed.

Mr. President announced his signature to House Bill No. 318.

Mr. Hughes moved

That the vote by which substitute for House Bill No. 19 was indefinitely postponed be, and the same is hereby reconsidered.

Which motion prevailed.

House Bill No. 19,

A bill for an act to give publicity to chattel mortgage sales.

Mr. Hughes offered the following amendment and moved its adoption:

Strike out last four words of line 10 and insert in lieu thereof the words "July 1, 1889."

Which motion prevailed.

Mr McDonald offered the following amendment and moved its adoption:

Amend by striking out the word "five" in line 2 of Section 6 of the printed bill, and inserting in lieu thereof the word "three."

Which motion prevailed.

Mr. Poindexter offered the following amendment and moved its adoption:

Strike out all of Sections 3 and 4, and in lieu thereof insert as Section 3, the following:

SEC. 3. The notice of foreclosure of a chattel mortgage by advertisement shall be served on the mortgagee the same as a summons is served in civil action at least ten days before the day of sale.

EXECUTIVE COMMUNICATIONS.

The following communication was received from His Excellency the Governor:

EXECUTIVE OFFICE,
March 6, 1889. }

To the Council

I herewith respectfully return without my approval,
Council Bill No. 120,

Entitled "An act to provide for security to the public against errors, omissions and defects in abstracts of title to real estate."

Section 1 of said act provides: "It shall be unlawful for any person, firm or corporation to engage in the business of making or compiling abstracts of titles to real estate in the Territory of Dakota or to demand and receive pay for the same without first filing in the office of the county clerk, or auditor of the county in which such business is conducted, a bond to the county in which said business of abstracting is conducted in the penal sum of \$10,000, with not less than three sureties, residents of the county, to be approved by the board of county commissioners."

And it further provides that in counties of less than 10,000 inhabitants the said bond shall be \$5,000.

The effect of this provision is to prevent the making of abstracts by any person, firm or corporation, and also to prevent persons from performing the clerical work of making

such compilations. For the Legislature to provide that this business shall be confined to a certain class, who may organize for the transaction of such business, would be in the direction of creating a monopoly for the performance of this kind of work. There can be no good reason advanced why this should be done—no more reason than that an act should be passed providing that certain kinds of employment shall not be entered upon by any person unless he shall file a bond with some board in the penalty of five or ten thousand dollars. Such provisions are contrary to the sound principles of government and likewise it has a tendency to prevent the freedom which should exist in all classes of employment.

It is made the duty of the county clerk or auditor by Section 2 of this bill to issue a certificate of authority under his hand and seal, indicating the authority by which such abstracts are made.

Section 3 provides that the board of county commissioners of the county where the bond above provided for is to be filed may at any time require such abstractor, upon ten days notice, to give additional security upon said bond and show cause why the same should not be declared invalid, and the certificate thereof recalled and annulled; and if within such time the additional security to be approved by said board of county commissioners be not furnished, and no sufficient reason be shown to the commissioners why the same should not be required, then said bond shall be declared invalid and the certificate thereof be recalled and annulled. This provision clothes the boards of county commissioners with judicial functions and enables them practically, to sit as a court and try and determine the sufficiency or insufficiency of said bond. The board of county commissioners cannot be thus clothed with judicial functions.

Section 4 provides that an appeal by the abstractor from said determination of the county commissioners may be made to the district court, and that such appeal shall be summarily decided by the court, upon such evidence, and the cost of such appeal including the furnishing of such evidence shall be adjudged against the defeated party. This bill, it seems to me, is a very extraordinary one. These provisions might be used by a wealthy firm or individual who was interested in the business of making and compiling abstracts, to the harassment and annoyance of individuals who might be so unfortunate as to be unable

to give repeated and renewed security as provided by Section 1.

Section 5 provides that any person, firm or corporation violating the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding \$100, and not less than \$25 for each and every offense. This section places it within the power of those who are engaged in the business of making and compiling abstracts to punish any individual who might be considered as engaged in the same business.

The provisions of Section 6 exempt from the operation of the bill the register of deeds, treasurers, and clerks of courts. With these exceptions, all other persons are prevented from doing any act or acts that might be construed as conducting the business of making or compiling abstracts.

Section 7 of the bill regulates the amount of fees to be allowed; but, while there is a heavy bond required of all who enter into the business of making abstracts and compilations above referred to and a heavy penalty imposed for violation of the provisions of this act, there is no penalty or punishment provided in the bill for those who are able to carry on the business for violating any of its provisions, and especially for exacting fees in excess of those provided for and allowed by Section 7.

I am of the opinion that the object sought to be attained by this bill is for the purpose of advancing the interests of a very few individuals at the expense of many, and that the provisions of the act, taken altogether, are unwise and would operate very unjustly.

Respectfully,

LOUIS K. CHURCH,
Governor.

EXECUTIVE OFFICE, }
March 6, 1889. }

To the Council:

I herewith respectfully return, without my approval,
Council Bill No. 289,

Entitled "An act to reappropriate unused balances of the University of North Dakota."

Practically the same purpose as is intended to be accomplished by this bill was sought to be accomplished in House Bill No. 250, entitled "An act reappropriating cer-

tain balances heretofore appropriated for the University of North Dakota," which was vetoed and the question as to the propriety of appropriating these balances is fully discussed in said veto, which was submitted to the House of Representatives on the 16th of February last, and appears on pages 25, 26, 27 and 28 of the House Journal of said date.

I again repeat that I am clearly of the opinion that the appropriations made by the Legislature of 1887 were sufficiently ample and generous for this institution, and that this bill should not be allowed to become a law.

Respectfully,

LOUIS K. CHURCH,
Governor.

EXECUTIVE OFFICE, }
March 6, 1889. }

To the Council:

I herewith respectfully return, without my approval,
Council Bill No. 65,

Entitled an act entitled "An act to amend Section 2, of Chapter 58 of the General Laws of the Seventeenth Legislative Assembly entitled 'an act for the protection of game.'"

Section 1 of this act changes the time for the shooting or killing of prairie chickens, pinnated grouse or sharp-tailed grouse or ruffed grouse, or wild duck, or snipe, or goose, or brant, or plover, or curlew, and permits the shooting or killing of the same after the 15th day of August instead of after the first day of September. I am of the opinion that what little protection our game receive now would be almost entirely abrogated by the provisions of this act.

Respectfully,

LOUIS K. CHURCH,
Governor.

The question being shall House Bill No. 19 pass.

The roll being called there were ayes, 14; nays, 6.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Cooper, Crawford, Hughes, Lowry, McDonald, Poindexter, Soderberg, Van Osdel, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Atkinson, Glaspell, Halley, Harstad, Ryan, Washbaugh.

Absent and not voting:

Messrs. Dollard, Ericson, Miller and Patten.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 294,

A bill for an act to amend Section 47, Chapter 27 of the Political Code (Section 1,486 of Compiled Laws), defining who is entitled to vote.

Call of the House demanded.

The roll being called all the members responded to their names, and

Mr. Allin moved

That further proceedings under the call of the House be dispensed with.

Which motion prevailed.

Mr. Washabaugh moved

That the consideration of Council Bill No. 294 be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes, 6; nays, 16.

Those voted in the affirmative were:

Messrs. Dollard, Halley, Hughes, Poindexter, Van Osdel, Washabaugh.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Ericson, Glaspell, Harstad, Lowry, McDonald, Patten, Ryan, Soderberg, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Miller and Walsh.

So the motion was lost.

The question being shall the bill pass,

The roll being called, there were ayes, 11; nays, 12,

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Cooper, Crawford, Ericson, Lowry, Patten, Soderberg, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Campbell, Dollard, Glaspell, Halley, Harstad, Hughes, McDonald, Poindexter, Ryan, Van Osdel, Walsh, Washabaugh.

Mr. Miller being absent.

So the bill was lost.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 6, 1889. }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 256,

A bill for an act providing for the collection and compilation of the statistics of the Territory of Dakota,
Which the House has passed without change.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
March 6, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 223,

A bill for an act providing that railroad corporations shall furnish suitable facilities for loading and unloading cars,

Also,
House Bill No. 328,

A bill for an act requiring banks incorporated under the General Laws of the Territory of Dakota, and all other persons, firms or corporations doing banking business, to make and publish a sworn statement of their financial condition,

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

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
March 6, 1889. }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 60,

A bill for an act to secure more fully the independence of elections; to enforce the secrecy of the ballot; to punish offenses against a fair election, and to provide for the printing and distribution of ballots at public expense.

Also,

Council Bill No. 233,

A bill for an act to preserve the waters of Tongue river and its tributaries for domestic and drinking purposes, Which the House has passed without change.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
March 6, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith House Bill No. 357,

A bill for an act to amend an act entitled "An act authorizing the refunding of outstanding county bonds." Approved March 2, 1889,

Which the House has passed under suspension of the rules, and your favorable consideration of thereof respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

The Committee on Enrolled and Engrossed Bills made the following reports:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 288,

A bill for an act entailing a certain duty upon county treasurers,

Also,

Council Bill No. 305,

A bill for an act making appropriations to cover deficiencies in the funds of the University of Dakota, School of Mines of Dakota, the Dakota Hospital for the Insane,

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills report that

Council Bill No. 193,

Was on the 6th day of March, 1889, at 2:45 p. m., delivered to His Excellency, Governor L. K. Church, for his approval.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 141,

A bill for an act to amend Chapter 112, Sub-chapter 23, Section 114, of Session Laws of 1883, relating to the impounding of trespassing animals,

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

Mr. Hughes moved

That the rules be suspended and House Bill No. 357 be read the first, second and third times and put upon its final passage.

Which motion prevailed.

House Bill No. 357,

A bill for an act to amend an act entitled "An act authorizing the refunding of outstanding county bonds," approved March 2, 1889,

Was read the first, second and third times.

Mr. Washabaugh in the chair.

Mr. Ericson moved

That all veto messages now in the hands of the clerk be made a special order for 2 o'clock to-morrow afternoon.

Mr. Crawford moved

To amend the motion of the gentleman from Union by making the special order 10 a. m. instead of 2 p. m.

Which motion prevailed.

The question being upon the motion of the gentleman from Union.

The motion prevailed.

REPORT OF SPECIAL COMMITTEE.

MR. PRESIDENT:

Your Special Committee appointed to examine the engrossed copy of

Council Bill No. 140,

Would respectfully report that they have compared said engrossed copy with the original bill and with Journal of the Council and find said engrossed bill incorrect in the following particulars:

In line 9 of Section 7, engrossed bill, the word "and" is erroneously substituted for the word "on."

Section 6 should be engrossed entire as in the original bill. In the engrossed bill lines 6 to 14 are erroneously omitted.

In Section 7, lines 6 to 13, inclusive, are retained in the the engrossed bill but should be omitted, they having been stricken out by vote of the Council.

The above errors were caused by the printed Journal reading "Section 6" when it should have read "Section 7."

With these exceptions we find the bill correctly engrossed.

E. C. ERICSON,
ROBERT DOLLARD,
J. H. PATTEN.

Mr. Hughes moved

That the report be adopted and Council Bill No. 140 be engrossed in accordance therewith.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 6, 1889, }

MR. PRESIDENT:

I have the honor to transmit herewith

Council Bill No. 190,

A bill for an act to provide for the refunding of the outstanding Territorial warrants drawn on the Capitol Building fund,

Which the house has passed without change.

JOHN G. HAMILTON,
Chief Clerk.

EXECUTIVE COMMUNICATION.

The following communication was received from His Excellency, the Governor:

EXECUTIVE OFFICE, }
March 6, 1889. }

To the Council:

I herewith respectfully return, without my approval, Council Bill No. 107, entitled "An act to refund to the citizens of Grand Forks for a loan advanced to repair damages caused by a storm and for other purposes."

The object of section 1 of this bill is to appropriate \$22,700 of territorial bonds running for a period of 20 years, payable at the

option of the territory after ten years and bearing interest at a rate of not more than five per cent. per annum. Section 7 of this act provides that it shall be the duty of the Auditor of the Territory, upon the application of the board of regents, or a majority of them, to pay any claim (and the nature of such claim is not indicated) under the provisions of this act, on presentation of proper vouchers, duly verified, showing that such claimants are entitled thereto. While there is an apparent provision in this section to allow the auditor to examine into the merits of a claim that may be produced, such, in fact, is not the case, as the positive language is, when the claim is presented by vouchers duly verified showing that said claimants are entitled thereto, the warrant shall be drawn, consequently, if the vouchers merely show an apparent right, and are duly verified the Auditor would have to issue his warrant.

This bill is intended (I presume it is not stated) to provide for the cost of repairing the damage to the North Dakota University occasioned by a severe storm in June, 1887. Immediately after said damage occurred, the Governor was communicated with by Mr. W. N. Roach, president of the board of regents of the University, and in his communication of June 18th, 1887, the following language is used:

"We have put a force of men at work removing the rubbish and closing up the apertures to protect the building against further damage through the weather, and await estimates of the probable cost of the repairing the building to submit the same to you for instructions as to our further actions in the premises.

Very Respectfully,

(Signed,)

W. N. ROACH,

Attest:

President Board of Regents.

(Signed) JOHN G. HAMILTON,

Secretary.

About June the 27th, Mr. Roach called upon the Executive, and in a conversation with him, I was given to understand that the probable cost of the damage would be in the vicinity of ten or fifteen thousand dollars; and it was further suggested in conformity with the letter written by him on June 18th, above referred to, that statements of the damage should be made and forwarded to this office. Under the circumstances the interests of the Territory required that said damage should be repaired; but there has never been submitted to this office any statement whatever as to the anticipated cost for repairing such damage, or as to the actual cost of the same. I have been informed, however, that the cost of such repairs amounted to \$20,000.

It seems to me that it would be eminently proper that provision should be made for a careful examination as to the amount which would be just and proper to be allowed for these repairs, and if an estimate in accordance with the suggestion in said letter of the president of the Board of Regents of June 18th was

made, and in accordance with the suggestion of the Executive at that time that such estimate should be filed and that any proper sum found due, which was expended in making such repairs, should be allowed, providing such expenditure is not unreasonable, but a fair compensation therefor.

The incorporation into this bill of the \$2,000, which is stated to be for deficiency in building originally is very indefinite; and whether there is any just or legal claim against the Territory for this sum of \$2,000 does not appear.

I decline to lend my approval to this act, unless the expenditures provided for are subjected to some examination.

Respectfully,

LOUIS K. CHURCH,

Governor.

Mr. Walsh moved

That the Governor's message be made a special order for 10 a. m. Friday,

Which motion prevailed.

The question being shall House Bill No. 357 pass.

The roll being called there were ayes, 15; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Crawford, Ericson, Glaspell, Halley, Hughes, Lowry, McDonald, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh.

Mr. Harstad voting in the negative.

Absent and not voting:

Messrs. Campbell, Cooper, Dollard, Miller, Patten, Poin-dexter, Woolhiser and Mr. President.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Mr. Lowry moved

That the attorney general's opinion on Council Bill No. 177 be requested.

Which motion prevailed.

Mr. Lowry asked consent to present a petition.

There being no objection.

Mr. Lowry presented the following petition.

To the Hon. Robert Lowry and members of the Territorial Council and of the House of Representatives of the Territory of Dakota.

GENTLEMEN. The Hon. Robert Lowry having introduced a bill in the Territorial Council to amend section 3 of Chapter 140 of the Session Laws of 1887 (being section 1568 of the Political Code of 1887) in relation to the assessment of Bank Stock, we

therefore petition your Honorable body to do all in your power to secure the passage of said bill.

JOHN A. FOWLER, Cashier of Huron National Bank.

T. W. HAZEN, President Huron National Bank.

F. P. Eddy, Assistant Cashier Beadle County National Bank.

EDWARD CRIST, Cashier Beadle County National Bank.

D. L. QUICK, President of National Bank of Dakota.

N. B. DOESN, Assistant Cashier National Bank of Dakota.

J. W. MACKENZIE, Cashier National Bank of Huron.

ED. J. MILLER, Teller National Bank of Huron.

JAMES P. DAVIS, County Treasurer of Beadle County.

C. O. MORGAN, County Auditor Beadle County.

Mr. President announced his signature to Council Bill No. 105.

The special committee to examine the Journal of the 4th made the following report:

MR. PRESIDENT:

Your special committee to examine the Journal for March 4, beg leave to report that they find the following errors in printed Journal:

1. The word "roll" in the 31st line of page 15 of the printed Journal, in relation to Council Bill 222, should be stricken out and the word "sale" should be inserted in lieu thereof.

2. The word "Council," at the bottom of page 20 of the printed Journal, should be stricken out and the word "House" inserted in lieu thereof.

3. That the first three lines at the top of page 21 of the printed Journal, and the following words inserted in lieu thereof: "A bill for an act to amend Section 45 of Chapter 21, Political Code, relating to manner of letting contracts by county boards."

4. That the figures "6" and "13" where they occur in the third line from the top of page 31 of the printed bill and the words "7" and "14" be inserted in lieu thereof.

5. That the word "and," found immediately after the word "Territory," in the 25th and 26th lines from the top of the printed Journal on page 34, be stricken out and the word "on" be inserted in lieu thereof.

Otherwise the Journal appears to be correct.

COE I. CRAWFORD,
C. A. SODERBERG.

House Bill No. 40.

Mr. Allin moved,

The the vote by which the amendment offered by Mr

Ericson as to lines 13 and 14, section 2 was adopted, be reconsidered.

Roll call demanded.

The roll being called, there were ayes, 14; nays, 7.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Crawford, Glaspell, Halley, Hughes, Lowry, McDonald, Poindexter, Ryan, Walsh, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Atkinson, Cooper, Dollard, Ericson, Harstad, Soderberg, Woolhiser.

Absent and not voting:

Messrs. Miller, Patten and Van Osdel.

So the motion prevailed.

The question being upon the adoption of the amendment of the gentleman from Union.

Roll call demanded.

The roll being called there were, ayes, 7; nays, 12.

Those who voted in the affirmative were:

Messrs. Atkinson, Cooper, Dollard, Ericson, Harstad, Patten, Soderberg, Woolhiser.

Those who voted in the negative were:

Messrs. Allin, Cameron, Campbell, Glaspell, Halley, Lowry, Poindexter, Ryan, Walsh, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Crawford, McDonald, Miller, Patten, Van Osdel.

So the amendment was lost.

Mr. Hughes moved

That House Bill No. 40,

Be made a special order for 10 a. m. to-morrow.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives.

HOUSE OF REPRESENTATIVES. {
March 6, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 252.

A bill for an act authorizing the Territorial Auditor to audit a claim of Geo. F. Ingram against the territory.

Together with the following message from the Governor vetoing the same.

EXECUTIVE OFFICE, }
BISMARCK, DAKOTA, March 6, 1889. }

To the House of Representatives:

I herewith respectfully return, without my approval, House Bill No. 252 entitled "An Act authorizing the Territorial Auditor to audit a claim of Geo. F. Ingram against the territory."

The object of this act is to direct the Territorial Auditor to issue a warrant for the payment of \$241 to Geo. F. Ingram. I presume it will be claimed that the object of this bill is to compensate Geo. F. Ingram as agent for the territory for services rendered under a requisition for the arrest of some person. All requisitions are issued with the proviso that the territory will be at no expense on account thereof, unless the accused is returned to the territory. Why there should be an exception made in this case is not explained. A provision should certainly be incorporated in the bill authorizing the Territorial Auditor to examine into the question and from the evidence submitted to him, to determine whether or not it would be proper to allow Mr. Ingram any such compensation.

Claims of this kind should not be allowed unless some authority inquires into the question as to whether there is any merit in the claim, and such evidence should be filed with the claim in the office of the Territorial Auditor.

Respectfully,
LOUIS K. CHURCH.
Governor.

And to inform you that the house has passed House Bill No. 252,
The objection of the Governor to the contrary notwithstanding.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Washabaugh moved
That the message from the House be considered at 10 a. m. Friday.

Which motion prevailed.

The Committee on Enrolled and Engrossed Bills made the following reports:

Mr. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 143,

A bill for an act to amend Section 112 of the Civil Code, relating to the adoption of children,

Also,

Council Bill No. 105,

A bill for an act to amend Section 658 of the Civil Code relating to acknowledgments of instruments,

Also,

Council Bill No. 105,

Was, on the 6th day of March, 1889, at 4:10 p. m., delivered to His Excellency, Governor L. K. Church, for his approval,

Also,

Council Bill No. 49,

A bill for an act to authorize courts, by their judgment, to cancel incumbrances upon and to establish and convey the title to real property in certain cases,

Also,

Council Bill No. 287,

An act to prohibit the importation, sale or exposure of infected animals and to prescribe punishment therefor, And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

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

Resolved, That all committees be required to report all bills in their possession to-morrow at 10 o'clock.

Which motion prevailed.

House Bill No. 203,

A bill for an act to provide for the sinking of artesian wells and construction of wells.

Mr. Ericson moved

That the reading at length of the bill be dispensed with.

Which motion prevailed.

Mr. Glaspell offered the following amendment and moved its adoption:

To amend by striking out Sections 1 to 28 inclusive.

Which motion was lost.

Mr. President announced his signature to House Bills Nos. 151, 165, 219 and 283.

Mr. Ericson moved

That the vote by which the reading of House Bill No. 203 was dispensed with be reconsidered.

Roll call demanded.

The roll being called there were ayes, 12; nays, 10.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Crawford, Ericson, Glaspell, Halley, McDonald, Patten, Poindexter, Soderberg, Van Osdel, Woolhiser.

Those who voted in the negative were:

Messrs. Atkinson, Campbell, Cooper, Dollard, Harstad, Hughes, Lowry, Walsh, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Miller and Ryan.

So the motion prevailed.

The question being shall the reading of the bill be dispensed with.

The motion was lost and

House Bill No. 203,

Was read at length.

Mr. Halley in the chair.

MESSAGE FROM THE HOUSE.

The following message were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 6, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 259,

A bill for an act regulating the business of building and loan corporations.

Together with the following message of the Governor vetoing the same:

EXECUTIVE OFFICE, }
March 6, 1889. }

To the House of Representatives:

I herewith respectfully return without my approval

House Bill No. 259,

Entitled "An act regulating the business of building and loan corporations."

This bill is returned without approval for the following reasons:

1. That all building and loan associations should be responsible to their creditors in the same manner as corporations of other kinds for a failure to make their reports to the territory, and not in a penal sum as provided in this bill. The fine thus to be paid to the Territory affords no relief to the creditors of such associations.

2. That by the said bill the Secretary of the Territory is clothed with the authority belonging properly to the courts alone,

to-wit: The power of declaring when such associations are insolvent.

3. That the duties of the Secretary of the Territory are such that his presence is required at his office all, or nearly all of his time; while Section 2 of the proposed law would require him to annually make an examination, personally, of each association created under such law, and further that such examination and duties should be, and properly are, a part of the duties of the Public Examiner of the Territory.

Respectfully,

LOUIS K. CHURCH.
Governor.

And to inform you that the House has passed
House Bill No. 259,

The objections of the Governor to the contrary, notwithstanding.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Allen moved

That the message from the House be laid over till 10 a. m. Friday.

Which motion prevailed.

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

Resolved, That when the Council adjourn it adjourn to 10 a. m. to-morrow.

The question being shall the bill pass.

The roll being called there were ayes, 15; nays, 5.

Those who voted in the affirmative were:

Messrs. Allin, Campbell, Crawford, Ericson, Halley, Harstad, Hughes, Lowry, McDonald, Patten, Ryan, Van Osdel, Walsh, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Atkinson, Cooper, Poindexter, Soderberg, Woolhiser.

Absent and not voting:

Messrs. Cameron, Dollard, Glaspell, Miller.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. President in the chair.

Council Bill No. 251,

A bill for an act entitled "An act providing for a landlords lien on crops and for the enforcement thereof by distress."

Mr. Ryan moved
That the reading of Council Bill at length be dispensed with.

Which motion prevailed.

The question being upon the report of the committee,

The report was adopted.

The question being shall the bill pass,

The roll being called there were, ayes, 21; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Halley, Hughes, Lowry, McDonald, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Glaspell, Harstad, Miller.

So the bill passed.

The question being as to its title and being put,

Its title was agreed to.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

Council Bill No. 317,

A bill for an act to appropriate funds to pay a deficiency in the construction fund of the Dakota Reform School at Plankinton,

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

HUGH McDONALD,
Chairman.

Mr. Dollard asked unanimous consent to introduce a bill and moved that the rules be suspended and it be read the first, second and third times and put on its final passage,

Which motion prevailed, and

Mr. Dollard introduced—

Council Bill No. 318,

A bill for an act to amend Section 1, of Chapter 45, of the Session Laws of 1883, as amended by Section 1, of Chapter 50,

Was read the third time, and

The question being shall the bill pass,

The roll being called there were ayes 16; nays 1.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Crawford, Dollard, Ericson, Halley, Harstad, Lowry, McDonald, Ryan, Soderberg, Walsh, Woolhiser, Mr. President.

Mr. Poindexter voting in the negative.

Absent and not voting:

Messrs. Cooper, Glaspell, Hughes, Miller, Patten, Van Osdel and Washabaugh.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

Mr. Halley moved

That the Council do now adjourn.

Call of the house demanded.

The roll being called, the members all responded to their names except

Mr. Miller, who was excused, and Mr. Glaspell.

The sergeant-at-arms was instructed to bring in the absent member.

Mr. Campbell moved

That further proceedings under the call of the house be dispensed with.

Roll call demanded.

The roll being called there were ayes, 9; nays, 11.

Messrs. Allin, Atkinson, Campbell, Cooper, Halley, Harstad, Lowry, Poindexter, Mr. President.

Those who voted in the negative were:

Messrs. Cameron, Crawford, Dollard, Ericson, McDonald, Patten, Ryan, Soderberg, Van Osdel, Washabaugh, Woolhiser.

Absent and not voting:

Messrs. Glaspell, Hughes, Miller and Walsh.

So the motion was lost.

Mr. President announced his signature to Council Bills Nos. 143, 47 and 287.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 140,

A bill for an act providing for the levy and collection of

taxes upon the property of railroad companies in the Territory.

And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

Further proceedings under the call were dispensed with.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 330.

A bill for an act to authorize and direct the Territorial Auditor to audit and allow an account of M. L. McCormack, against the Territory of Dakota,

Was read the first and second times and
Referred to Committee on Appropriations.

House Bill No. 338,

A bill for an act to establish a Territorial Board of Corrections and Charities for the Territory of Dakota,

Was read the first and second times and
Referred to Committee on Charitable and Penal Institutions.

House Bill No. 340,

Being a Joint Resolution providing for the printing and distribution of 100,000 copies of the Sioux Falls constitution and making appropriation therefor,

Was read the first and second times and
Referred to Committee on Territorial Affairs.

House Bill No. 327,

A bill for an act to provide for the appointment of county board of auditors, and for the loaning and deposit of county funds and for the duties and compensation of said board and county treasurer.

Was read the first and second times, and
Referred to Committee on Revenue.

House Bill No. 350,

A bill for an act giving the right of way through the penitentiary grounds of the Sioux Falls penitentiary at Sioux Falls, Dakota Territory,

Was read first and second times, and
Referred to the Committee on Territorial Affairs.

House Bill No. 246,

A bill for an act to provide for fees in a foreclosure of mortgage of real estate by advertisement.

Was read first and second times, and
Referred to the Committee on Judiciary.

House Bill No. 297,

A bill for an act to provide for incorporating and regulating of corporation or assessment life endowment and casualty insurance associations and societies,

Was read the first and second times and
Referred to Special Committee.

House Bill No. 319,

A bill for an act making it the duty of county commissioners to assist indigent persons entitled to admission to the School of Deaf Mutes at Sioux Falls,

Was read the first and second times and
Referred to the Committee on Counties.

House Bill No. 332,

A bill for an act to declare certain combinations, contrivances, agreements and trusts unlawful and to restrain and punish the same,

Was read the first and second times and
Referred to the Committee on Judiciary.

House Bill No. 355,

A bill for an act to define the boundaries of Wells and Eddy counties,

Was read the first and second times and
Referred to the Committee on Counties.

Mr. Poindexter moved

That the Council do now adjourn.

Which motion prevailed and

Mr. President announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

FIFTY-NINTH DAY.

BISMARCK, March 7, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll called and the members all responded to their names, except Mr. Miller, who was excused.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Special Committee to whom was referred
Council Bill No. 297,

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

S. L. GLASPELL,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
House Bills Nos. 104, 251, 230, 173, 196, 218, 278, 277, 240,
238, 237, 324, 97, 214, 231, 236, 189, 267, 343, 246, 332; also
Council Bills Nos. 117, 167, 159, 155, 154, 153, 147, 131,
127, 126, 208, 213, 217, 223, 240, 252, 265, 290, 281, 274 and
306,

Beg leave to report the same without recommendation,
pursuant to resolution of the Council passed March 6, 1889,

S. L. GLASPELL,
Chairman.

Mr. Allin moved

That the sergeant-at-arms be instructed to strictly en-
force rule No. 39 for the balance of the session.

Mr. Allin moved

That the further consideration of House Bill No. 40 be laid over until to-morrow at 4 p. m.

Which motion was lost.

Mr. Ericson moved

That the further consideration of House Bill No. 40 be indefinitely postponed.

Roll call demanded;

The roll being called there were ayes, 10; nays, 7.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cooper, Ericson, Harstad, Lowry, Patten, Soderberg, Van Osdel, Woolhiser.

Those who voted in the negative were:

Messrs. Campbell, Glaspell, McDonald, Poindexter, Ryan, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Cameron, Crawford, Dollard, Halley, Hughes, Miller, Walsh.

So the motion prevailed.

House Bill No. 251,

A bill for an act entitled "An act to declare certain provisions for an attorney fee void and to provide a reasonable attorney fee in such cases,"

Was read the third time, and

The question being shall the bill pass.

The roll being called there were ayes, 15; nays, 5.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Cooper, Dollard, Ericson, Harstad, Hughes, Lowry, McDonald, Poindexter, Soderberg, Van Osdel, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Campbell, Crawford, Glaspell, Walsh, Washabaugh.

Absent and not voting:

Messrs. Halley, Miller, Patten, Ryan.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. President announced his signature to Council Bill No. 190.

Mr. Woolhiser asked unanimous consent to introduce a bill and moved that it be read the first, second and third times and put on its final passage.

Mr. Ericson moved

As a substitute for the motion of the gentleman from Hand, that the bill be read the first and second times and referred to a special committee.

Which motion prevailed.

Mr. Woolhiser introduced—
Council Bill No. 319,

A bill for an act to create a board of management and control for the public institutions of the Territory of Dakota, and for other purposes,

Which was read the first and second times and
Referred to a Special Committee.

Mr. President appointed Messrs. Ericson, Woolhiser and Poindexter as such committee.

Mr. President announced his signature to House Bills Nos. 256 and 346.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives.

HOUSE OF REPRESENTATIVES, }
March 7, 1889. }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 311,

A bill for an act authorizing the mayors of cities having 5,000 or more inhabitants to appoint one or more city assessors.

Which the House has passed, under suspension of the rules, without change.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
March 7, 1889. }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 304,

A bill for an act to authorize the boards of county commissioners of the several counties in this Territory to transfer unexpended balances in the county treasury from the road or bridge funds to the general fund,

Which the House has passed without change.

Also,
Council Bill No. 286,

A bill for an act to amend Chapter 63 of the General Laws of the Sixteenth Legislative Assembly, and to create county boards of health,

Which the House has indefinitely postponed.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
March 6, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 313,

A bill for an act to amend Section 86 of the Justice Code of the Territory,

Also,

House Bill No. 312,

A bill for an act to amend Section 65 of the Justice Code,

Also,

House Bill No. 264,

A bill for an act to require all railroad corporations doing business in Dakota Territory to file with the county clerk in which any railroad or part thereof may be located a map showing all railroad and right of way owned by said corporations,

House Bill No. 244,

A bill for an act fixing the fee to be paid probate judges for filing and recording marriage certificates.

Also,

House Bill No. 308,

A bill for an act prohibiting the sale of unsound, diseased or adulterated, impure and unwholesome articles of food, regulating the slaughter of animals to be slaughtered, and prescribing penalties for the violation thereof.

Also,

House Bill No. 336,

A bill for an act to amend Section 1, of Chapter 38, of the Political Code, relating to homesteads and the conveyance thereof.

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

JOHN G. HAMILTON,
Chief Clerk.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Counties to whom was referred

House Bill No. 254,

A bill for an act to correct and define the boundary lines of Day county,

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

COE I. CRAWFORD,
Chairman.

MR. PRESIDENT:

Your Committee on Railroads to whom was referred House Bill No. 348,

A bill for an act to amend an act entitled "An act to regulate the receiving and transportation of freight and passengers on railroads in this Territory, and to empower the Attorney General and district attorneys to enforce the provisions of the same,"

Have had the same under consideration and recommend that said bill be amended by striking out all after the enacting clause and substituting therefor the Substitute for Council Bill No. 49, introduced by the Committee on Railroads, and as so amended that said bill do pass.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

House Bill No. 330,

A bill for an act to authorize and direct the Territorial Auditor to audit and allow an account of M. L. McCormack against the Territory of Dakota,

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

HUGH McDONALD,
Chairman.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 129,

A bill for an act to provide for the appointment of trustees for the several public institutions of the Territory of Dakota and to define their terms of official duties and compensation,

And find the same correctly engrossed and enrolled.

J. H. PATTEN,
Chairman.

House Bill No. 348,

A bill for an act entitled "An act to regulate the receiving and transportation of freight and passengers on railroads in this Territory, and to empower the Attorney General and district attorneys to enforce the provisions of the same,"

Was read the third time and

The question being upon the report of the committee on Railroads,

The report was adopted.

Mr Washabaugh in the chair.

Mr. Crawford moved

That the vote by which the report of the committee was adopted be reconsidered,

Which motion prevailed.

Mr. Crawford moved

To amend the report of the committee by striking therefrom the words, "Substitute for Council Bill No. 49, introduced by the Committee on Railroads," and inserting in lieu thereof the words, "the original printed House Bill No. 348."

Which motion prevailed.

Mr. President announced his signature to Council Bill No. 129.

The question being upon the report of the committee as amended,

The report as amended was adopted.

Mr. Allin moved

That House Bill No. 348 be read by its title only.

Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 19; nays, 1

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Harstad, Hughes, Lowry, McDonald, Patten, Poindexter, Soderberg, Walsh, Woolhiser, Mr. President.

Mr. Washabaugh voting in the negative.

Absent and not voting:

Messrs. Halley, Miller, Ryan, Van Osdel.

So the bill passed, and

Mr. Crawford moved

To amend the title of House Bill No. 248 by striking out the title reported by the committee and inserting in lieu thereof the title found in the original printed bill, and

The title as amended was agreed to

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

House Bill No. 47,

A bill for an act appropriating the sum of one hundred dollars to pay for rental of committee room during the Seventeenth Legislative Session.

Have had the same under consideration and report the same back without recommendation.

HUGH McDONALD,
Chairman.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 190.

A bill for an act to provide for the refunding of the outstanding Territorial warrants drawn on the Capitol building fund,

And find the same correctly engrossed and enrolled.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills report that

Council Bill No. 129,

Was on the 7th day of March, 1889, at 11:15 a. m., delivered to His Excellency, Governor L. K. Church, for his approval.

J. H. PATTEN,
Chairman.

Council Bill No. 306,

A bill for an act to repeal Chapter 105, Laws of 1883, entitled "Security,"

Was read the third time.

The question being shall the bill pass,

The roll being called there were ayes, 14; nays, 3.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson Cameron, Cooper, Ericson, Glaspell, Harstad, Hughes, Lowry, Poindexter, Soderberg, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Campbell, Crawford, Washabaugh.

Absent and not voting:

Messrs. Dollard, Halley, McDonald, Miller Patten, Ryan, Van Osdel.

So the bill passed and

The question being as to its title, and being put,

Its title was agreed to.

Mr. Poindexter moved

That the vote by which Council Bill No. 306 was pass be reconsidered.

Which motion prevailed.

Mr. Crawford offered the following amendment and moved its adoption:

Amend Council Bill No. 306 by striking therefrom Section 2.

Which motion prevailed.

The question being shall the bill pass.

The roll being called there were ayes 10; nays 5.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Ericson, Glaspell, Lowry, Poindexter, Soderberg, Walsh, Woolhiser.

Those who voted in the negative were:

Messrs. Campbell, Crawford, Harstad, Washabaugh.

Absent and not voting:

Messrs. Cooper, Dollard, Halley, Hughes, McDonald, Miller, Ryan, Van Osdel, Mr. President,

So the bill passed and

The question being as to its title, and being put

Its title was agreed to.

House Bill No. 240,

A bill for an act repealing Section 13, and amending Section 23. of the General Laws of 1887, entitled "An act providing the method of appeals to the supreme court of the Territory of Dakota,"

Was read the third time, and
The question being shall the bill pass.
The roll being called there were ayes 8, nays 11,
Those who voted in the affirmative were,
Messrs. Allin, Ericson, Harstad, Soderberg, Van Osdel,
Walsh, Woolhiser, Mr. President.
Those who voted in the negative were:
Messrs. Campbell, Cooper, Dollard, Glaspell, Halley,
Hughes, Lowry, McDonald, Poindexter, Ryan, Washabaugh.
Absent and not voting:
Messrs. Atkinson, Cameron, Crawford, Miller, Patten.
So the bill was lost.
Mr. Dollard moved
That House Bill No. 182 be taken up.
Which motion prevailed.
House Bill No. 182,
A bill for an act to amend Section 45, Chapter 21, of the
Political Code, relating to the manner of letting contracts
by county boards,
Was read the third time, and
The question being upon the report of the Committee on
Counties,
The report was adopted.
The question being shall the bill pass,
The roll being called, there were ayes, 16; nays, 1.
Those who voted in the affirmative were:
Messrs. Allin, Atkinson, Cameron, Campbell, Cooper,
Dollard, Ericson, Harstad, Lowry, Patten, Poindexter,
Ryan, Soderberg, Washabaugh, Woolhiser, Mr. President.
Mr. Walsh voting in the negative.
Absent and not voting:
Messrs. Crawford, Glaspell, Halley, Hughes, McDonald,
Miller, Van Osdel.
So the bill passed, and
The question being as to its title and being put,
Its title was agreed to.

EXECUTIVE SESSION.

A sealed communication having been received from His
Excellency, the Governor,
The chamber was cleared, the doors closed, and the
Council spent some time in executive session.
After the doors were opened.

Mr. Glaspell moved

That the Council take a recess until 2. p. m.

Which motion prevailed and

The president pro tem. announced the Council at recess until 2. p. m.

After recess.

The Council was called to order by Mr. President in the chair.

House Bill No. 95,

A bill for an act providing for the taxation of telegraph lines,

Was read the third time and

The question being upon the report of the Committee on Revenue,

The motion prevailed.

The question being shall the bill pass.

The roll being called there were ayes, 13; nays, 2.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Cooper, Dollard, Ericson, Glaspell, Patten, Poindexter, Soderberg, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Halley and Washabaugh.

Absent and not voting:

Messrs. Atkinson, Crawford, Harstad, Hughes, Lowry, McDonald, Miller, Ryan, Van Osdel.

So the bill passed. and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 263,

A bill for an act providing for the reassessment of abutting property for improvement of public streets.

Mr. Campbell moved

That Council Bill No. 263 be read by its title only.

Which motion prevailed.

The question being shall the bill pass,

The roll being called, there were ayes, 18; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Cooper, Dollard, Ericson, Halley, Harstad, Hughes, McDonald, Patten, Poindexter, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Atkinson, Crawford, Glaspell, Lowry, Miller, Ryan.

So the bill passed and
The question being as to its title, and being put,
Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 7, 1889. . }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 198,

A bill for an act to appropriate funds to pay Charles W. Thompson for rebate of freight on material for construction of the Capitol Building at Bismarck, D. T., as per finding of board of arbitration in case of C. W. Thompson vs. Territory of Dakota,

Which the House has passed without change.

JOHN G. HAMILTON,
Chief Clerk.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 306,

A bill for an act to repeal Chapter 105, Laws of 1885,
And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

Mr. Ericson moved

That the Siftings Committee appointed by the caucus of the Council shall consider all bills now pending before the Council and determine the order in which such bills shall be considered; such consideration to begin after the present call of bills is considered.

Which motion prevailed.

Mr. Patten asked unanimous consent to take up House Bill No. 324.

There being no objection,
House Bill No. 324,

A bill for an act to repeal Chapter 29 of the Special Laws of 1885, entitled "An act to repeal Section 5 of Chapter 31 of the Session Laws of 1883, and to re-enact Section 5 of Chapter 31 of the Session Laws of 1883, entitled 'An act to create the county of Sanborn and define its boundaries, and for other purposes,'"

Was read the third time and

Mr. Patten moved

That the further consideration of House Bill No. 324 be indefinitely postponed.

Mr. President announced his signature to House Bills Nos. 322 and 351.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives.

HOUSE OF REPRESENTATIVES, {
March 7, 1889. }

MR. PRESIDENT:

I have the honor to return herewith

Council Bill No. 253,

A bill for an act entitled "An act to change the name of Groton College.

Which the House has passed without change.

J. G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, {
March 7, 1889. }

I have the honor to return herewith

Council Bill No. 140,

A bill for an act providing for the levy and collection of taxes upon the property of railroad companies in the Territory,

Which the House has passed without change.

JOHN G. HAMILTON,
Chief Clerk.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 233,

A bill for an act to preserve the waters of the Tongue River for domestic and drinking purposes.

And fined the same correctly enrolled and engrossed.

J. H. PATTEN,
Chairman.

Mr. Patten moved

As a substitute for his former motion,

That a committee of three be appointed to investigate and report as to the merits of House Bill No. 324.

Which motion prevailed, and

Mr. President appointed Messrs. Poindexter, Cooper and Hughes as such committee.

House Bill No. 270,

A bill for an act to repeal Section 14 of Article 11 of the act providing a charter for the City of Mayville, approved March 13, 1885.

Was read the third time, and

The question being shall the bill pass,

The roll being called there were ayes, 21; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Poindexter, Ryan, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Miller, Patten, Soderberg.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred

House Bill No. 319,

A bill for an act making it the duty of county commissioners to assist indigent persons entitled to admission to the School of Deaf Mutes at Sioux Falls,

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

COE I. CRAWFORD,
Chairman.

Mr. President announced his signature to Council Bill 233.

Council Bill No. 215,

A bill for an act to amend Section 2 of Chapter 15 of the General Laws of 1887, relating to lost bonds or coupons.

Mr. Hughes moved

That the reading of Council Bill No. 215 at length be dispensed with.

Which motion prevailed.

The question being upon the report of the committee,
The report was adopted.

The question being shall the bill pass.

The roll being called there were ayes, 20; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Miller, Patten, Poindexter, Van Osdel.

So the bill passed, and

The question being as to its title and being put,
Its title was agreed to.

The Committee on Enrolled and Engrossed Bills made the following report:

Mr. PRESIDENT:

The Committee on Enrolled and Engrossed bills have examined

House Bill No. 19,

A bill for an act to give publicity to chattel mortgages,
And find the same correctly engrossed.

J. H. PATTEN,
Chairman.

House Bill No. 275,

A bill for an act to enable townships and incorporated towns and cities to aid in the construction of railroads,

The question being upon the report of the committee

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 16; nays, 3.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Halley, Hughes, Lowry, McDonald, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Ericson, Glaspell, Woolhiser.

Absent and not voting:

Messrs. Cameron, Harstad, Miller, Patten, Poindexter.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 69,

A bill for an act to compensate the owner or owners of certain cattle killed in Oliver county, Dakota, on order of the governor and Territorial Board of Health.

Was read the third time and

Mr. Hughes offered the following amendment and moved its adoption:

Amend House Bill No. 69 by striking out all of the enacting clause and inserting in lieu thereof the following:

SECTION 1. The Governor and Auditor of the Territory are hereby authorized and empowered to examine, hear and determine a claim of W. J. Etherington, James B. Etherington and J. B. Fellows, for cattle killed by authority of the Governor and the Territorial Board of Health.

SEC. 2. In auditing said claim, the said officers shall be governed by the provisions of Chapter thirtyp-two of the General Daws of 1883. If the proof submitted in support of said claim establish a demand payable under the provisions of said act, the said Auditor is empowered to draw his warrant on the Stock Indemnity Fund for such sum as shall be found to be due as aforesaid, not exceeding the sum of twenty-five hundred and eight and 80-100 dollars (\$2,508.80), and the Territorial Treasurer is hereby directed to pay such warrant from the Stock Indemnity Fund.

SEC. 3. This act shall take effect immediately.

The roll being called there were ayes, 11; nays, 7.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Ericson, Glaspell, Halley, Hughes, Lowry, McDonald, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Cooper, Crawford Ryan, Soderberg, Van Osdel, Washabaugh.

Absent and not voting:

Messrs. Atkinson, Dollard, Harstad, Miller, Patten, Poindexter, Woolhiser.

So the motion prevailed.

Mr. President announced his signature to House Bill No. 357 and 203.

Mr. Hughes asked unanimous consent to introduce a bill and moved

That the rules be suspended, and it be read first, second and third times and put on its final passage.

Which motion prevailed.

Mr. Hughes introduced

Council Bill No. 320,

A bill for an act to reappropriate the sum of seven thousand dollars (\$7,000) to the use of the penitentiary for Dakota at Bismarck.

Which was read first, second and third times.

The question being shall the bill pass,

The roll being called there were ayes 12; nays 7.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Dollard, Glaspell, Harstad, Hughes, Lowry, McDonald, Soderberg, Mr. President.

Those who voted in the negative were:

Messrs. Cooper, Crawford, Ericson, Halley, Van Osdel, Washabaugh, Woolhiser.

Absent and not voting:

Messrs. Miller, Patten, Poindexter, Ryan, Walsh.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 177,

A bill for an act amending Chapter 28, of the Political Code, relating to exemptions from taxation,

Was read the third time, and

Mr. Crawford moved

That the report of the Committee on Agriculture be amended by striking out "not."

Which motion prevailed, and

The report as amended was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 15; nays, 2.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Crawford, Glaspell, Halley, Hughes, Lowry, McDonald, Ryan, Soderberg, Van Osdel, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Ericson and Washabaugh.

Absent and not voting:

Messrs. Atkinson, Dollard, Harstad, Miller, Patten, Poindexter, Woolhiser.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 235,

A bill for an act relating to elevator and warehouse receipts for grain stored, to protect owners of such receipts and defining the duties, liabilities and obligations of persons issuing the same as to delivering grain therefrom,

Was read the third time and

The question being shall the bill pass,

The roll being called there were ayes 17; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Halley, Harstad, Hughes, Lowry, McDonald, Poindexter, Soderberg, Walsh, Mr. President.

Absent and not voting:

Messrs. Glaspell, Miller, Patten, Ryan, Van Osdel, Washabaugh, Woolhiser.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 189,

A bill for an act amending Section 1, Chapter 10, of the Session Laws of 1887,

Was read the third time and

The question being shall the bill pass,

The roll being called there were ayes, 18; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Halley, Harstad, Hughes, Lowry, Poindexter, Soderberg, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Glaspell, McDonald, Miller, Patten, Ryan, Van Osdel.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Mr. President announced his signature to Council Bill No. 205.

EXECUTIVE COMMUNICATION..

A sealed communication being received from His Excellency, the Governor,

Mr. Ericson moved

That it be laid over for consideration till 6 p. m.

Which motion prevailed.

House Bill No. 274,

A bill for an act to aid in and the enforcement of statutes relating to the sale of intoxicating liquor.

Mr. Crawford moved

That House Bill No. 274 be read by title only

Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 12; nays, 6.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Crawford, Ericson, Harstad, Hughes, Lowry, Patten, Soderberg, Woolhiser.
Mr. President.

Those who voted in the negative were:

Messrs. Campbell, Cooper, Dollard, Halley, Poindexter, Washabaugh.

Absent and not voting:

Messrs. Glaspell, McDonald, Miller, Ryan, Van Osdel, Walsh.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Mr. Ericson moved

That the Special Order for Executive Session be deferred till 6 p. m.

Which motion prevailed.

EXECUTIVE COMMUNICATION.

The following communication was received from His Excellency, the Governor:

EXECUTIVE OFFICE, }
March 7, 1889. }

To the Council:

I hereby respectfully return without my approval

Council Bill No. 314,

Entitled "An act providing for the maintenance of the several public institutions of the Territory of Dakota."

On January 22nd last, I communicated by special message with each branch of the Legislature, calling attention to the finances of the Territory and suggested the propriety of the appointment of a joint committee of the Council and House of Representatives to confer with the Treasurer and the Executive for the purpose of taking into consideration and providing for proper legislation. With such message there was also submitted a communication from the Hon. John D. Lawler, Territorial Treasurer, showing the condition of the Territorial Treasury on January 1, 1889. Since that time I have taken occasion to speak to the presiding officer of each branch of the legislature, calling attention to the communication above referred to and to the importance of some action being taken thereupon. Some two weeks ago I spoke to members of the appropriation committees in each House, suggesting the propriety of having a joint session of the committees, the Auditor, the Treasurer, the Executive and the gentlemen interested in matters of appropriations, for the purpose of adjusting the various sums appropriated, so as to bring them within an amount in keeping with the revenue received by the Territory.

The suggestions made in the message above referred to and those made to the committees on appropriations have not been responded to.

The following are the amounts appropriated by this bill for the various institutions:

University of Dakota.....	\$ 70,500
University of North Dakota.....	57,000
Normal School, Madison.....	31,700
Normal School, Spearfish.....	31,100
Reform School, Plankinton.....	11,000
Dakota Agricultural College.....	53,375
School of Mines, Rapid City.....	33,500
Dakota School for Deaf Mutes, Sioux Falls.....	33,800
Dakota Penitentiary, Sioux Falls.....	72,300
Dakota Penitentiary, Bismarck.....	57,600
Insane Hospital, Yankton.....	111,075
Insane Hospital, Jamestown.....	114,500
Expense Fund, Commissioner of Immigration.....	14,000
Artesian well, Insane Hospital, Jamestown.....	7,000

Total..... \$698,450

Other expenditures are necessitated by the public institutions of the Territory, not provided for in this bill, which, together with the standing appropriations and expenditures

necessary and incidental to the management of the Territorial government will increase this amount by at least \$275,000 per annum. This estimate is based upon figures furnished to me by the Territorial Auditor and the Territorial Treasurer.

The appropriations made by this bill, amounting to \$698,450, are for the ensuing two years. Adding to one-half of this amount the estimate of \$175,000 above referred to, we find the total disbursements for the one year of 1889 to be upwards \$624,000.

The amount of the revenue received from all sources by the territory for the year 1889 is estimated as follows:

Taxes from counties.....	\$435,000
From telegraph and insurance companies (net).....	15,000
Rail roads (local earnings).....	20,000
	\$470,000
Total.....	\$470,000
Less deficiency in general fund (January 1, 1888).....	25,000
	\$445,000
Net receipts	\$445,000

Should the bill now pending before the Legislative Assembly relating to the taxation of railroads upon their gross earnings become a law, and the railway companies pay the taxes upon their gross earnings, both state and interstate, the largest amount that could possibly be realized (the Territory being entitled to one-third of the entire taxes) would be about \$115,000. This amount being in addition to the \$20,000 local earnings, above referred to. This would make the entire revenue for the year 1889, estimated under the most favorable circumstances, about \$560,000, all of the figures being based upon careful estimates furnished from the offices of the Auditor and Treasurer. It therefore appears that the total cost of the government for all purposes will amount to at least \$624,000; that the total revenue will amount to about \$560,000, and that the excess of the appropriations over and above the receipts, for the year 1889, would therefore be \$64,000. It should be borne in mind that there are various appropriation bills now pending and that the estimates given do not include provisions for deficiencies and unexpended balances reappropriated.

It is safe to say that the appropriations for the various institutions made under this bill by the present Legislature will exceed the amount of the revenue received by the Territory by at least \$100,000.

The amounts of the appropriations for some of the institutions are almost double what they were two years ago; and, generally, far in excess of their actual needs.

I will not attempt to specify in each instance, but I would be pleased to co-operate with your honorable body as far as possible in providing for the public institutions to such an extent as the public interests will warrant; and I would recommend that some action be taken upon the communication submitted to your honorable body on the 22d of January last, which contained the recommendations of the Territorial Treasurer.

Respectfully,
LOUIS K. CHURCH,
Governor.

Mr. Ericson moved

The lay the communication of His Excellency the Governor over till 6 p. m. to-day.

Which motion prevailed.

Mr. President announced his signature to Council Bill No. 256.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 253.

Being an act entitled "An act to change the name of Groton College."

And find the same correctly engrossed and enrolled.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 205,

A bill for an act entitled "An act to revise and harmonize the existing systems of public education and to abolish the Territorial Board of Education."

And find the same correctly enrolled and engrossed.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 256,

Being an act providing for the collection and compilation of the statistics of the Territory of Dakota.

And find the same correctly engrossed and enrolled.

J. H. PATTEN,
Chairman.

House Bill No. 179,

A bill for an act authorizing county commissioners to purchase for the use of their respective counties an artesian well drilling outfit.

Was read the third time, and

The question being upon the report,

The report was adopted.

Mr. Poindexter moved

That the further consideration of House Bill No. 179 be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes, 12; nays, 8.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cooper, Ericson, Glaspell, Harstad, Lowry, Patten, Poindexter, Soderberg, Woolhiser. Mr. President.

Those who voted in the negative were:

Messrs. Cameron, Campbell, Crawford, Dollard, McDonald, Ryan, Walsh, Washabaugh.

Absent and not voting:

Messrs. Halley, Hughes, Miller, Van Osdel.

So the motion prevailed.

Mr. President announced his signature to Council Bill No. 253.

House Bill No. 266,

A bill for an act to facilitate the collection of special assessments in cities, towns or villages.

Mr. Soderberg moved

That House Bill No. 266 be read by its title only.

Which motion prevailed.

The question being upon the report of the Committee on Territorial Affairs.

The report was adopted.

The question being shall the bill pass,

The roll being called there were, ayes, 17; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Crawford, Dollard, Ericson, Glaspell, Harstad, Lowry, Poindexter, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Cooper, Halley, Hughes, McDonald, Miller, Patten, Ryan.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Council Bill No. 292,

A bill for an act to amend an act entitled "An act to enable the land owners of lands to drain and reclaim them, prescribing the powers and duties of county commissioners and other officers in the premises, and to provide for the repair and enlargement of such drains,"

Was read the third time, and

The question being shall the bill pass.

The roll being called there were ayes. 6; nays, 11.

Those who voted in the affirmative were:

Messrs. Allin, Dollard, Soderberg, Van Osdel, Walsh, Washabaugh.

Those who voted in the negative were:

Messrs: Atkinson, Cameron, Cooper, Crawford, Glaspell, Halley, Harstad, Lowry, Ryan, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Campbell, Ericson, Hughes, McDonald, Miller Patten, Poindexter.

So the bill was lost.

Mr. Crawford moved

That the vote by which Council Bill No. 292 was lost be reconsidered.

Call of the house demanded.

The roll being called all the members responded to their names except

Mr. Miller who was excused.

Mr. Van Osdel moved

That further proceedings under the call of the house be dispensed with.

Which motion prevailed.

The question being upon the motion of the gentleman from Hughes,

The motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 16; nays, 7.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Crawford, Dollard, Ericson, Harstad, Hughes, Lowry, McDonald, Patten, Poindexter, Soderberg, Van Osdel, Walsh, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Cameron, Campbell, Cooper, Glaspell, Halley, Ryan.

Mr. Miller being absent.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills report that

Council Bills Nos. 205, 256 and 253, were on the 7th day of March, 1889, at the hour of 4:30 p. m., delivered to His Excellency, Governor L. K. Church, for his approval.

J. H. PATTEN,
Chairman.

Council Bill No. 280,

A bill for an act, entitled "An act to amend subdivision 5 of Section 5650 of Chapter 1 of the Probate Code of the Compiled Laws of 1887,"

Was read the third time, and

The question being upon the report of the committee.

The report was adopted.

The question being shall the bill pass.

The roll being called there were ayes, 11; nays, 6.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Crawford, Dollard, Lowry, McDonald, Ryan, Van Osdel, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Cooper, Halley, Harstad, Soderberg, Washabaugh, Woolhiser.

Absent and not voting:

Messrs. Campbell, Ericson, Glaspell, Hughes, Miller, Patten, Poindexter.

So the bill passed, and

The question being upon its title, and being put,

Its title was agreed to.

Mr. Patten moved

That when the Council adjourn it be till 10 a. m. to-morrow.

Which motion prevailed.

Mr. Crawford moved

To reconsider the vote that made a special order for 8 p. m.

Which motion prevailed.

Mr. Crawford moved

That the special order for 8 p. m. be considered at 6 p. m.

Mr. Glaspell moved to amend the motion of the gentleman from Hughes by making the special order 10 a. m. to-morrow.

Which motion prevailed.

The question being upon the motion of the gentleman from Hughes as amended

Which motion as amended prevailed.

Mr. Crawford moved

That the vote by which the Substitute for House Bill No. 207 was lost be reconsidered.

Which motion prevailed.

Mr. Patten moved

That when we adjourn it be to 10 a. m. to-morrow.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 7, 1889, }

MR. PRESIDENT:

I have the honor to return herewith

Council Bill No. 175,

A bill for an act amending Sections 2, 9, 10, 12, 27, 29, 32 and 33 of Chapter 69, Laws of 1885, relating to insurance;

Which the House has amended as follows:

By adding Sections 11 and 12 as follows:

SEC. 11. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 12. This act shall take effect and be in force from and after its passage and approval.

Also,

Council Bill No. 215,

A bill for an act to amend Section 2, of Chapter 15, of the General Laws of 1887, relating to lost bonds or coupons.

Also,

Council Bill No. 263,

A bill for an act providing for the re-assessment of abutting property for improvement of public streets.

Which the House has passed without change.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Allin moved

That Council concur in House amendments to Council Bill No. 175.

Which motion prevailed.

House Bill No. 300,

A bill for an act entitled "An act making appropriation to reimburse Benjamin F. Porter, ex-sheriff of Custer county, Dakota, for money expended and official duty performed while sheriff of Custer county, Dakota, in conveying one Jennie Hart from Custer City in Custer county, Dakota, to the Dakota Reform School at Plankinton. Dakota,

Was read the third time.

The question being shall the bill pass.

The roll being called there were ayes, 12; nays, 2.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Crawford, Dollard, Halley, Harstad, McDonald, Patten, Soderberg, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Cameron, Glaspell.

Absent and not voting:

Messrs. Allin, Cooper, Ericson, Hughes, Lowry, Miller, Poindexter, Ryan, Van Osdel, Walsh.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 140,

Being an act providing for the levy and collection of taxes upon the property of railroad companies in this Territory.

And find the same correctly engrossed and enrolled.

J. H. PATTEN,
Chairman.

REPORT OF SPECIAL COMMITTEE.

MR. PRESIDENT:

Your committee appointed for the purpose of selecting bills for consideration, respectfully report and recommend that the following bills be considered in the order named:

House Bill No. 184, House Bill No. 237, House Bill No. 223, House Bill No. 215, House Bill No. 23, House Bill No. 272, House Bill No. 308, House Bill No. 317, House Bill No. 83, House Bill No. 74, House Bill No. 246, House Bill No. 328, House Bill No. 126, House Bill No. 350, House Bill No. 231.

And

Council Bill No. 270, Council Bill No. 232, Council Bill No. 51, Council Bill No. 28, Council Bill No. 296, Council Bill No. 208, Council Bill No. 230, Council Bill No. 282.

ALEXANDER HUGHES,
Chairman.

Mr. President announced his signature to House Bills Nos. 182 and 268, and Council Bill 140.

Mr. Allin in the chair.

House Bill No. 332,

A bill for an act to declare certain combinations, contrivances, agreements and trusts unlawful and to restrain and punish the same,

Was read the third time.

The question being shall the bill pass,

The roll being called there were ayes 14; nays 5.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Cooper, Glaspell, Harstad, Hughes, Lowry, McDonald, Poindexter, Soderberg, Van Osdel, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Campbell, Crawford, Halley, Ryan, Washabaugh.

Absent and not voting:

Messrs. Dollard, Ericson, Miller, Patten, Walsh.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Mr. Ericson moved

That the vote by which House Bill No. 179 was indefinitely postponed be reconsidered.

Which motion prevailed.

Mr. Stimmel moved

That House Bill No. 179 be laid over until to-morrow.

Which motion was lost.

Council Bill No. 235,

A bill for an act to protect stock breeders, and promote the breeding of improved live stock in the Territory of Dakota.

Mr. Crawford moved

That Council Bill No. 235 be read by its title only.

Which motion prevailed.

Mr. Stimmel offered the following amendment and moved its adoption:

Amend by striking out all of Section 3, and renumbering the other sections consecutively.

Which motion prevailed.

The question being shall the bill pass.

The roll being called there were ayes, 20; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh. Mr. President.

Absent and not voting:

Messrs. Dollard, Miller, Patten, Woolhiser.

So the bill passed, and

The question being as to its title and being put

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives.

HOUSE OF REPRESENTATIVES, {
March 7, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 354,

A bill for an act legalizing the action of the school officers of Ransom school district No. 25. of Ransom County, Dakota, in issuing certain bonds against said district,

Also,

House Bill No. 360,

A Joint Resolution providing for the payment of assistant janitor of the House,

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

JNO. G. HAMILTON,
Chief Clerk.

House Bill No. 179,

A bill for an act authorizing county commissioners to purchase for the use of their respective counties, an artesian well drilling outfit.

Was read the third time, and

The question being shall the bill pass.

The roll being called there were ayes, 17; nays, 3.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Crawford, Dollard, Ericson, Glaspell, Halley, Hughes, Lowry, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Campbell, Cooper, Woolhiser.

Absent and not voting:

Messrs. Harstad, McDonald, Miller, Patten.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. President in the chair.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
March 7, 1889. }

MR. PRESIDENT:

I have the honor to return herewith

Council Bill No. 135,

A bill for an act regulating criminal prosecutions in justice's courts,

Also,

Council Bill No. 318,

A bill for an act to amend Section 1, of Chapter 45, of

the Session Laws of 1883, as amended by Section 1, of Chapter 50,

Which the House has passed without change.

J. G. HAMILTON,
Chief Clerk.

Council Bill No. 270,

A bill for an act to amend Section 4 of Chapter 142, Session Laws of 1887, entitled "An act to provide for the collection of city taxes in incorporated cities of the Territory of Dakota,

Was read the third time, and

The question being upon the report of the committee,
The report was adopted.

Mr. Washabaugh offered the following amendment and moved its adoption:

To amend Section 2 of Council Bill 270 by inserting the words "both special and general" after the word "acts" in in the first line of said Section 2,

Which motion prevailed.

The question being shall the bill pass.

The roll being called there were, ayes, 14; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Halley, Hughes, Lowry, Soderberg, Walsh, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Ericson, Glaspell, Harstad, McDonald, Miller, Patten, Poindexter, Ryan, Van Osdel, Woolhiser.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

The Committee on Territorial Affairs made the following report:

MR. PRESIDENT:

Your Committee on Territorial Affairs to whom was referred House Bills Nos. 340 and 350 and Council Bill No. 301. beg leave to report that they have had the same under consideration

And recommend that said

House Bill No. 340,

A Joint Resolution providing for the printing and distribution of 100,000 copies of the Sioux Falls constitution,

And said

Council Bill No. 301,

A bill for an act to authorize the Commissioner of Immigration to publish in foreign languages advertising matter pertaining to his office,

Do not pass.

And that

House Bill No. 350,

A bill for an act giving the right of way through the Penitentiary grounds of the Sioux Falls Penitentiary at Sioux Falls, for drainage purposes,

Do pass.

F. J. WASHABAUGH.

Chairman.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 198,

A bill for an act to appropriate funds to pay Charles W. Thompson for rebate of freight on material for the construction of the capitol building at Bismarck, D. T., as per finding of board of arbitration in case Thompson vs. Territory of Dakota,

And find the same correctly engrossed and enrolled.

J. H. PATTEN,

Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 222,

A bill for an act providing for the extension of the time for payment of taxes,

And find the same correctly engrossed.

J. H. PATTEN,

Chairman.

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

That the House be and it is hereby requested to return to the Council, House Bill No. 40.

Which motion prevailed.

Mr. President announced his signature to Council Bill No. 198.

Mrs. Jno. T. Mathews presented herself and was sworn in by Mr. President.

Council Bill No. 300,

A Joint Resolution providing for payment of the watchmen and the messenger in both Council and the House of the sum of five dollars per day.

Mr. Crawford moved

That Council Bill No. 300 be read by its title only.

Which motion prevailed.

The question being shall the bill pass.

The roll being called there were ayes, 16; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Crawford, Dollard, Ericson, Halley, Lowry, McDonald, Patten, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser, Mr. President.

Mr. Cooper voting in the negative.

Absent and not voting:

Messrs. Campbell, Glaspell, Harstad, Hughes, Miller, Poindexter, Van Osdel.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

EXECUTIVE COMMUNICATION.

A sealed communication having been received from His Excellency, the Governor, the chamber was cleared, the doors closed, and the Council spent some time in executive session.

Mr. Walsh asked unanimous consent to introduce a bill.

There being no objection

Mr. Walsh introduced—

Council Bill No. 321,

A bill for an act entitled "An act for the levy and collection of taxes on the property of express companies and sleeping car companies doing business in the Territory."

Was read the first and second times and

Referred to the Committee on Revenue.

House Bill No. 308,

A bill for an act prohibiting the sale of unsound, diseased, adulterated, impure and unwholesome articles of food, regulating the slaughter of animals to be slaughtered, and prescribing penalties for the violation thereof.

Was read the third time.

The question being shall the bill pass.

The roll being called there were ayes, 22; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Dollard and Miller.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 228,

A bill for an act to regulate the compensation of township officers,

Was read the third time and

The question being shall the bill pass,

The roll being called there were ayes, 20; nays 3.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Patten, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were.

Messrs. Crawford, Dollard, Washabaugh.

Mr. Miller being absent.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Crawford moved

That the Council do now adjourn.

Which motion prevailed.

Mr. President announced that the Council stood adjourned.

R. E. WALLACE,
Chief Clerk.

SIXTIETH DAY.

BISMARCK, March 8, 1889.

Council met pursuant to adjournment and was called to order by the President in the chair.

Prayer by the Chaplain.

The roll called and the members all responded to their names, except Mr. Miller, who was excused.

Mr. Ericson moved

That the President appoint a Special Committee to examine Council Bill No. 314 and the veto message thereto.

Which motion prevailed.

Mr. President appointed Messrs. Ericson, Campbell and Halley as such committee.

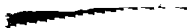
The following resolution was presented by Mr. President:

WHEREAS, For the third time during this brief session of the Legislature we are called upon to extend our sympathies to brother members on account of the visitation of death; and

WHEREAS, It has pleased Almighty God, whose wisdom is infinite, to call to himself Louise Isabel, the much loved and lovely little daughter of the Hon. John Miller, a member of this Council, be it

Resolved, That as members of this body we extend our heartfelt sympathy to the sorrow-stricken father and mother of the deceased. That these resolutions be spread upon the Journal of this house, and that an engrossed copy of the same, signed by the President and Chief Clerk, be transmitted by the President to the bereaved parents.

Mr. Campbell moved



That the resolution be adopted by a rising vote.
Which motion prevailed.

Mr. Ericson moved

To postpone the consideration of messages from His Excellency, the Governor, one hour.

Which motion prevailed.

Mr. President appointed Messrs. Ryan and Dollard as the committee on the Journal of yesterday.

Mr. Harstad presented the following petition:

HOPE, STEELE, Co., D. T. }
February 28, 1889. }

To the Legislature of Dakota:

We, the undersigned residents and free holders of Steele county, D. T., respectfully petition and pray your honorable body: That the present law relative to the suppression and prevention of the spread of contagious and infectious diseases among domestic animals be not repealed. The benefits already conferred upon Steele county through the operating of this act has been of incalculable value to the stock growers of this section of Dakota.

A. T. DRAKELEY,

And 44 others of Steele county.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 8, 1889. }

MR. PRESIDENT:

I have the honor to return herewith
House Bill No. 40, as per request of the Council.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Atkinson moved

That Council Bill No. 298 be taken up.

Which motion prevailed and

Council Bill No. 298,

A bill for an act to relieve the Jewell Nursery of Lake City, Minnesota,

Was read the third time.

The question being shall the bill pass,

The roll being called there were ayes, 12; nays, 3.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Glaspell, Halley, Lowry, McDonald, Patten, Ryan, Soderberg, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Campbell, Harstad, Woolhiser.

Absent and not voting:

Messrs. Cooper, Crawford, Dollard, Ericson, Hughes, Miller, Poindexter, Van Osdel and Washabaugh.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

Council Bill No. 317,

A bill for an act to appropriate funds to pay deficiency in the construction fund of the Dakota Reform school at Plankinton,

Was read the third time and

The question being upon the report of the committee

The report was adopted.

The question being shall the bill pass

The roll being called there were ayes, 11; nays, 5.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Ericson, Halley, Hughes, Lowry, McDonald, Ryan, Soderberg, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Cameron, Cooper, Harstad and Woolhiser.

Absent and not voting:

Messrs. Crawford, Dollard, Glaspell, Miller, Patten, Poindexter, Van Osdel, Washabaugh.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Council Bill No. 322,

A bill for an act entitled "An act making an appropriation to reimburse the railroad commissioners for moneys expended in putting in operation the Grain and Warehouse law."

Was read the third time, and

The question being shall the bill pass.

The roll being called there were ayes, 3; nays, 15.

Those who voted in the affirmative were:

Messrs. Glaspell, McDonald, Walsh.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Dollard, Ericson, Harstad, Lowry, Poindexter, Ryan, Soderberg, Van Osdel, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Crawford, Halley, Hughes, Miller, Patten and Washabaugh.

So the motion was lost.

The Committee on Enrolled and Engrossed bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed bills have examined

Council Bill No. 156,

A bill for an act to regulate the sale of intoxicating liquors for medicinal purposes by registered pharmacists in the Territory of Dakota,

And find the same correctly enrolled.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed bills report that

Council Bill No. 140,

A bill for an act providing for the levy and collection of taxes upon the property of railroad companies in this Territory,

Was on the 7th day of March, 1889, at the hour of 5:30 p. m., delivered to His Excellency, Governor L. K. Church, for his approval.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills report that

Council Bill No. 198 was on the 8th day of March, 1889, at 10:20 a. m., delivered to His Excellency, L. K. Church, for his approval.

J. H. PATTEN,
Chairman.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

Council Bill No. 317,

A bill for an act entitled "An act making an appropria-

tion to reimburse the railroad commissioners for moneys expended in putting in operation the Grain Warehouse law,"

Have had the same under consideration and report the same back without recommendation.

HUGH McDONALD,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, /
March 8, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 362,

A bill for an act to define and establish the boundaries of Campbell county, and for other purposes,

Which the House has passed under suspension of the rules, and your favorable consideration thereof is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

REPORT OF SPECIAL COMMITTEE.

COUNCIL CHAMBER, /
March 8th, 1889. }

MR. PRESIDENT:

Your special committee to which was referred Council Bill No. 314 making appropriations for the maintenance of the various public institutions for the ensuing two years and the message of His Excellency, the Governor, vetoing the same, would respectfully report that they have had the same under consideration and would report as follows:

The appropriations for the institutions covered by this bill, by the 17th Legislative Assembly were:

For permanent improvements, represented by bonds	\$ 530,383 00
For maintenance, two years.....	591,360 00
For deficiencies.....	39,373 00

Total\$1,161,116 00

Of the above amount, the last two items were direct appropriations, not represented by bonds.

The amount of similar appropriations at this session are
 Bonds for Soldiers' Home. \$ 45,000 00
 Maintenance of Institutions (as per this bill). 698,450 00

Total \$743,450 00

The estimate of His Excellency of \$275,000 per annum for miscellaneous expenses other than those covered by this bill is in the opinion of your committee far in excess of what the proper and actual expenditures will be. From the summary of expenditures for 1887 and 1888 as shown by pages 204 and 205 of the Auditors' report, your committee finds that the total of such expenditures, not including maintenance of institutions, per diem of directors and their mileage and interest on territorial bonds, for such years was. \$347,361 84

Add compensation of trustees, etc., not included in maintenance. 25,329 82

Bond interest as shown by page 89 of Treasurer's report. 56,026 50

Total for 1887 and 1888. \$428,718 16

Making an average of \$214,359 08 per annum. No new offices have been created at this session or enactments made which will call for any material increase of expenditure in this direction.

Taking this amount. \$214,359 08

And one half of the amount covered by this bill 349,250 00

We have a total of. \$563,609 08

Total disbursements for the year 1889.

On the other hand it is the judgment of your committee that His Excellency has underestimated the revenues of the territory for the current year.

The total assessed valuation of the Territory in 1888 as shown by the Auditor's report was \$161,420,974.32, which will yield a revenue, after deducting commissions, etc., of \$464,893. While the entire amount of this tax will not be collected, still the increase in the wealth of the Territory and in its assessed valuation for 1889 will more than offset any shortage caused by delinquent taxes. The total Territorial tax received from the counties in 1887 was \$312,110.94, and 1888 was 411,361.03, an increase of 30 per cent., so your committee feel warranted in estimating an increase in 1889 of one-half of the increase in 1888.

From telegraph and insurance companies the revenue derived in the past two years to the Territory was nearly \$39,000, as shown by the Treasurer's report, and your committee believe that at least \$20,000 will be realized this year from that source. From surplus insurance fees and other miscellaneous sources there was realized to the Territory in the neighborhood of \$5,000 per annum.

From railroad companies there will be received in taxes during the present year as shown by the Governor's veto the sum of \$135,000.

This will make the revenues of the Territory during the current year as follows:

Territorial taxes from counties.....	\$464,893 00
Insurance and telegraph companies taxes.....	20,000 00
Miscellaneous sources.....	5,000 00
Railroad tax.....	135,000 00

Total.....	\$624,893 00
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Total estimated expenditures for 1889 were.....	\$563,609 08
Deficiency in general fund.....	25,000 00
	\$588,609 08

Leaving a surplus of.....	\$ 36,283 92
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In view of this fact and the further fact that these appropriations, notwithstanding the rapid growth of these various institutions, are but slightly in excess of those of two years ago and as the amounts have been scaled down by the various committees and by this Legislature to what was considered the least amount with which the present needs could be supplied and the efficiency of these institutions be maintained, your committee unanimously recommend that the bill pass the objections of His Excellency, the Governor, to the contrary notwithstanding.

E. C. ERICSON,
 JAS. HALLEY,
 A. W. CAMPBELL.

Mr. Walsh moved

That the report of the committee appointed to examine Council Bill No. 314 be adopted.

Which motion prevailed.

Council Bill No. 314,

A bill for an act providing for an appropriation for the maintenance of the several public institutions of the Territory of Dakota.

Was read the third time.

The question being shall the bill pass, the objections of His Excellency, the Governor to the contrary notwithstanding.

The roll being called there were ayes, 17; nays, 5.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Cooper, Dollard, Ericson, Glaspell, Halley, Hughes, Lowry, McDonald, Patten, Poin-dexter, Soderberg, Van Osdel, Walsh, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Cameron, Harstad, Ryan, Woolhiser.

Absent or not voting:

Messrs. Crawford and Miller.

So the bill passed, the objections of His Excellency, the Governor, to the contrary notwithstanding, and

The question being as to its title and being put,

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
March 8, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 356,

A bill for an act requiring the county treasurers to act as the treasurer of school districts in certain cases.

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

JOHN G. HAMILTON,
Chief Clerk.

The Committee on Revenue made the following report:

MR. PRESIDENT:

Your Committee on Revenue to whom was referred
Council Bill No. 321,

A bill for an act entitled "An act for the levy and collection of taxes on the property of express companies and sleeping car companies doing business in this Territory,"

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

M. H. COOPER,
Chairman.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

House Bill No. 317,

A Joint Resolution providing for payment to Frank Donnelly for serving subpoenas outside the Territory, in the matter of the Jamestown Asylum investigations,

Have had the same under consideration and report the same back without recommendation.

HUGH McDONALD,

Chairman.

Mr. Crawford moved

That the veto messages be made a special order for 2 o'clock to-day.

Which motion prevailed.

Mr. Cameron moved

That the vote by which the report of the Sifting Committee was adopted be reconsidered.

Mr. Ericson moved

To lay the motion of the gentleman from Pembina on the table.

Which motion prevailed.

House Bill No. 40,

A bill for an act to amend Section 14 of Chapter 10, Session Laws of 1887, relating to county auditors.

Was read the third time, and

Mr. Allin made the following amendment and moved its adoption.

In line 8 after the word "sum" in Section 2, printed bill add the following:

"In counties where the value of taxable property for the preceding year, as fixed by said Board of Equalization, exceeds the sum of one and one-half million dollars, the county auditor shall be entitled to receive five mills on each dollar of the first one hundred thousand dollars, and one-third of one mill on each dollar in excess of said last named sum and less than two million dollars, and one-fifth of one mill on each dollar of all sums in excess thereof."

Which motion prevailed.

The question being shall the bill pass.

The roll being called there were ayes, 19; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Dollard, Ericson, Glaspell, Halley, Hughes, Lowry, Patten, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Crawford, Harstad, McDonald, Miller, Poindexter.

So the bill passed, and

The question being as to its title, and being put.

Its title was agreed to.

House Bill No. 184,

A bill for an act to repeal Chapter 20 of the Special Laws of 1885, entitled "An act prescribing the duties and regulating the salaries of the county treasurer and register of deeds for Grand Forks county, Dakota,"

Was read the third time.

The question being upon the report of the committee, substituting Council Bill No. 323,

The report was adopted, and

Council Bill No. 323.

A bill for an act entitled "An act to amend Section 13 of Chapter 20 of the Special Laws of 1885, entitled 'salary of county treasurer and register of deeds in Grand Forks county,'"

Was read the first, second and third times, under suspension of the rules.

The question being shall the bill pass.

The roll being called there were ayes, 20; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Hughes, Lowry, McDonald, Patten, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Mr. President.

Absent and not voting:

Messrs. Harstad, Miller, Poindexter and Woolhiser.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 237,

A bill for an act amending Section 331 of the Code of Civil Procedure.

Was read the third time.

The question being, shall the bill pass.

The roll being called there were ayes, 19; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Hughes, Lowry, Patten, Ryan, Soderberg, Van Osdel, Walsh, Woolhiser, Mr. President.

Mr. Washabaugh voting in the negative.

Absent and not voting:

Messrs. Harstad, McDonald, Miller and Poindexter.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

House Bill No. 223,

A bill for an act providing that railroad corporations shall furnish suitable facilities for loading and unloading cars.

Which was read the first, second and third times, and

The question being shall the bill pass,

The roll being called, there were ayes, 17; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Mr. Campbell voting in the negative.

Absent and not voting:

Messrs. Atkinson, McDonald, Miller, Patten, Poindexter, Ryan.

So the bill passed and

The question being as to its title, and being put

Its title was agreed to.

House Bill No. 215,

A bill for an act to amend Section 7 of Chapter 43 of the General Laws of 1883, entitled "An act to create the office of district attorney for the several counties of Dakota Territory, and for other purposes."

Was read the third time and

The question being upon the report of the committee.

The report was adopted.

The question being, shall the bill pass.

The roll being called there were ayes 15; nays 2.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Soderberg, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Van Osdel and Washabaugh.

Absent and not voting:

Messrs. Atkinson, Lowry, McDonald, Miller, Patten, Poindexter, Ryan.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 23,

A bill for an act to amend Subdivisions 2 and 3, respectively, of Section 37, of Chapter 28, of the Political Code

Was read the third time and

The question being upon the report of the committee,

The report was adopted, and

The question being shall the bill pass,

The roll being called there were, ayes, 18; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, McDonald, Soderberg, Van Osdel, Walsh, Washabaugh, Mr. President.

Mr. Woolhiser voting in the negative.

Absent and not voting:

Messrs. Lowry, Miller, Patten, Poindexter, Ryan.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

House Bill No. 272,

A bill for an act construing the phrase "successive weeks,"

Was read the third time.

The question being upon the report of the committee

The report was adopted.

The question being shall the bill pass,

The roll being called there were ayes, 19; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, McDonald, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Lowry, Miller, Patten, Poindexter, Ryan.
So the bill passed and
The question being as to its title and being put,
Its title was agreed to.

House Bill No. 317,

A Joint Resolution providing for payment to Frank Donnelly for serving subpoenas outside the Territory in the matter of the Jamestown asylum investigation,

Was read the third time and

Mr. Cameron offered the following amendment and moved its adoption:

Strike out "one hundred and twenty dollars" and insert in lieu thereof "sixty dollars,"

Which motion prevailed.

The question being shall the bill pass.

The roll being called there were ayes, 10; nays, 10.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Dollard, Harstad, Hughes, Lowry, Mr. President.

Those who voted in the negative were:

Messrs. Crawford, Ericson, Glaspell, Halley, McDonald, Ryan, Soderberg, Van Osdel, Washabaugh, Woolhiser.

Absent and not voting:

Messrs. Miller, Patten, Poindexter, Walsh.

So the bill was lost.

Mr. Ryan moved

That the vote by which House Bill No. 317 was lost be reconsidered.

Mr. Van Osdel moved

To lay the motion of the gentleman from Aurora on the table.

Which motion was lost.

The question being upon the motion of the gentleman from Aurora.

Roll call demanded.

The roll being called there were ayes, 11; nays, 11.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Dollard, Harstad, Hughes, Lowry, Ryan, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Crawford, Ericson, Glaspell, Halley, McDonald, Patten, Poindexter, Soderberg, Van Osdel, Washabaugh, Woolhiser.

Absent and not voting:
Messrs. Cooper and Miller.
So the motion was lost.

Mr. Halley moved
To add to the list of House Bills to be considered Nos. 244, 143, 277, 278 and 297.
Which motion was lost.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 270,

A bill for an act to amend Section 4, of Chapter 142, Session Laws of 1887, entitled "An act to provide for the collection of city taxes in incorporated cities of the Territory of Dakota."

Which the House has passed unchanged.

JOHN G. HAMILTON,
Chief Clerk.

House Bill No. 83,

A bill for an act relating to the payment of premiums for insurance by the giving of notes.

Was read the third time, and

The question being upon the report of the Committee on Insurance,

The report was adopted, and

House Bill No. 83 was indefinitely postponed.

Mr. President announced his signature to House Bills Nos. 189 and 235 and Council Bill No. 156.

Mr. Washabaugh in the chair.

Mr. Halley moved

That the Council take a recess till 2 p. m.

Which motion prevailed and

Mr. President pro tem. announced the Council at recess.

After recess

The Council was called to order by the President in the chair.

Mr. Dollard asked unanimous consent to introduce a bill and moved

That the rules be suspended and that it be read the first, second and third times and put on its final passage.

There being no objections the request was granted and the motion prevailed, and

Mr. Dollard introduced—

Council Bill No. 324,

A bill for an act entitled “A Joint Resolution to compensate J. C. Cummins for services,”

Which was read the first, second and third times, and

The question being shall the bill pass,

The roll being called there were ayes, 11; nays, 3.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Dollard, Halley, Harstad, Lowry, Poindexter, Soderberg, Mr. President.

Those who voted in the negative were:

Messrs. Ericson, Washabaugh, Woolhiser.

Absent and not voting:

Messrs. Cameron, Crawford, Glaspell, Hughes, McDonald, Miller, Patten, Ryan, Van Osdel, Walsh.

So the bill passed and

The question being as to its title, and being put,

Its title was agreed to.

Mr. Washabaugh in the chair.

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

Resolved, by the Council, That after the hour of 11 o'clock p. m. no business shall be transacted, excepting to receive communications from the Governor, or a motion to adjourn.

Which motion prevailed.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, /
March 8, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 363,

A bill for an act amending Chapter 73 of the General Laws of 1887, in regard to the incorporation of cities.

Which the House has passed, under suspension of the rules, and your favorable consideration thereof is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
 March 8, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 337,

A bill for an act to provide for the levy and collection of a tax upon dogs.

Also,

House Bill No. 103.

A bill for an act to regulate the toll of grist mills and the exchange of grain and its products,

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

JOHN G. HAMILTON,
 Chief Clerk.

CONSIDERATION OF VETO MESSAGES.

Call of the House demanded.

The roll being called the members all responded to their names except Mr. Miller, who was excused, and Messrs. Crawford and Patten.

Mr. Campbell moved

That further proceedings under the Call of the House be dispensed with.

Which motion was lost and

The sergeant-at-arms was instructed to bring in the absent members.

All the members being present.

Mr. Ericson moved

That further proceedings under the Call of the House be dispensed with.

Which motion prevailed.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed bills have examined

Council Bill No. 175,

A bill for an act amending Sections 2, 9, 10, 12, 27, 29, 32 and 33, of Chapter 69, Laws of 1885, relating to insurance,

And find the same correctly enrolled.

Also,

Council Bill No. 215,

A bill for an act to amend Section 2, Chapter 15, of the General Laws of 1887, relating to lost bonds or coupons, And find the same correctly enrolled,

Also,

Council Bill No. 270,

A bill for an act to amend Section 4 of Chapter 142, Session Laws of 1887, entitled "An act to provide for the collection of city taxes in incorporated cities of the Territory of Dakota,"

And find the same correctly engrossed and enrolled.

J. H. PATTEN,
Chairman.

Council Bill No. 259,

A bill for an act regulating the business of building and corporation.

The question being, shall the bill pass, the objections of His Excellency, the Governor, to the contrary notwithstanding,

The roll being called there were ayes, 18; nays, 3.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Dollard, Glaspell, Halley, Harstad, Lowry, McDonald, Poindexter, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Ericson, Patten, Ryan.

Absent and not voting:

Messrs. Crawford, Hughes and Miller.

So the bill passed

The objections of His Excellency, the Governor, to the contrary notwithstanding.

Council Bill No. 120,

A bill for an act entitled "An act to provide security to to the public against errors, omissions and defects in abstracts of title to real estate."

The question being shall the bill pass the objections of His Excellency, the Governor, to the contrary notwithstanding.

The roll being called there were ayes, 14; nays, 5.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Cooper, Crawford, Dollard, Halley, Harstad, Lowry, McDonald, Poindexter, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Cameron, Ericson, Glaspell, Soderberg.

Absent and not voting:

Messrs. Hughes, Miller, Patten, Ryan, Van Osdel.

So the bill passed the objections of His Excellency, the Governor, to the contrary notwithstanding.

Call of the House demanded.

The roll being called the members all responded to their names except Mr. Miller who was excused, and Messrs. Hughes, Patten and Van Osdel.

Mr. Cooper moved

That further proceedings under the call be dispensed with.

Which motion was lost.

The members all being present.

Mr. Poindexter moved

That further proceedings under the call be dispensed with.

Which motion prevailed.

Mr. Patten asked to be excused when on duty with the enrolling force.

There being no objections the request was granted.

House Bill No. 252.

A bill for an act authorizing the Territorial Auditor to audit a claim of Geo. F. Ingram against the territory.

The question being, shall the bill pass, the objections of His Excellency, the Governor, to the contrary notwithstanding.

The roll being called there were ayes 14; nays 7.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Crawford, Dollard, Ericson, Halley, Harstad, Lowry, McDonald, Poindexter, Soderberg, Walsh, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Cameron, Cooper, Glaspell, Ryan, Van Osdel, Woolhiser.

Absent and not voting:

Messrs. Hughes, Miller, Patten.

So the bill passed the objections of His Excellency the Governor to the contrary notwithstanding.

Council Bill No. 8,

A bill for an act entitled "An act repealing Chapter 126 of the Session Laws of 1885, providing for the establishment of a board of railroad commissioners."

The question being shall the bill pass the objections of His Excellency the Governor to the contrary notwithstanding.

The roll being called there were, ayes, 4; nays, 17.

Those who voted in the affirmative were:

Messrs. Campbell, Lowry, Poindexter, Washabaugh.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Hughes, McDonald, Patten, Ryan, Soderberg, Van Osdel, Walsh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Harstad, Miller, Ryan.

So the bill was lost.

Mr. President in the chair.

Mr. President announced his signature to House Bills Nos. 274, 308, 266, 179 and 69.

Mr. Washabaugh in the chair.

Council Bill No. 289,

A bill for an act, entitled "An act to reappropriate unused balances of the University of North Dakota."

The question being shall the bill pass, the objections of His Excellency the Governor to the contrary notwithstanding,

The roll being called there were ayes, 18; nays, 3.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Patten, Poindexter, Soderberg, Walsh, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Cooper, Ryan, Woolhiser.

Absent and not voting:

Messrs. Cameron, Miller and Van Osdel.

So the bill passed the objections of His Excellency, the Governor, to the contrary notwithstanding.

Council Bill No. 65,

A bill for an act to amend Section 2 of Chapter 53 of the General Laws of the Seventeenth Legislative Assembly, entitled an act for the protection of game.

The question being shall the bill pass, the objections of His Excellency, the Governor, to the contrary notwithstanding.

The roll being called there were ayes, 11; nays, 11.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Crawford, Dollard, Glaspell, Halley, Lowry, McDonald, Poindexter, Walsh, Washabaugh.

Those who voted in the negative were:

Messrs. Cameron, Cooper, Erickson, Harstad, Hughes, Patten, Ryan, Soderberg, Van Osdel, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Allin and Miller.

So the bill was lost.

Council Bill No. 178,

A bill for an act to amend Section 121 the of Code of Civil Procedure relating to sham and irrelevant defenses.

The question being shall the bill pass the objections of His Excellency, the Governor, to the contrary notwithstanding.

The roll being called there were ayes, 8; nays, 13.

Those who voted in the affirmative were:

Messrs. Campbell, Crawford, Ericson, Glaspell, Halley, Lowry, McDonald, Washabaugh.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Cameron, Cooper, Harstad, Hughes, Poindexter, Ryan, Soderberg, Van Osdel, Walsh, Woolhiser, Mr. President.

Absent and not voting.

Messrs. Dollard, Miller, Patten.

So the bill was lost.

EXECUTIVE COMMUNICATION.

The following communication was received from His Excellency the Governor:

EXECUTIVE OFFICE, }
March 8, 1889. }

To the Council:

I have the honor to inform your honorable body that I have approved

Council Bill No. 253,

Entitled "An act to change the name of Groton College."

Also,

Council Bill No. 256,

Entitled "An act providing for the collection and compilation of the statistics of the Territory of Dakota."

Also,

Council Bill No. 47,

Entitled "An act to authorize courts by judgments to cancel incumbrances upon, and to establish and convey the title to real property in certain cases."

Also,

Council Bill No. 140,

Entitled "An act providing for the levy and collection of taxes upon the property of railroad companies in this Territory."

Also,

Council Bill No. 143,

Entitled "An act to amend Section 112 of the Civil Code, relating to the adoption of children."

Also,

Council Bill No. 287,

Entitled "An act to prohibit the importation, sale or exposure of infected animals and to prescribe punishment therefor."

Also,

Council Bill No. 129,

Entitled "An act to provide for the appointment of trustees for the several public institutions of the Territory of Dakota, and to define their terms of office, duties and compensation."

And said bills have been filed in the office of the Secretary.

Respectfully,

LOUIS K. CHURCH.

Governor.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 8, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 96,

A bill for an act to amend Sections 4, 6 and 15, of Chapter 130, Session Laws of 1887, entitled "An act to regulate grain warehouses and the inspection, weighing and handling of grain and defining the duties of the railroad and warehouse commission in relation thereto,"

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

JOHN G. HAMILTON,
Chief Clerk.

Council Bill No. 108.

A bill for an act to change the name of the religious corporation incorporated under the title of the "First Bohemian Presbyterian Church of Dakota."

The question being shall the bill pass the objections of His Excellency the Governor to the contrary notwithstanding.

The roll being called there were ayes, 5; nays, 16.

Those who voted in the affirmative were:

Messrs. Campbell, McDonald, Poindexter, Van Osdel, Washabaugh.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Cameron, Cooper, Crawford, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, Ryan, Soderberg, Walsh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Dollard, Miller, Patten.

So the bill was lost.

House Bill No. 30,

A bill for an act to amend Sections 6, 7 and 8 of Chapter 49 of the General Laws of 1879.

The question being shall the bill pass, the objections of His Excellency the Governor to the contrary notwithstanding.

The roll being called there were ayes, 17; nays, 6.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dollard, Glaspell, Halley, Harstad, Lowry, McDonald, Poindexter, Soderberg, Van Osdel, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Cameron, Ericson, Hughes, Patten, Ryan, Washabaugh.

Mr. Miller being absent and not voting.

So the bill passed the objections of His Excellency, the Governor, to the contrary notwithstanding.

House Bill No. 70,

A bill for an act to permit county commissioners to compromise delinquent taxes,

The question being shall the bill pass the objections of His Excellency, the Governor, notwithstanding.

The roll being called there were ayes, 19; nays, 3.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Lowry, McDonald, Patten, Soderberg, Van Osdel, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Hughes, Ryan, Washabaugh.

Absent and not voting:

Messrs. Miller and Poindexter.

So the bill passed the objections of His Excellency, the Governor, notwithstanding.

Mr. President in the chair.

Mr. President announced his signature to House Bills Nos. 304 and 311.

Mr. Washabaugh in the chair.

The Committee on Enrolled and Engrossed bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 304,

A bill for an act to authorize the board of county commissioners of any county to transfer unexpended balances in the county treasury from the road or bridge fund to the general fund,

And find the same correctly engrossed and enrolled.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 263,

A bill for an act providing for the re-assessment of abutting property for improvement of public streets,

And find the same correctly engrossed and enrolled.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills respectfully report that

Council Bills Nos. 215 and 270

Were on the 8th day of March, 1889, at the hour of 2:30 p. m., delivered to His Excellency, Governor L. K. Church, for his approval.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills report that

Council Bills Nos. 156 and 175

Were on the 8th day of March, 1889, at the hour of 2:10 p. m., delivered to His Excellency, Governor L. K. Church, for his approval.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills report that

Council Bills Nos. 304 and 311 were on the 8th day of March, 1889, at the hour of 3:45 p. m., delivered to His Excellency, Governor L. K. Church, for his approval.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 311,

A bill for an act authorizing the mayors of cities having 5,000 or more inhabitants to appoint one or more city assessors,

And find the same correctly enrolled.

J. H. PATTEN,
Chairman.

House Bill No. 234,

A bill for an act to amend Sections 1, 5, 6, 7, 9, 12, 13 and 15 of Chapter 3 of the General Laws of 1887, entitled "An act to create a Territorial Department of Agriculture and relating to agricultural societies and agricultural fairs, and providing for reports of same,"

The question being shall the bill pass the objections of His Excellency, the Governor, to the contrary notwithstanding.

The roll being called there were ayes, 14; nays, 7.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Cooper, Crawford, Dol-

lard, Glaspell, Halley, Lowry, McDonald, Van Osdel, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Cameron, Ericson, Harstad, Patten, Ryan, Soderberg, Washabaugh.

Absent and not voting:

Messrs. Hughes, Miller, Poindexter.

So the bill passed the objections of His Excellency the Governor to the contrary notwithstanding.

Council Bill No. 107,

A bill for an act, entitled "An act to refund to the citizens of Grand Forks for a loan advanced to repair damages caused by a storm and for other purposes."

The question being shall the bill pass the objections of His Excellency the Governor to the contrary notwithstanding.

The roll being called there were ayes, 14; nays 5.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Crawford, Dollard, Glaspell, Lowry, McDonald, Poindexter Walsh, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Halley, Harstad, Ryan, Soderberg, Woolhiser.

Absent and not voting:

Messrs. Ericson, Hughes, Miller, Patten, Van Osdel.

So the bill passed, the objections of His Excellency, the Governor, to the contrary notwithstanding.

Council Bill No. 69,

A bill for an act to locate and establish the North Dakota Territorial Agricultural College.

The question being shall the bill pass, the objections of His Excellency, the Governor to the contrary notwithstanding.

Call of the house demanded.

The roll being called all the members responded to their names, except Mr. Miller. who was excused.

Mr. McDonald moved

That further proceedings under the call be dispensed with.

Which motion prevailed.

The roll being called there were ayes, 8; nays, 13.

Those who voted in the affirmative were:

Messrs. Campbell, Crawford, Glaspell, Halley, McDonald, Poindexter, Walsh, Washabaugh.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Cameron, Cooper, Dollard, Ericson, Hughes, Patten, Ryan, Soderberg, Van Osdel, Woolhiser, Mr. President.

Mr. Harstad being absent.

Messrs. Lowry and Miller being paired.

So the bill was lost.

Mr. Cooper moved

To suspend the rules for the purpose of introducing a bill, and giving it its first, second and third reading and final passage.

Which motion prevailed.

Mr. Walsh moved

That the rules be suspended and Council Bill No. 321 be read the third time and put on its final passage.

Which motion prevailed and

Council Bill No. 321.

A bill for an act entitled "An act for the levy and collection of taxes on the property of express companies and sleeping car companies doing business in this Territory,

Was read the third time.

The question being shall the bill pass,

The roll being called there were ayes, 20; nays, none

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Cooper, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Poindexter, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Atkinson, Miller, Patton, Ryan.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. Soderberg moved

That the rules be suspended and House Bill No. 103 be taken up.

Which motion prevailed and

House Bill No. 103,

A bill for an act to regulate the toll of grist mills and the exchange of grain and its products.

Was read the first, second and third times and

Mr. Dollard moved

That the further consideration of House Bill No. 103 be indefinitely postponed.

Call of the House demanded.

Mr. Ericson moved

That further proceedings under the call of the House be dispensed with.

Which motion prevailed.

Call of the house demanded.

The roll being called all members responded to their names except Mr. Miller, who was excused, and

Mr. Ericson moved

That further proceedings under the call of the house be dispensed with.

Mr. Hughes moved

To lay the motion of the gentleman from Union on the table.

Roll call demanded.

The roll being called there were ayes, 3; nays, 15.

Those who voted in the affirmative were:

Messrs. Crawford, Dollard, Hughes.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Cooper, Ericson, Glaspell, Harstad, Lowry, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Halley, McDonald, Millar, Patten, Poindexter, Ryan.

So the motion was lost.

The question being upon the motion of the gentleman from Union.

The motion prevailed.

The question being upon the motion of the gentleman from Bon Homme.

Roll call demanded.

The roll being called there were ayes, 7; nays, 10.

Those who voted in the affirmative were:

Messrs. Campbell, Crawford, Dollard, Hughes, Patten, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Cooper, Ericson, Harstad, Lowry, Soderberg, Van Osdel, Walsh, Woolhiser.

Absent and not voting:

Messrs. Cameron, Glaspell, Halley, McDonald, Miller, Poindexter and Ryan.

So the motion was lost.

The question being shall the bill pass.

The roll being called there were ayes, 10; nays, 9.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Cooper, Ericson, Harstad, Soderberg, Van Osdel, Walsh, Woolhiser.

Those who voted in the negative were:

Messrs. Campbell, Crawford, Dollard, Glaspell, Hughes, Lowry, McDonald, Patten, Washabaugh.

Absent and not voting:

Messrs. Halley, Miller, Poindexter, Ryan.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Mr. President in the chair.

Mr. President announced his signature to House Bills Nos. 270, 40, 300, 223, 272, 23, 237, 215, and Council Bill No. 263.

Mr. Washabaugh in the chair.

Mr. Lowry moved

That the vote by which Council Bill No. 310 was lost be reconsidered,

Which motion was lost.

House Bill No. 74.

A bill for an act fixing the liability of railroad corporations for setting fires,

Was read the third time and

Mr. Crawford moved

That the further consideration of House Bill No. 74 be indefinitely postponed.

Roll call demanded.

The roll being called there were, ayes, 12; nays, 9.

Those who voted in the affirmative were:

Messrs. Atkinson, Cooper, Crawford, Dollard, Halley, Hughes, Lowry, Poindexter, Ryan, Walsh, Washabaugh, Woolhiser.

Those who voted in the negative were:

Messrs. Allin, Cameron, Campbell, Ericson, Harstad, McDonald, Patten, Soderberg, Mr. President.

Absent and not voting:

Messrs. Glaspell, Miller, Van Osdel.

So the motion prevailed, and

House Bill No. 74 was indefinitely postponed.

The following messages were received from the House:

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
March 8, 1889. }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 120,

A bill for an act to provide security to the public against
errors, omissions and defects in abstracts of title to real
estate,

Which the House has passed the objections of His Ex-
cellency, the Governor, to the contrary notwithstanding.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
March 8, 1889. }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 314,

A bill for an act providing for the maintenance of the
several public institutions of the Territory of Dakota.

And to inform you that the House has passed said Coun-
cil Bill No. 314, the objections of the Governor to the con-
trary notwithstanding.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
March 8, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 364,

A bill for an act to authorize the Territorial Auditor
to audit and pay certain claims.

Also,

House Bill No. 365,

A bill for an act entitled "An act to amend Section 112
of the Civil Code, relating to the adoption of children,"

Which the House has passed and your favorable consid-
eration thereof is respectfully requested.

Also, to return
Council Bill No. 235,

A bill for an act to protect stock breeders and promote

the breeding of improved live stock in the Territory of Dakota,

Which the House has passed without change.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
March 8, 1889. }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 264,

A bill for an act entitled "An act to amend an act to locate, establish and endow a School of Mines for the Territory of Dakota,"

Which the House has passed without change,

Also,

Council Bill No. 280.

Which the House has amended as follows:

By striking out the figures "5650" in line 2 of Section 1, and insert therein the figure "1."

After the word "Code" in line 3 of said Section insert the following: "designated as Section 5650."

Also amend title by striking out the figures "5650" in line 3 thereof, and inserting in lieu thereof the figure "1." Also after word "Code" in line 4 insert the following: "designated as Section 5650."

Also,

Council Bill No. 46,

A bill for an act to amend Sections 36, 46, 47, 48, 50, 51, 52 and 53 of Article 1, Chapter 1 of Title 1 of Part 3 of the Civil Code, entitled "the contract of marriage,"

Which the House has amended as follows:

In Section 2, line 7, printed bill, strike out the words "or either of them, that they have been legally joined in marriage."

Also,

Council Bill No. 303,

A Joint Resolution providing for the payment of the Jamestown Investigating Committee stenographer.

Which the House has passed without change.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
 March 8, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
 House Bill No. 131,
 A bill for an act to create certain liens,
 Which the House has passed and your favorable consid-
 eration thereof is respectfully requested.

JOHN G. HAMILTON,
 Chief Clerk.

Mr. Walsh moved
 That the Council concur in House amendments to Coun-
 cil Bill No. 280.

Which motion prevailed.

Mr. Walsh moved
 That House Bills Nos. 343 and 327 and Council Bill No.
 232 be placed upon the calender for consideration.

Which motion prevailed.

The Committee on Enrolled and Engrossed Bills made
 the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills report
 that

Council Bill No. 263,

Was on the 8th day of March, 1889, at the hour of 4:20
 p. m. delivered to His Excellency, Governor L. K. Church,
 for his approval.

J. H. PATTEN,
 Chairman.

Call of the House demanded.

The roll being called the members all responded to their
 names except Mr. Miller who was excused.

Mr. Ericson moved

That the further proceedings under the call of the House
 be dispensed with.

Roll call demanded.

The roll being called, there were ayes, 13; nays, 7.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Cooper, Ericson, Glas-
 pell, Hughes, Lowry, Soderberg, Van Osdel, Walsh, Wash-
 abaugh, Mr. President,

Those who voted in the negative were:

Messrs. Campbell, Crawford, Halley, Harstad, Poindexter, Ryan, Woolhiser.

Absent and not voting:

Messrs. Dollard, McDonald, Miller, Patten.

So the motion prevailed.

Mr. Campbell moved

That House Bill No. 324 be laid over until after the consideration of next bill on the list.

Which motion prevailed.

Mr. Glaspell moved

To suspend the rules and that House Bill No. 360 be given its first, second and third readings and put on its final passage.

Which motion was lost.

Mr. Glaspell moved

That House Bill No. 360 be read the first and second times and referred to a Special Committee.

Which motion prevailed.

Mr. President pro tem appointed Messrs. Glaspell, Ericson and Poindexter as such committee.

EXECUTIVE COMMUNICATION.

The following communication was received from His Excellency, the Governor:

EXECUTIVE OFFICE, }
March 8, 1889. }

To the Council:

I herewith respectfully return, without my approval, Council Bill No. 133,

Entitled "An act to prohibit the manufacture, sale or giving away of intoxicating liquors except for medical, scientific, mechanical and sacramental purposes and to regulate the manufacture and sale thereof for such excepted purposes."

Section 21 of this bill contains a provision that the same shall not take effect until January 1, 1890. Considering the near approach of statehood, it seems not advisable to anticipate the action of the respective law making bodies, which will, in all probabilities, convene prior to the time named for this act to take effect.

Respectfully,
LOUIS K. CHURCH,
Governor.

The question being shall the bill pass, the objections of His Excellency, the Governor to the contrary notwithstanding,

The roll being called there were ayes, 13; nays 10.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Cooper, Crawford, Ericson, Harstad, Lowry, McDonald, Patten, Poindexter, Soderberg, Woolhiser.

Those who voted in the negative were.

Messrs. Campbell, Dollard, Glaspell, Halley, Hughes, Ryan, Van Osdel, Walsh, Washabaugh, Mr. President.

Mr. Miller being absent.

So the bill was lost.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 8, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
Council Bill No. 325,

A bill for an act to authorize cities having the requisite number of inhabitants to extend their corporate limits,
Which the House has passed without change.

JOHN G. HAMILTON,
Chief Clerk.

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 107,

A bill for an act entitled "An act to refund to the citizens of Grand Forks for a loan advanced to repair damages caused by a storm and for other purposes,"

Which the House has passed, the objections of His Excellency, the Governor, to the contrary notwithstanding, and your favorable consideration thereof is respectfully requested.

JOHN G. HAMILTON,
Chief Clerk.

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 366,

A bill for an act appropriating money for the traveling expenses of the Railroad and Warehouse Commission.

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

JOHN G. HAMILTON,
Chief Clerk.

House Bill No. 324,

A bill for an act to repeal Chapter 29, of the Special Laws of 1885, entitled "An act to repeal Section 5, of Chapter 31, of Session Laws of 1883, and to re-enact Section 5, of Chapter 31, of the Session Laws of 1883, entitled 'An act to create the county of Sanborn and define its boundaries, and for other purposes,'"

Was read the third time, and

The question being shall the bill pass.

The roll being called, there were ayes, 8; nays, 13.

Those who voted in the affirmative were:

Messrs. Campbell, Dollard, Halley, Lowry, McDonald, Poindexter, Walsh, Washabaugh.

Those who voted in the negative were:

Messrs. Allin, Atkinson, Cameron, Cooper, Crawford, Ericson, Glaspell, Harstad, Patten, Soderberg, Van Osdel, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Hughes, Miller and Ryan.

So the bill was lost.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills report that

Council Bill No. 120

Was on the 8th day of March 1889, delivered to the Secretary, the same having passed over the Executive veto.

J. H. PATTEN,
Chairman.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed bills have ex-Council Bill No. 280,

A bill for an act to amend Subdivision 5 of Section 1 of Chapter 1 of the Probate Code, Section 5650 of the Compiled Laws of 1887,

Also,

Council Bill No. 235,

A bill for an act to protect stock breeders and promote

the breeding of improved live stock in the Territory of Dakota.

And find the same correctle engrossed and enrolled.

J. H. PATTEN,
Chairman.

Mr. Stimmel moved

That the Council concur in House amendments to Council Bill No. 46.

Which motion prevailed.

Mr. Crawford asked unanimous consent to introduce a bill, and moved

That the rules be suspended and it be read the first, second and third times and put upon its final passage.

Which motion prevailed.

Mr. Crawford introduced

Council Bill No. 326,

A bill for an act to amend Section 656 of the Civil Code relating to acknowledgements of instruments,

Which was read the first, second and third times, and

The question being shall the bill pass,

The roll being called there were ayes, 15; nays, none.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Cameron, Cooper, Crawford, Dollard, Ericson, Halley, Harstad, Ryan, Soderberg, Walsh Washabaugh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Allin, Glaspell, Hughes, Lowry, McDonald, Miller, Patten, Poindexter, Van Osdel.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Mr. Cooper moved

That the Council take up House Bill No. 254.

Which motion prevailed.

House Bill No. 254,

A bill for an act to correct and define the boundary lines of Day county.

Was read the third time and

The question being shall the bill pass.

The roll being called there were ayes, 16; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Cooper, Crawford.

Dollard, Ericson, Glaspell, Halley, Lowry, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser, Mr. President.

Mr. Poindexter voting in the negative.

Absent and not voting:

Messrs. Atkinson, Harstad, Hughes, McDonald, Miller, Patten and Van Osdel.

So the bill passed and

The question being as to its title, and being put,

Its title was agreed to.

EXECUTIVE SESSION.

A sealed communication having been received from His Excellency, the Governor, the chamber was cleared, the doors closed and the Council spent some time in executive session.

After the doors were opened,

Mr. Hughes moved

That Council Journal for the fifty-eighth day (March 6th) be corrected as follows:

On Page 10, of the printed Journal, strike out the words "substitute for."

In line 1, page 11, strike out the words "line 10" and insert "Section 11."

Which motion prevailed.

Mr. President announced his signature to Council Bills Nos. 230 and 235.

Mr. Poindexter moved

That the Council take a recess till 8:30 p. m.,

Which motion prevailed, and

Mr. President announced the Council at recess.

After recess

The Council was called to order by Mr. President in the chair.

REPORT OF SPECIAL COMMITTEE.

MR. PRESIDENT:

A majority of your special committee to whom was referred House Bill No. 360, having had the same under consideration, recommend that said bill do pass.

S. L. GLASPELL,

D. W. POINDEXTER.

House Bill No. 360,

A Joint Resolution providing for the payment of the assistant janitor of the House,

Was read the third time and
 The question being shall the bill pass,
 The roll being called there were ayes, 11; nays, 4.
 Those who voted in the affirmative were:
 Messrs. Atkinson, Crawford, Dollard, Glaspell, Hughes,
 Lowry, McDonald, Ryan, Soderberg, Walsh, Mr. President.
 Those who voted in the negative were:
 Messrs. Cooper, Ericson, Van Osdel, Woolhiser.
 Absent and not voting:
 Messrs. Allin, Cameron, Campbell, Halley, Harstad,
 Miller, Patten, Poindexter, Washabaugh.
 So the bill passed and
 The question being as to its title and being put,
 Its title was agreed to.

EXECUTIVE COMMUNICATION.

The following communication was received from his
 Excellency the Governor:

EXECUTIVE OFFICE, }
 March 8, 1889. }

To the Council:

I have the honor to inform your honorable body that I
 have approved

Council Bill No. 175,

Entitled "An act amending Sections 2, 9, 10, 12, 27, 29, 32
 and 33 of Chapter 69, Laws of 1885, relating to insurance."

Also,

Council Bill No. 263,

Entitled "An act providing the reassessment of abutting
 property for improvement of public streets."

Also,

Council Bill No. 270,

Entitled "An act to amend Section 4, of Chapter 142, Ses-
 sion Laws of 1887, entitled 'An act to provide for the col-
 lection of city taxes in incorporated cities of the Territory
 of Dakota,' "

Also,

Council Bill No. 304,

Entitled "An act to authorize the boards of county com-
 missioners of the several counties in this Territory to
 transfer unexpended balances in the county treasury from
 the road or bridge funds to the General Fund,"

Also,

Council Bill No. 311,

Entitled "An act authorizing the mayors of cities having five thousand or more inhabitants to appoint one or more city assessors."

And said bills have been filed in the office of the Secretary.

Respectfully,

LOUIS K. CHURCH,

Governor.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 46,

A bill for an act to amend Sections 36, 46, 47, 48, 50, 51, 52 and 53, of Article 1, Chapter 1 of Title 1, of Part 3 of the Civil Code, entitled "The contract of marriage."

Also,

Council Bill No. 325,

A bill for an act authorizing cities having the requisite number of inhabitants to extend their corporate limits.

And find the same correctly engrossed and enrolled.

M. H. COOPER,

Chairman pro tem.

House Bill No. 350,

A bill for an act giving the right of way through the Penitentiary grounds of the Sioux Falls Penitentiary at Sioux Falls, Dakota Territory, for drainage purposes,

Was read the third time

The question being shall the bill pass,

The roll being called there were ayes, 13; nays, none.

Those who voted in the affirmative were:

Messrs. Atkinson, Campbell, Crawford, Dollard, Ericson, Glaspell, Hughes, Lowry, McDonald, Ryan, Walsh, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Allin, Cameron, Cooper, Halley, Harstad, Miller, Patten, Poindexter, Soderberg, Van Osdel and Washabaugh.

So the bill passed and

The question being as to its title and being put

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 8, 1889. }

MR. PRESIDENT:

I have the honor to return
Council Bill No. 321,

A bill for an act entitled "An act for the levy and collection of taxes on the property of express companies and sleeping car companies doing business in this Territory."

Which the House has passed unchanged.

JOHN G. HAMILTON,
Chief Clerk.

House Bill No. 246,

A bill for an act to provide for fees in foreclosures of mortgage of real estate by advertisement,

Was read the third time and

The question being shall the bill pass.

The roll being called there were ayes, 12; nays, 7.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Campbell, Cooper, Dollard, Glasspell, Hughes, Lowry, McDonald, Ryan, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Atkinson, Crawford, Ericson, Poindexter, Soderberg, Washabaugh, Woolhiser.

Absent and not voting:

Messrs. Halley, Harstad, Miller, Patten, Van Osdel.

So the bill passed, and

The question being as to its title and being put.

Its title was agreed to.

Mr. Cameron moved

That the executive session be deferred one hour.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, /
March 8, 1889. }

MR. PRESIDENT:

I have the honor to inform the Council that the House has refused to concur in Substitute for House Bill No. 184. and that the Speaker of the House has appointed Messrs. Aikens, Baldwin and Sheets as House members of a Con-

ference Committee to confer with a like committee from the Council.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Walsh moved

That a Committee of Conference be appointed on House Bill No. 184,

Which motion prevailed.

Mr. President appointed Messrs. Walsh, Ericson and Glaspell as such committee.

House Bill No. 366,

A bill for an act appropriating money for the traveling expenses of the Railroad and Warehouse Commission,

Was read the third time and

The question being shall the bill pass.

The roll being called there were ayes, 11; nays, 8.

Those who voted in the affirmative were:

Messrs. Atkinson, Cameron, Dollard, Glaspell, Hughes, Lowry, McDonald, Ryan, Soderberg, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Campbell, Ericson, Harstad, Poindexter, Van Osdel, Washabaugh, Woolhiser.

Absent and not voting:

Messrs. Cooper, Crawford, Halley, Miller, Patten.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Mr. Ericson moved

That all other appropriation bills be indefinitely postponed.

Which motion was lost.

House Bill No. 328,

A bill for an act requiring banks, incorporated under the General Laws of the Territory of Dakota, and all other persons, firms or corporations doing banking business to make and publish a sworn statement of their financial condition,

Was read the third time.

Mr. Campbell moved

That House Bill No. 328 be indefinitely postponed.

Which motion prevailed.

MESSAGES FROM THE HOUSE.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
March 8, 1889, }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 289,

A bill for an act, entitled "An act to reappropriate unused balances of the University of North Dakota."

And to inform you that the House has passed Council Bill No. 289, the objections of His Excellency, the Governor, to the contrary notwithstanding.

JOHN G. HAMILTON,
Chief Clerk.

HOUSE OF REPRESENTATIVES, {
March 8, 1889. }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 326.

A bill for an act to amend Section 658, of the Civil Code, relating to acknowledgements of instruments,

Which the House has passed without change.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Hally offered the following resolution, and moved its adoption:

Resolved, That the Council adjourn at 11:30 p. m. *sine die*, and that the clerk be instructed to notify the House accordingly.

Which motion prevailed.

Mr. Ericson moved

That the Council adjourned at 12 m.

Which motion was lost.

Mr. Washabaugh moved

That a committee be appointed to wait upon His Excellency, the Governor, and inform him that the Council will adjourn at 11:30 p. m.

Which motion prevailed.

Mr. President appointed Messrs. Washabaugh, Cooper and Crawford as such committee.

House Bill No. 363,

A bill for an act amending Chapter 73 of the General Laws of 1887 in regard to the incorporating of cities,

Was read the third time and

The question being shall the bill pass,

The roll being called there were ayes, 12; nays, 4.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Dollard, Glaspell, Halley, Hughes, Ryan, Soderberg, Van Osdel, Walsh, Mr. President.

Those who voted in the negative were:

Messrs. Ericson, Harstad, Poindexter, Woolhiser.

Absent and not voting:

Messrs. Cameron, Cooper, Crawford, Lowry, McDonald, Miller, Patten, Washabaugh.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

The Committee on Enrolled and Engrossed bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 326,

A bill for an act to amend Section 658 of the Civil Code, relating to acknowledgments of instruments.

And find the same correctly engrossed and enrolled.

I. ATKINSON,
Chairman pro tem.

House Bill No. 297,

A bill to provide for the incorporation and regulation of co-operative or assessment life endowment and casualty insurance associations and societies,

Was read the third time and

The question being upon the report of the committee,

The report was adopted.

Mr. Ericson moved

That the further consideration of House Bill No. 297 be indefinitely postponed.

Mr. Glaspell moved

To lay the motion of the gentleman from Union on the table.

Which motion prevailed.

Mr. President announced his signature to Council Bill No. 326.

Mr. Glaspell moved the previous question.

The question being shall the main question be now put
Call of the House demanded.

The roll being called all members responded to their names except Messrs. Cameron, Hughes, Lowry, Miller and Ryan.

The sergeant-at-arms was instructed to bring in the absent members.

The members all being present

Mr. Glaspell moved

That further proceedings under the call of the house be dispensed with,

Which motion prevailed.

The question being shall the bill pass,

The roll being called there were ayes, 15; nays, 4

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Campbell, Crawford, Glaspell, Halley, Harstad, Lowry, McDonald, Patten, Soderberg, Van Osdel, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Ericson, Poindexter, Ryan, Washabaugh.

Absent and not voting:

Messrs. Cameron, Cooper, Dollard, Hughes, Miller.

So the bill passed, and

The question being as to its title and being put,

Its title was agreed to.

Mr. Crawford moved

That the eloquent and appropriate remarks of the venerable gentleman from Beadle be placed upon the record as a part of this day's proceedings,

Which motion prevailed.

Mr. Lowry spoke as follows:

MR. PRESIDENT:

The year, the month, the week, the day, yes the very hour, has arrived when the last (Eighteenth) Legislature of the great empire Territory of Dakota will cease to exist, will separate, will dissolve, will adjourn forever and forever. And out of this immense territory Congress has formed two states known as South Dakota and North Dakota. The act of Congress creating the Territory of Dakota was passed in 1861, nearly 28 years ago. From a

few scattered families the Territory has grown till now the Territory contains about 600,000 inhabitants. We are taught in infancy and in manhood that separation is painful; that is true in many cases, but in the separation of South Dakota from North Dakota it is very different. We separate not as enemies, not as secessionists, not as rebels, Oh! no, we separate as brothers separate, we separate as sisters separate, we separate with the venerable Father standing in the doorway with his trembling hands adding his blessing. We will be separated only by an imaginary line, and will be bound together more closely by inseparable bonds of the Federal union, where separation is impossible. We hope to live in the future as in the past, as brothers and as sisters; we are of one flesh, we are of one blood, your God will be our God, your Saviour will be our Saviour, your religion will be our religion. May the blessing of the Almighty God be with us in the future as it has been in the past. Senators of North Dakota fare thee well.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
March 8, 1889. }

MR. PRESIDENT:

I have the honor to return herewith

Council Bill No. 300,

A Joint Resolution providing for payment to the watchman and messenger in both the Council and House of the sum of four dollars per day,

Which the House has passed without change.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Washabaugh in the chair.

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

Resolved, That the thanks of this Council be and are hereby extended to the Hon. Smith Stimmel, President of the Council, for the able and impartial manner in which he has discharged the arduous duties of his office.

Resolved, That as a token of our esteem, the gavel of the Council be presented to the President of the Council.

Which motion prevailed.

House Bill No. 343.

A bill for an act to provide clerks of probate courts in this Territory.

Was read the third time.

The question being, shall the bill pass.

The roll being called there were, ayes, 14; nays, 2.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Crawford, Dollard, Ericson, Halley, Lowry, Ryan, Soderberg, Van Osdel, Walsh, Woolhiser.

Those who voted in the negative were:

Messrs. Poindexter and Washabaugh.

Absent and not voting:

Messrs. Cooper, Glaspell, Harstad, Hughes, McDonald, Miller, Patten, Mr. President.

So the bill passed, and

The question being as to its title, and being put

Its title was agreed to.

Mr. President in the chair.

Council Bill No. 312.

A bill for an act to amend Section 1 of Chapter 50 of the Session Laws of the Seventeenth Legislative Assembly,

Was read the third time.

The question being shall the bill pass.

The roll being called there were ayes, 16; nays, 1.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Crawford, Ericson, Halley, Lowry, Patten, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Woolhiser, Mr. President.

Mr. Harstad voting in the negative.

Absent and not voting:

Messrs. Cooper, Dollard, Glaspell, Hughes, McDonald, Miller and Poindexter.

So the bill passed and

The question being as to its title and being put,

Its title was agreed to.

Mr. President announced his signature to Council Bill No. 321.

REPORTS OF COMMITTEES.

MR. PRESIDENT:

Your committee appointed to inform the Governor of the passage by the Council of the resolution fixing the hour of

adjournment at 11:30 p. m. of this 8th day of March, 1889, beg leave to report that they have performed the duty assigned them and to inform this body that His Excellency, the Governor, expressed his entire satisfaction at the decision of the Council and regrets that it did not adjourn 60 days ago.

F. J. WASHABAUGH,
COE I. CRAWFORD,
M. H. COOPER.

MR. PRESIDENT:

The Committee on Enrolled and Engrossed bills have examined

Council Bill No. 321.

A bill for an act entitled "An act for the levy and collection of taxes on the property of express companies and sleeping car companies doing business in this Territory,

And find the same correctly engrossed and enrolled.

J. H. PATTEN,
Chairman.

House Bill No. 362,

A bill for an act to define and establish the boundaries of the County of Campbell and for other purposes.

Mr. Dollard moved

That the rules be suspended and House Bill No. 362 be read the first, second and third times and put on its final passage.

Which motion prevailed and

The question being shall the bill pass,

The roll being called there were ayes, 19; nays, 2.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Crawford, Dollard, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, McDonald, Ryan, Soderberg, Van Osdel, Walsh, Washabaugh, Mr. President.

Those who voted in the negative were:

Messrs. Poindexter and Woolhiser.

Absent and not voting:

Messrs. Cooper, Miller, Patten.

So the bill passed and

The question being as to its title, and being put

Its title was agreed to.

EXECUTIVE SESSION.

A sealed communication having been received from His

Excellency, the Governor, the chamber was cleared, the doors closed and the Council spent some time in executive session.

After the doors were opened,

Mr. President announced his signature to House Bills Nos. 246, 366, 350 and 254.

House Bill No. 364,

A bill for an act to authorize the Territorial Auditor to audit and pay certain claims.

Was read the third time, and

The question being shall the bill pass.

The roll being called there were ayes, 16; nays, none.

Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cameron, Campbell, Crawford, Dollard, Ericson, Glaspell, Harstad, Hughes, Lowry, McDonald, Ryan, Soderberg, Woolhiser, Mr. President.

Absent and not voting:

Messrs. Cooper, Halley, Miller, Patten, Poindexter, Van Osdel, Walsh, Washabaugh.

So the bill passed, and

The question being as to its title, and being put,

Its title was agreed to.

Mr. President announced his signature to Council Bill No. 300.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Council Bill No. 300,

A Joint Resolution increasing the per diem of allowance of the watchman and the messenger appointed in the Council and the watchman and messenger in the House to the sum of \$5 per day,

And find the same correctly enrolled.

J. H. PATTEN,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
March 8, 1889. }

MR. PRESIDENT:

I have the honor to inform the Council that the House has completed its labors and will adjourn at 11:30 p. m.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Dollard introduced the following resolution and moved its adoption.

Joint Resolution.

Resolved, By the Council of the Legislative Assembly of the Territory of Dakota, the House of Representatives concurring therein, that the utter disregard of public interest by the uniform course of official misconduct of the present incumbent of the executive office of this Territory, in obstructing meritorious legislation by veto, and in defeating the same by failing to give the executive consent thereto, demand his removal from office.

Resolved, That the President of the United States be and he is hereby requested to removed from the office of Governor of this Territory, the Hon. Louis K. Church, for the reason given in the foregoing resolution.

Resolved, That a copy of this resolution be forwarded to the President of the United States.

Mr. Ericson moved

To lay the resolution of the gentleman from Bon Homme on the table

Roll call demanded.

Call of the House demanded.

Mr. Crawford moved

That further proceedings under the call of the house be dispensed with.

Which the motion prevailed.

The question being upon the motion of the gentleman from Union.

Roll call demanded.

The roll being called there were ayes, 11; nays, 11.

Those who voted in the affirmative were:

Messrs. Allin, Crawford, Ericson, Halley, Harstad, Hughes, Patten, Ryan, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Atkinson, Campbell, Dollard, Glaspell, McDonald, Poindexter, Ryan, Soderberg, Van Osdel, Washbaugh, Woolhiser.

Absent and not voting:
Messrs. Lowry and Miller.
So the motion was lost.

Mr. President announced his signature to Council Bills Nos. 325 and 326.

Mr. Crawford moved that the Council take a recess.
Roll call demanded.

The roll being called there were ayes, 16; nays, 2.
Those who voted in the affirmative were:

Messrs. Allin, Atkinson, Cooper, Crawford, Ericson, Glaspell, Halley, Harstad, Hughes, Lowry, Ryan, Soderberg, Walsh, Washabaugh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Dollard and Van Osdel.

Absent and not voting:

Messrs. Cameron, Campbell, McDonald, Miller, Patten, Poindexter.

So the motion prevailed and

The Council took a recess and visited the House.

After recess.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
March 8, 1889. }

MR. PRESIDENT:

I have the honor to return herewith
Council Bill No. 42,

A bill for an act to repeal Chapter 153 of the Laws of the Seventeenth Legislative Assembly, it being an act entitled "An act to provide an allowance to the justices of the supreme court of the Territory of Dakota to defray their traveling expenses, etc.."

Also,

Council Bill No. 82,

A bill for an act to authorize the discharge of attachments and lis pendens,

Also,

Council Bill No. 219,

A bill for an act to amend Section 399 of Chapter 35 of the Penal Code,

Which the House has indefinitely postponed.

JOHN G. HAMILTON,
Chief Clerk.

Mr. Hughes moved

That a committee be appointed to wait upon the Governor and inform him that the Council is about to adjourn.

Which motion prevailed.

The President appointed Messrs. Hughes, Campbell and Van Osdel as such committee.

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

Resolved, That the thanks of this body be tendered to the very efficient secretary of this Council, Robert E. Wallace, for the faithful and conscientious manner in which he has performed the arduous duties of his office.

Which motion prevailed.

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

Be it Resolved by the Council, That the thanks of this body are due and are hereby tendered the Bismarck Tribune, St. Paul Pioneer Press, Sioux Falls Press and St. Paul Globe for the bright and impartial reports published of the proceedings of the Eighteenth Legislative Assembly.

Which motion prevailed.

The question being upon the resolution offered by the gentleman from Bon Homme.

Call of the House demanded.

Mr. Hughes moved that the further proceedings under the Call of the House be dispensed with.

Which motion prevailed.

Mr. Hughes moved

That the further consideration of the resolution offered by the gentleman from Bon Homme be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes, 15; nays, 3.

Those who voted in the affirmative were:

Messrs. Allin, Cameron, Cooper, Crawford, Ericson, Glaspell, Harstad, Hughes, Lowry, Patten, Ryan, Soderberg, Walsh, Woolhiser, Mr. President.

Those who voted in the negative were:

Messrs. Campbell, Dollard, McDonald.

Absent and not voting:

Messrs. Halley, Miller, Van Osdel and Washabaugh.

So the motion prevailed.

Mr. President announced his signature to House Bills Nos. 337, 364, 343, 363, 360 and 362.

REPORT OF SPECIAL COMMITTEE.

MR. PRESIDENT:

Your special committee to inform the Governor and the House of Representatives that the Council had finished its business and was about to adjourn without day, and to inquire if the Executive or the House had any further communication to make to the Council respectfully report that it has performed said duty and that the Governor reports that he has no communications to make; the House requests the Council to remain in session for fifteen minutes.

ALEXANDER HUGHES,
Chairman.

Mr. Hughes moved

That the Council do now adjourn *sine die*,

Which motion prevailed, and

Mr. President announced that the Council stood adjourned without day.

R. E. WALLACE,
Chief Clerk.

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293				293																
143	143	143	144		148	392														
		144	152																	
			153																	
65	65	65	65	129																
155	155	155	156	551																
366	366	367	367			389		740								766				
242	242		242					665							670		716		859	
280	280	280		280																
124				124																
67	67	79	79																	
124	125		125					546							582	608	666			
12	12		12		20			56							97					
67	67	67	67					73							97					
350	350			350																
276	276			293																
205	205			205																
281	281			281																
185	185	185	186			215		265						288		303	333			397
		186																		
350	350			350																
68	68	83	83					86						99		128	172			181
242	242			243																
610	610		610			624														
281	281			281																
125	125	125	125			283		581						608		666				
261																				
105	105	105	105					546							582	608		643		
444	444	445	445			469														
276				276																
486	487			487																
367	367	371	592			610														
		372																		
		597																		
224	224			224																
79	79																			
260	376	376	377				538		562					590	608	666				
291	291			375																
	446			446																
291	291		292	890		326														
186	186		186	550																
143	143			143																
292	292	292	293			339	871		876						879					
		293																		
377	377	569	569			583		769						802		861				
568																				
153	153	154	154	211																
498																				

Council Bills- *Continued.*

Number.	By	Relating to	Introduced.	Completed.	Remarks.
51	Mr. Patten	Cover Balances into Treasury	30	41	175
52	Mr. Lowry	Rate of Interest on Money	30	45	187
53	Mr. Lowry	Building and Loan Associations	31	45	167
54	Mr. Patten	Assessment Railroad and Telegraph	31	45	175
55	Mr. Patten	Taxes on Railroad Companies	31	45	
56	Mr. Crawford	Destruction of Weeds	31	45	159
57	Mr. Crawford	Exemption from Taxes by Fire Guard	31	45	147
58	Mr. Crawford	Exemption from Taxes by Tree Planting	31	45	147
59	Mr. Crawford	Plat Book by Auditor	31	46	192
60	Mr. Hughes	Elections	31	64	243
					577
61	Mr. Cameron	Towner County in Eighth Judicial District	32	46	
62	Mr. Poindexter	Distruction of Beaver	32	46	192
63	Mr. Dollard	Taxing Mortgages	32	46	228
64	Mr. Crawford	Herd Law	32	46	192
65	Mr. Poindexter	Protection of Game	32	46	85
66	Mr. Walsh	Refunding County Bonds	32	46	381
67	Mr. Atkinson	Agricultural College, Brookings	32	46	
68	Mr. Atkinson	Agricultural College, Brookings	33	47	699
69	Mr. McDonald	Agricultural College, Valley City	42	54	249
				57	212
					441
70	Mr. Lowry	Assessment of Bank Stock	42	55	74
71	Mr. Van Osdel	Chapter 169, Laws of 1887	42	55	
72	Mr. Crawford	Insurance Corporations	42	55	46
73	Mr. Crawford	When Laws go Into Force	42	55	247
74	Mr. Crawford	Discharge on Attachment	42	55	
75	Mr. Crawford	Lein for Taxes on Personal Property	43	64	231
				283	
76	Mr. Van Osdel	Revenue	43	64	476
77	Mr. Lowry	Chapter 28, Political Code, 1887	43	65	747
78	Mr. Walsh	Legalize Certain Instruments	43	65	267
79	Mr. Walsh	Chapter 647, Code of Civil Procedure	43	65	195
80	Mr. Hughes	Hettinger and Stark Counties	43	65	419
81	Mr. Walsh	Marriage License	43	65	249
82	Mr. Walsh	Discharge of Lis Pendens	43	76	306
83	Mr. Walsh	Collection of Taxes	44	80	651
84	Mr. Walsh	Foreign Administrators, etc.	44	76	419
85	Mr. Atkinson	Discharge of Mortgage	53	65	194
86	Mr. Lowry	Postage for Members	53	77	
87	Mr. Stimmel	Collection of Personal Taxes	53	77	
88	Mr. Stimmel	Deposit of Public Funds	53	77	344
89	Mr. Stimmel	Poll Tax in Cities	53	77	26
90	Mr. Woolhiser	Artesian Wells	53	77	121
91	Mr. Washabaugh	Disease Among Cattle	53	77	14
				91	247
92	Mr. Hughes	County Warrants	54	77	
93	Mr. Walsh	Eighth Judicial District	54	77	
94	Mr. Crawford	Chapter 121, Laws of 1887	54	78	133
95	Mr. Halley	School of Mines	54	78	65
96	Mr. Van Osdel	Viola Thompson, et al	54	78	318
97	Committee on Rules	Compiled Laws of 1887	54	79	
98	Mr. Crawford	Soldiers' Home, Pierre	63	83	121
99	Mr. Walsh	Insurance of Crops Against Hail	63	83	9
				145	267
100	Mr. Allin	Chapter 112, Laws of 1885	63	83	249
101	Mr. Allin	Recording of Deeds	63	83	282
				117	67
102	Mr. Allin	Clerks and County Auditor	64	83	29
103	Mr. Van Osdel	Legal Printing	64	83	
104	Mr. Walsh	Amund Amundson	64	84	149
105	Mr. Campbell	Acknowledgment of Instruments	78	84	23
106	Mr. Walsh	University of North Dakota	78	84	37

Council Bills—Continued.

Number.	By	Relating to	Introduced.		
			Introduced.	Committed.	Reported.
107	Mr. Walsh	University of North Dakota	76	94	631
108	Mr. Dollard	First Bohemian Presbyterian Church	76	94	18
109	Mr. Doilard	Exemption for Tree Planting	76	94	283
110	Mr. Stimmel	Primary Elections	91	104	290
111	Mr. Stimmel	Admissibility of Certain Testimony	91	104	40
112	Mr. Stimmel	Elections	91	123	54
113	Mr. Cooper	Public School Law	91	104	290
114	Mr. Miller	Foreclosure of Chattel Mortgage	91	104	290
115	Mr. McDonald	Agricultural College Valley City	91	104	290
116	Mr. Van Osdel	Normal Department Institutions in Private	92	104	290
117	Mr. Van Osdel	Notice of Mortgage and Probate Sales	92	104	290
118	Mr. Walsh	General of Militia	92	105	290
119	Mr. Walsh	Incorporated Cities	92	105	290
120	Mr. Walsh	Abstracts of Title to Real Estate	92	105	290
121	Mr. Stimmel	Probate Courts	102	123	123
122	Mr. Glaspell	System of Territorial Accounts	102	123	123
123	Mr. Poindexter	Health of Persons and Animals	103	123	123
124	Mr. Dollard	Relocation of County Seats	103	123	123
125	Mr. Hughes	Assistant Attorney General	103	124	123
126	Mr. Hughes	Security of Costs	103	124	123
127	Mr. Hughes	Section 579, Penal Code	103	124	123
128	Mr. Hughes	Decree in Action in Foreclosing	103	124	123
129	Mr. Hughes	Trustees of Public Institutions	103	124	123
130	Mr. Hughes	Electric Lights in Capitol	122	141	141
131	Mr. Hughes	Foreclosure of Mortgages	122	141	141
132	Mr. Cooper	Diseases Among Animals	123	141	141
133	Mr. Patten	Prohibit Sale of Liquor	140	170	347
134	Mr. Ericson	District Attorney	140	170	27
135	Mr. Ericson	Justices' Courts	140	170	27
136	Mr. Washabaugh	Normal School, Spearfish	140	170	27
137	Mr. Washabaugh	Normal School, Spearfish	140	170	27
138	Mr. Washabaugh	Soldiers' Home	140	170	27
139	Mr. Halley	School of Mines	141	170	27
140	Mr. Walsh	Taxing Railroads	141	170	27
141	Mr. Stimmel	Trespassing Animals	145	170	27
142	Mr. Campbell	Papers in Which Legal Notices	149	171	171
143	Mr. Stimmel	Adoption of Children	160	171	171
144	Mr. Stimmel	Mechanics' Liens	160	171	171
145	Mr. Stimmel	Costs in Criminal Cases	160	171	171
146	Mr. Stimmel	Road Tax	160	171	171
147	Mr. Stimmel	Township Supervisors	160	171	171
148	Mr. Atkinson	Relocation of Section Posts	160	171	171
149	Mr. Washabaugh	Sale of Liquor	160	171	171
150	Mr. Washabaugh	Sale of Liquor	170	171	171
151	Mr. Poindexter	Telegraph and Telephone Companies	170	171	171
152	Mr. Poindexter	Legalizing Certain Instruments	170	171	171
153	Mr. Poindexter	Section 647 Code Civil Procedure	170	171	171
154	Mr. Poindexter	Lis Pendens	170	171	171
155	Mr. Poindexter	Foreign Executors to Satisfy Liens	170	171	171
156	Mr. Poindexter	Sale of Liquor by Pharmacists	170	171	171

Council Bills *Continued.*

Considered.	Read third.	Amended.	Passed.	Last.	Reconsidered.	Engrossed.	Amended	Unchanged	Rec'd from House	Amendments con- sidered in	Amendments re- jected.	Conference com- mittee appointed.	Conference com- mittee reported.	Action on report.	Enrolled.	To the Governor.	Approved.	Vetoed	Passed over veto.	Veto sustained.	Action by House.
678	678	679	682			713	740		741						752			798	806		874
201	201	310	251	310	310	339		338							582	601		642 ¹		683	
336	336	339		336																	
225	225	234		235																	
238																					
549	549			549																	
290	290			290																	
262	262		262																		
390	390	390	461			488	638			638	638	708	700	734	747			788	858		870
46		391	461																		
507	507	507	507	740																	
153	153		153												341	393	369				
396	396	397	387												503	513					
388	420		420			450		488							496	504					
570	570			570																	
340	340	407	408			488		690							813	815	802				
408		408																			
349	349		350			372															
192	192																				
504	504	504	508			525		751							757	757		873		874	
		505																			
		506																			
		507																			
		508																			
282	282		282																		
282	282	282	283			306		837													
619	619	619	621			681															
		620																			
711	711	714	760	735	755	806		820							835	845	802				
752		715																			
		734																			
750	750	750	751			795															
		751																			
882																					
340	340		743	571				801									802				
571																					
320	320	320	320																		
294	294	294	294			326		740							753		766				
366	366		366			388															
267	267		267					448							468	486	482				
267	267		267					449							469	486	482				
424	424	424	424			450															
366	366		366																		
268	268	268	748												845	865					

Council Bills—Continued.

Number.	By	Relating to	Introduced.	Amended.	Enacted.
157	Mr. Halley	Chapter 28, Political Code	183	200	204
158	Mr. Dollard	Taxation of Railroads	184	200	
159	Mr. Dollard	Chapter 112, Laws of 1885	184	204	209
160	Mr. Dollard	Outgoing Justices of the Peace	184	204	411
161	Mr. Walsh	Crops Damaged by Hail	184	204	287
162	Com. on Incorporation	Building and Loan Associations	184	204	
163	Mr. Hughes	Public Offices of the Territory	202	217	287
164	Mr. Poindexter	Territorial Secretary	202	217	287
165	Mr. Crawford	Artesian Wells	202	217	324
166	Mr. Atkinson	Appointment of County Officers	202	217	329
167	Mr. Miller	Liens on Personal Property for Taxes	202	217	329
168	Mr. Cooper	Protection of Game	202	217	287
169	Mr. Atkinson	Chapter 50, Political Code	202	217	231
170	Mr. Atkinson	Insurance Companies	202	217	240
171	Mr. Washabaugh	Lawrence County	206	218	215
172	Mr. Stimmel	North Dakota Agricultural College	216	218	412
			242		
173	Mr. Erierson	University of Dakota	216	223	278
174	Mr. Miller	Normal School at Wahpeton	216	223	434
175	Mr. Allin	Insurance	216	223	429
176	Mr. Hughes	Levy and Collection of Taxes	216	218	651
177	Mr. Lowry	Taxation	232	254	300
178	Mr. Washabaugh	Sham and Irrelevant Defenses	232	250	411
179	Mr. Walsh	Section 416, Civil Code	232	250	380
180	Mr. Van Osdel	Liquor License	232	254	
181	Mr. Soderberg	Deaf Mutes at Sioux Falls	232	254	373
182	Mr. Hughes	Dakota Exhibit Sale	232	250	287
183	Mr. Hughes	Amend Council Bill No. 1	233	253	
184	Mr. Hughes	Compiled Laws	234	250	411
185	Com. on Ter. Affairs	County Commissioners to Defray Certain Expenses	239	274	
186	Mr. Walsh	Recess of Legislature	239	274	300
187	Mr. Stimmel	Lien for Seed Grain	239	275	
188	Mr. Harstad	Chapter 73, Laws of 1887	239	275	41
189	Mr. Harstad	Chapter 28, Laws of 1887	239	275	41
190	Mr. Hughes	Capitol Building Fund	239	275	42
191	Mr. Ryan	Chapter 73, Laws of 1887	239	275	314
192	Mr. Ryan	Chapter 47, Laws of 1887	240	275	
193	Mr. Walsh	Publication of Laws	253	278	287
			253	278	311
194	Mr. Glaspell	Qualification of Voters	253	274	
195	Mr. Hughes	B. F. Slaughter	253	278	41
196	Mr. Patten	Normal School at Madison	253	274	314
197	Mr. Halley	Territorial Auditor to Audit Vouchers	253	278	324
198	Mr. Cameron	Chas. W. Thompson	253	274	41
199	Mr. Poindexter	Section 400, Chapter 3, Civil Code	254	274	41
200	Mr. Van Osdel	Insane Hospital at Yankton	254	270	520
			254	274	
201	Mr. Walsh	Township Clerks	254	278	41
202	Mr. Mates	Ward Bounty	254	274	41
203	Mr. Glaspell	Salary Probation Judges	254	274	378
204	Mr. Poindexter	Normal School at Madison	254	274	414
205	Com. on Education	Public Education	254	274	
206	Mr. Miller	Amend R. R. Law	254	274	41
207	Mr. Soderberg	Deaf Mute School at Sioux Falls	254	274	41
208	Mr. Croft	First Lien on Mortgage Property	254	274	41
209	Mr. Erierson	Enforcement of R. R. Rate Making	254	274	41
210	Mr. Walsh	Chapter 3, Political Code	254	274	41
211	Mr. Washabaugh	Repopulation of Armed Men	254	274	41
212	Mr. Glaspell	Police Powers of County	254	274	41
213	Mr. Crawford	Property Under Adjudication	254	274	41
214	Mr. Hughes	Civil Law	254	274	41
215	Mr. Hughes	Lost Bonds of Common	254	274	41

Council Bills -Continued.

Considered.	Read third.	Amended.	Passed.	Lost.	Reconsidered.	Engrossed.	Rec'd from House		Amendments con- curred in.	Amendments re- jected.	Conference com- mittee appointed.	Conference com- mittee reported.	Action on report.	Enrolled.	To the Governor.	Approved.	Vetoed.	Passed over veto.	Veto sustained.	Action by House.	
							Amended	Unchanged													
314	314			315																	
510	510		510																		
352	352			352																	
208	208		205			372		373							417	458					
352	352		352					740						753		766					
352	386		386	351																	
276	276			276																	
351	351			351																	
268	268		269	551																	
279	279	279																			
				481																	
644	644	645	645			681															
503	503	503	503			565	833		834					857	865	878					
824	824		824																		
486	486		486					740						747	747		763		861		
425	425			425																	
458	458	458	459			488															
		459																			
669	669	670	670		672	702															
		673	673																		
351	351		351			371	637		649					696		765					
253	253	253	253					265						283							
509	509		510					694						737	747	755					
279	279	279	279			307															
571	571		572			583															
488	488		502					796						815							
378	378	750	750			757		777							794						
748																					
639	639	639	641			681															
		640																			
359	359	359	360			376	388		391					401	406		462	484		583	
772	772		772					819						839	845						
418	418		449			469		560						582	582	607					
659	659	569	660			701															
571	571		571					739						753		766					
420	420		422			450		637						661	663	667					
484	484	484	484			513															
457	457	524	537					773						829	776						
		530													783						
		537													832						
567	567	568	567		568	583															
		568																			
419	419	419	419	636		469															
443	443	443	443	609		469															
485	485	485	485			498		740						753		766					
485	485		485					637													
822	822		822					834						661	663	667					
														858	864						

Council Bills—Continued.

Number.	By	Relating to	Introduced.	Committed.	Reported.
216	Mr. Glaspell.....	Jamestown Insane Asylum.....	334	349	600
217	Mr. Walsh.....	Sections 296 and 635, Code of Civil Procedure.....	334	349	809
218	Mr. Walsh.....	Section 377 of Civil Code.....	334	349	380
219	Mr. Cameron.....	Chapter 35, Penal Code.....	335	349	428
220	Special Committee.....	Compiled Laws.....	335	349	516
221	Mr. Glaspell.....	Newspapers for Members.....	344	344	381
222	Mr. Dollard.....	Time for Payment of Taxes.....	348	354	346
223	Mr. Dollard.....	Penalty for Delinquent Taxes.....	348	354	476
224	Mr. Crawford.....	Penalty for Delinquent Taxes.....	348	354	809
225	Mr. Walsh.....	University of North Dakota.....	349	354	...
226	Mr. Walsh.....	Change in Place of Trial.....	363	364	...
227	Com. on Education.....	Disposition of Town Lots.....	363	365	...
228	Mr. Hughes.....	Compensation for Horses Killed.....	364	383	457
229	Mr. Hughes.....	Amending Article of Incorporation.....	364	383	517
230	Mr. Crawford.....	Registers of Deeds.....	364	383	425
231	Mr. Crawford.....	Frank E. Newton.....	364	383	...
232	Mr. Crawford.....	Persons Practicing Medicine.....	364	383	474
233	Mr. Cameron.....	Tongue River.....	364	383	497
234	Mr. Hughes.....	Bismarck Penitentiary.....	364	383	633
235	Mr. Stimmel.....	Improved Live Stock.....	365	384	497
236	Mr. Poindexter.....	Railroads to Lease to Elevators.....	368	382	...
237	Mr. Glaspell.....	Liabilities of Railroads for Injury.....	382	398	410
238	Mr. Glaspell.....	Jamestown Asylum.....	382	398	...
239	Mr. Soderberg.....	Deaf Mute School at Sioux Falls.....	382	398	...
240	Mr. Walsh.....	Illegal Taxes Paid.....	396	412	809
241	Mr. Woolhiser.....	Church County.....	396	412	696
242	Mr. Dollard.....	Place of Trials.....	396	413	443
243	Mr. Soderberg.....	Bounty for Tree Planting.....	396	413	435
244	Mr. Glaspell.....	Evading of Exemption Laws.....	396	413	429
245	Mr. Hughes.....	Civil Townships.....	396	413	475
246	Mr. Hughes.....	Abatement of Unjust Taxes.....	397	413	...
247	Mr. Hughes.....	Chapter 28, Political Code.....	397	413	...
248	Mr. Ryan.....	Reform School.....	397	413	601
249	Mr. Walsh.....	University of North Dakota.....	397	413	...
250	Mr. Crawford.....	Oneida Township.....	412	442	...
251	Mr. Dollard.....	Landlords Lien on Crops.....	412	470	597
252	Special Committee.....	Adoption of Children.....	412	442	809
253	Mr. Campbell.....	Groton College.....	435	470	482
254	Mr. Glaspell.....	Sections 4 and 5, Chapter 124.....	436	470	633
255	Mr. Washabaugh.....	Lawrence County Bonds.....	436	470	481
256	Mr. Crawford.....	Collection of Statistics.....	436	470	498
257	Mr. Van Osdel.....	Vanderhill and Southwick.....	457	482	...
258	Mr. Crawford.....	Asylum for the Blind at Pierre.....	457	483	558
259	Mr. Ryan.....	Chapter 100, Laws of 1887.....	457	483	650
260	Mr. Ryan.....	Aid Disabled Soldiers.....	457	483	650
261	Mr. Dollard.....	Protection of Young Trees.....	457	501	597
262	Mr. Hughes.....	Recess of Legislature.....	474	...	770
263	Mr. Soderberg.....	Assessment of Abutting Property.....	477	500	663
264	Mr. Halley.....	School of Mines.....	477	500	514
265	Mr. Hughes.....	Chapter 29, Code of Civil Procedure.....	477	500	809
266	Mr. Hughes.....	Penitentiary at Bismarck.....	477	500	...
267	Mr. Campbell.....	Incorporation of Cities.....	477	500	514
268	Com. on Education.....	Limiting Terms of Offices.....	477	500	514
269	Mr. Campbell.....	Industrial College.....	478	500	514
270	Mr. Ryan.....	Collection of City Taxes.....	478	500	544
271	Mr. Van Osdel.....	Chapter 100, Laws of 1887.....	478	501	650
272	Mr. Glaspell.....	Incorporation of Cities.....	478	501	559
273	Mr. Glaspell.....	Horses Killed by Veterinarian.....	499	517	559
274	Mr. Crawford.....	Payment of Certain Warrants.....	499	517	809
275	Mr. Soderberg.....	Elections.....	499	518	...

Council Bills—Continued.

Considered.	Read third.	Amended,	Passed.	Lost.	Reconsidered.	Engrossed.	Rec'd from House		Amendments con- curred in.	Amendments re- jected.	Conference com- mittee appointed.	Conference com- mittee reported.	Action on report.	Enrolled.	To the Governor.	Approved.	Vetoed.	Passed over veto.	Veto sustained.	Action by House.	
							Amended	Unchanged													
653	653	653 655 656 658	659			702															
425	425																				
548	548		548	890																	
414	414		414					694						787	747	765					
359	359	359	359					388						401	406		415	436			499
699	699	699	699			839															
544																					
389	389																				
422	422		423	733		450									732						
391	391		391					560						571	581	607					
566			566																		
487	487		487			498															
581	581		581			590		794						821							
672	691	691	692																		
836	836	836	836					870						875							
385	385		385					443						468	486	482					
519	519	519 520	520			533															
510	510		510																		
705	705		705																		
603	663	706 707	707																		
706																					
805	805		805																		
549	549		549			567		820						829	832	861					
550	550		550					694						713	747						
708	708		704					793						830	832	861					
690	690		690																		
780	780		780																		
818	818		818					834						864	872	878					
552	552		552					871													
565	565		565																		
593	593	593	594			619		712						736	747	766					
622	622	622 623	624			654															
838	838	838	838					855						858	864	878					

Council Bills--Continued.

Number.	By	Relating to			
			Introduced.	Committed.	Reported.
276	Mr. Patten	Citizens of Madison	517	547	
277	Mr. Glaspell	Commissioner of Immigration	517	552	651
278	Mr. Van Osdel	Yankton Asylum	545	546	
279	Mr. Washabaugh	Insane Asylum	545	552	711
280	Mr. Walsh	Section 5650, Compiled Laws	545	562	
281	Mr. Miller	Section 3000, Compiled Laws	545	568	409
282	Mr. Cooper	Indebtedness of Cities	545	568	607
283	Mr. Glaspell	Interest on Territorial Warrants	545	547	
284	Mr. Campbell	Sale of Unclaimed Personal Property	561	62	657
285	Mr. Poindexter	Incorporation of Cities	561	625	657
286	Mr. Poindexter	County Boards of Health	561	564	576
287	Mr. Poindexter	Infected Animals	561	564	576
288	Mr. Cameron	County Treasurers	561	625	
289	Mr. Walsh	University of North Dakota	569	549	601
290	Mr. Harstad	Assistant District Attorney	578	579	409
291	Com. on Education	Territorial Board of Education	578	579	602
292	Mr. Van Osdel	Draining of Lands	578	579	740
293	Mr. Halley	School of Mines	602	602	
294	Mr. Cooper	Who Are Entitled to Vote	602	602	24
295	Com. on Agriculture	Farmers' Institutes	602	602	
296	Mr. Hughes	Normal School at Milnor	602	602	661
297	Mr. Cooper	Cities to Extend Limits	625	634	694
298	Mr. Stimmel	Jewell Nursery Company	625	634	731
299	Mr. Soderberg	Penitentiary at Sioux Falls	625	634	732
300	Mr. Crawford	Watchmen and Messengers	625	634	731
301	Mr. Dollard	Commissioner of Immigration	647	774	607
302	Mr. Cameron	Commissioner of Immigration	652	652	607
303	Mr. Cameron	Jamestown Investigating Committee	652	652	
304	Mr. Hughes	Unexpended Balances in County Treasury	652	652	
305	Mr. Ericson	University of Dakota	676	677	731
306	Mr. Cameron	Security	676	677	699
307	Mr. Dollard	Railroad Property for Taxation	677	677	
308	Mr. Crawford	J. M. Learn	697	697	729
309	Mr. Crawford	Stationery for Sheriff and Attorney	697	697	607
310	Mr. Allin	Consolidation of Taxes on Tax List	697	698	607
311	Mr. Soderberg	Additional City Assessors	692	698	
312	Mr. Cooper	Chapter 50, Laws of 1887	717	717	747
313	Mr. Hughes	Joint Committee	729	729	
314	Conference Committee	Omnibus Appropriations	749	749	
315	Mr. Glaspell	Coal for Jamestown Asylum	760	760	747
316	Mr. Patten	Recalling Council Bill No. 193 from Governor	771	771	
317	Mr. Ryan	Reform School	778	778	805
318	Mr. Dollard	Chapter 5, Laws of 1883	806	806	
319	Mr. Woolhiser	Public Institutions	811	811	
320	Mr. Hughes	Bismarck Penitentiary	824	824	
321	Mr. Walsh	Taxing Express and Sleeping Car Companies	840	840	746
322	Mr. Walsh	Railroad Commissioners	840	840	
323	Com. on Counties	Treasurer and Register Grand Forks County	852	851	651
324	Mr. Dollard	Compensation of J. C. Cummings	856	856	
325	Mr. Cooper	Cities to Extend Limits	857	857	
326	Mr. Crawford	Acknowledgment of Instruments	878	878	

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							Amended	Unchanged													
546	546			546																	
832	882		832					871	872					875							
787	787		787																		
547	547		547			548		687						661	663	667					
613	613	615	615	812		681															
613	613		613			624		769						802		862					
702	702		702			794															
674	674		674				744	744						753			790	860			882
647	647	652	647		652	701															
831	831		832	831	832																
788	783			792																	
792																					
709	709																				
702	702		702			774		774						782	782						
843	843		844																		
840	840		840					885						888							
662	662		662					871													
662	662		662					811						864	865	878					
765	765	765	765			794															
816	816	816	816	816	816	819															
693	693	693	693			702		811						865	865	878					
886	886		886																		
729	729		729																		
749	749		749					752						763			826	849			870
768	768	768	768																		
771	771		771					773													
844	844		844																		
805	805		805					838													
824	824		824																		
867	867		867					880						887							
844	844		844		844																
851	851		851																		
856	856		856																		
867	867		867					879						879							
876	876		876					882						883							

House Bills.

Number.		Received.	First Reading.	Second Reading and Committed.	Reported.	Third Reading.	Amended.	Passed.	Lost or Indefinitely Postponed.	Action of House on Amendments.	Conference Committee Appointed.	Conference Report.	Report Adopted.	Further Action.
1	Authorizing Counties to Bond for Seed Wheat	49	58	58 126	68 133	81	81 106 107 108 126 138	138						381
2	Constitutional Convention for North Dakota	198	233	256		256		256						
3	Amending Chapter 31, Laws of Seventeenth Legislature	87	94	151	168 455	493		493						
4	Counties to Build Court Houses and Jails and Issue Bonds	226	235	235	306	392	392	892						521 543
5	Memorial to Open Sioux Reservation	21	39	47	287	392			393					
6	Repealing Chapter 84 of the General Laws of 1885	55	81	95	168	235		235						332
7	Amend Sections 1 and 27, Chapter 10, Laws of 1887	188	208	234	305	401		401						
8	Increasing Time of Residence for Divorce	56	81	95	168	235	236	236						
12	Relating to the Office of Notaries Public	87	95	151	168	236	236	236						359
13	Amending Sections 14 and 47, Chapter 27, Political Code	69	81	96	305	402	402	203						
15	Providing for Extension of Time for Payment of Taxes 1888	122	139	139		139		139						
19	Giving Publicity to Chattel Mortgage Sales	398		472	573	761	761	791	762					
20	Amending Section 6 of Chapter 12, Laws of 1887	70	81	156	182	237		237						
21	Amending Section 70, Chapter 29 of the Political Code	87	95	151	231	297	297	297		397				
23	Amending Subdivisions 2 and 3, Section 37, Chapter 28, Political Code	188	208	234	544	853		853						
24	Amending Section 38, Chapter 28, Political Code Laws of 1887	98	150	208	250	299		299						
25	Joint Resolution for a Committee for the Extension of Taxes	38	47	58	90	90		91						
27	Fixing the Compensation of Assessors	87	95	151 238	215 382	237	495	495						
28	Including Turner County in Fourth Judicial District	38	40	40		40		40						
29	Repealing Article 1, Chapter 2, Sections 721 to 733, Chapter 35, Code of Civil Procedure	70	81	96		403		403						
30	Amending Sections 6, 7 and 8, Chapter 49, Laws of 1879	87	95	151	420	494		494						863
33	Amending Article 7 of Chapter 12, Code of Civil Procedure	80	95	151	306	404	404	404						
36	Providing for Certain Printing	48	48	48	62	96	96	96						196
37	Providing Payment of Lost Interest Coupons Madison Normal School	118	150	208	258	300			300					
39	Issue Bonds to Establish and Maintain a Soldiers' Home	277	295	343	346	450		453						583 589
40	Amending Section 14, Chapter 10, Laws of 1887	277	295	344	476	759	850	850	810					
41	Empowering Incorporated Towns to Levy Road and Road Poll	277	295	343	667									
46	Authorizing Incorporation of Banking Associations	739	741	741										
47	Appropriation for Rental of Committee Rooms, Seventeenth Session	302	342	400	815									
49	Correcting the Published Statutes, Seventeenth Legislative Assembly	198	233	296	327	495		496						

House Bills - Continued

Number.	Bill Title	Referred	First Reading	Second Reading	Referred	Third Reading	Amended	Passed	Lost or Indefinite or Postponed	Action of House on Amendments.	Conference Committee Appointed.	Conference Report	Report Adopted.	Further Action.
198	Amending Section 70, Chapter 28 Political Code, and Chapter 145 Laws of 1887	443	471	491	499									
199	Detaching Certain Counties from the Seventh Judicial District	396	742	600	515	753		553						
201	Providing for Appointment of Regents, Directors and Trustees	551	627	627	710									
202	Suppressing Selling or Lending of Immoral Papers	389	399	491	711	851								
203	Providing for the Sinking of Artesian Wells	712	741	741	758	862		804						
207	Encouraging Organization of County Agricultural Societies	609	629	629	698	782			782					
210	Memorial to Congress	315	342	400	433									
211	Providing a Thresher's Lien upon Grain	694	700	700	700	700	700	700						
212	Extending Thank to Hon. P. J. McClure	285	342	400	779									
214	Providing Fees for Officers Transporting Offenders to Reform School	481	518	630	809									
215	Amending Section 7, Chapter 43, Laws of 1883	437	471	491	515	852		852						
218	Repealing Section 401, Chapter 35, Penal Code	437	471	491	809									
219	Providing for Printing Reports of Officers and Institutions	738	742	742		784		784						
220	Joint Resolution Recalling House Bill No. 8 from Governor	312	313	313	313	313		313						
221	Creating the County of Meade	450	489	490	516	612		613						
223	Providing Railroad Corporations Shall Furnish Facilities for Loading Cars	703	852	852		852		852						
223	Regulating Compensation of Township Officers	551	627	627	699	841		841						
230	Increasing Term of Residence Required for Divorce	371	399	471	809									
231	Creating a Subdivision Sixth Judicial District	481	518	630	809									
234	Creating a Territorial Department of Agriculture	505	547	518	544	547	635	632						
235	Relating to Elevator and Warehouse Receipts	636	689	689	781	825		825						
236	Amending Section 4, Chapter 20, Laws of 1887	551	627	627	809									
237	Amending Section 331, Code of Civil Procedure	563	627	627	809	852		852						
238	Amending Sections 3 and 4, Chapter 52, Laws of 1879	563	627	627	809									
240	Repealing Section 13 and Amending Section 23, Laws of 1887	563	627	627	809	817		817						
243	Amending section 20 of the Political Code	739	741	741										
244	Fee to Probate Judges for Recording Marriages	812												
246	Providing Fees for Foreclosing Mortgages by Advertisement	786	807	807	809	880		880						
247	Amending Chapter 38 of the Political Code	608	629	629										
250	Reappropriating Certain Balances to University of North Dakota	388	390	390	475	390		390						
251	Declaring Certain Provisions for an Attorney's Fee Void	580	627	627	809	810		810						
252	Authorizing Auditor to Audit Claim of George F. Ingram	551	628	628	619	744		744						
254	Defining the Boundary Lines of Day County	737	742	742	813	876		876						
256	Compensating Postmaster for use of Horse and Buggy	738	741	741		778		779						

House Bills—Continued.

Number.		Received.	First Reading.	Second Reading and Committed.	Reported.	Third Reading.	Amended.	Passed.	Lost or Indefinite by Postponed.	Action of House on Amendments.	Conference Committee Appointed.	Conference Report.	Report Adopted.	Final Action.
259	Regulating the Business of build- and Loan Corporations.....	636	689	689	698	702		702						53
262	Relating to the Care and Custody of Idiots.....	738	742	742										
264	Requiring Railroads to File Map of Right of Way.....	812												
265	Memorializing Congress to Permit Counties to Issue Bonds.....	408	417	417		417		417						
266	Aiding Collection Special Assess- ment in Cities.....	481	518	630	651	830		830						
267	Providing for Notice Before Ex- ecution of Tax Deed.....	636	689	689	809									
268	Amending Section 1, Article 19, Chapter 73, Laws of 1887.....	738	743	743		743		743						
269	Relating to Investigating Com- mittee at Jamestown.....	414	416	416		416		416						
270	Repealing Section 14, Article 11, Charter of Mayville.....	563	628	628	698	821		821						
271	Authorizing Settlement of Differ- ences Between School Districts.	738	758	758		758		758						
272	Construing the Phrase "Success- ive Weeks".....	551	628	628	649	853		853						
273	Amending Act Authorizing Count- ies to Issue Seed Wheat Bonds	418	419	419		419		419						
274	Enforcing Statutes as to Sale of Intoxicating Liquors.....	738	826	826		826		826						
275	Enabling Townships and Cities to Aid Railroads.....	552	628	628	699	822		822						
276	A Joint Resolution.....	580	628	628	633	704		704						
277	Amending Section 330, Penal Code.....	608	629	629	809									
278	Amending Section 1, Chapter 133, Laws of 1887.....	608	629	629	809									
281	Authorizing Directors of Sioux Falls Penitentiary to Sell Real Estate.....	739	742	742										
283	Empowering Corporations to Amend their Articles.....	738				746	746	746						
285	Amending Chapter 157, Laws of 1885.....	608	629	629	781									
289	Authorizing the Governor to Re- move Officers at Pleasure.....	611	611	611	611			675						
290	Creating a Subdivision of the Sixth Judicial District.....	580	628	628		668		668						
297	Providing for Incorporation of Co-operative Insurance Com- panies.....	779	808	808		833		834						
300	Reimbursing Benj. F. Porter for Expenses Incurred.....	738	742	742	769	834		834						
308	Prohibiting Sale of Unsound Meat and Regulating Slaughter of Animals.....	812	840	840		840		840						
310	Amending Subdivision 4, Section 752, Penal Code.....	580	628	628	715	758		758						
312	Amending Section 64 of the Jus- tice's Code.....	812												
313	Amending Section 86 of the Jus- tice's Code.....	812												
317	Providing Payment to Frank Don- nelly.....	739	741	741	850	854	854	854						
318	Memorial to Congress for Main- tenance Fort Lincoln.....	636	689	689		689		689						
319	Requiring County Commissioners to Assist Indigents to Deaf Mute School.....	783	821	821										
322	Providing Clerks for Probate Court.....	694	718	718	730	785	785	785						
324	Repealing Chapter 29 of the Special Laws of 1885.....	609	629	629	809	820	875	875						

House Bills—Continued.

No.	Description	Referred	First Reading	Second Reading and Committee	Reported	Third Reading	Amended	Passed	Lost or Inexpeditiously Postponed	Action of House or Amendments	Conference Committee Appointed	Conference Report	Report Adopted	Further Action
327	Providing for a County Board of Auditors	709	743	807	847									
328	Relating to the Right to Possession of a Seized State	703	881	881	881									
330	Amending the Articles of Association of the M. T. M. Company	768	807	807	813									
332	Declaring the State a Corporation Under the Law	770	808	808	849	855		855						
336	Amending Section 1, Chapter 28, Political Code	812												
337	Consolidating Tax on Dogs	809												
338	Relating to the Board of Control and Charities	768	807	807	838									
340	Providing for Printing State Tax Compendium	768	807	807										
343	Providing Clerks for Probate Courts	701	718	718	809	718	718	886						
344	Providing for the Maintenance of the Police Institutions	715												
346	Providing for Payment of Writings and Testimony	671	688	688	770	773		773						
348	Creating a Board of Railroad Commissioners and for Other Purposes	782	785	785	813	814	814	814						
350	Granting Right of Way Through Penitentiary Grounds, Sioux Falls	706	807	807	838	879		879						
353	Amending Section 39, Chapter 69, Laws of 1883	776												
354	Legislative Act of School District No. 25, Reason County	837												
355	Defining the Boundaries of Wells and Fobdy Counties	779	808	808										
356	Requiring County Treasurers to Act as District Treasurers	849												
357	Amending an Act Authorizing Retarding or Retarding Bonds	794	795	795		795		798						
360	Joint Resolution Providing for Assistant Auditor	837	873	873	877	878		878						
362	Defining the Boundaries of Campbell County	846	887	887		887		887						
363	Amending Chapter 73, Laws of 1887	856	883	883		883		883						
364	Authorizing Auditor to Audit Certain Claims	870	888	888		888		888						
365	Amending Section 112 of the Civil Code	870												
366	Appropriating for Expenses of Railroad Commission	874	881	881		881		881						

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