

TERRITORY OF DAKOTA.

JOURNAL OF THE HOUSE

OF THE

EIGHTEENTH SESSION

OF THE

LEGISLATIVE ASSEMBLY,

JANUARY, 1889.

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

ERATTA.

On page 373 House Bill No. 52 should read "Council Bill."

On page 131 in Council Bill No. 1 substitute the word "Nowlin county" for Hamlin county.

NOTE.—The folios in the bound edition are continuous and different from those in the loose edition furnished to the members each day. A knowledge of this fact will prevent confusion in noting corrections made in each day's Journal of the proceedings of the previous day.

The following titles of Laws were omitted:

Council Bill 120. An act "entitled An Act to provide security to the public against errors, omissions and defects in abstracts of title to Real Estate."

House Bill 19. An Act to give publicity to Chattel Mortgage sales.

Journal of the House.

EIGHTEENTH SESSION.

FIRST DAY.

HOUSE OF REPRESENTATIVES, }
BISMARCK, DAKOTA, January 8, 1889. }

At the hour of 12 o'clock, meridian, on the second Tuesday of January, A. D., 1889, being the day and hour appointed by law, the members-elect of the House of Representatives of the Eighteenth Session of the Legislative Assembly of the Territory of Dakota assembled in the Capitol building at Bismarck and were called to order by W. G. Eakins, chief clerk of the Seventeenth Session.

The session was opened with prayer by the Rev. C. S. Lane, of Morton county.

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

From the

First District.....	Frank R. Aikens, of Lincoln. J. V. White, of Clay.
Second District.....	Joseph Allen, of Turner. John Turnbull, of Turner. Frank Morris, of Hutchinson.
Third District.....	J. G. Jones, of Charles Mix.
Fourth District.....	H. H. Keith, of Minnehaha. Oscar C. Potter, of McCook. William S. Logan, of Hanson.
Fifth District.....	D. M. Powell, of Davison. Joseph M. Greene, of Brule.

Sixth District.....	Charles J. Miller, of Lake. William Ramsdell, of Moody.
Seventh District.....	H. H. Sheets, of Kingsbury. P. P. Palmer, of Hamlin.
Eighth District.....	Daniel F. Royer, of Jerauld. Milton M. Price, of Sanborn.
Ninth District.....	Harry Hunter, of Spink. Burr F. Bixler, of Spink.
Tenth District.....	John B. Cook, of Faulk. George W. Ryan, of Walworth
Eleventh District.....	Frank Lillibridge, of Sully. Orsamus R. Van Etten, Hyde.
Twelfth District.....	Thomas A. Douglas, of Day. Albert L. Patridge, of Grant.
Thirteenth District.....	James H. Fletcher, of Brown. S. P. Howell, of McPherson.
Fourteenth District.....	John D. Patton, of Lawrence. Charles J. Trude, of Butte. Avery D. Clark, of Custer.
Fifteenth District.....	C. C. Newman, of Sargent. H. J. Mallory, of Dickey.
Sixteenth District.....	Edwin McNeil, of Cass. John W. Burnham, of Cass.
Seventeenth District.....	Thomas M. Elliott, of Ransom Ira S. Lampman, of Barnes.
Eighteenth District.....	James O. Smith, of Steele. Fred. H. Adams, of Griggs.
Nineteenth District.....	C. H. Baldwin, of Grand Forks R. L. Bennett, of Grand Forks
Twentieth District.....	Nathan Upham, of Walsh. Wm. E. Swanson, of Ramsey.
Twenty-first District.....	E. H. Bergman, of Bottineau. Patrick McHugh, of Cavalier.
Twenty-second District.....	Asle J. Gronna, of Nelson. David R. Wellman, of Eddy.
Twenty-third District.....	Henry S. Parkin, of Morton. John B. Wellcome, of Ward.

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

Mr. Newman, of Sargent, nominated for speaker Hosmer H. Keith of Minnehaha.

Messrs. Powell and Bennett were designated as tellers.

The roll being called there were 46 votes cast, of which Mr. Keith received, 41; Mr. Burnham, 4; Aikins, 1; Price, 1.

Those voting for Keith were:

Messrs. Allen, Adams, Baldwin, Bennett, Bergman, Bixler, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Lampman, Logan, Lillibridge, Mallory, McNeil, Miller, Newman, Palmer, Patridge, Parkin, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Van Etten, White, Wellman, Wellcome.

Those voting for Mr. Burnham were:

Messrs. Jones, Morris and Upham.

Mr. McHugh voted for Mr. Aikens, and

Mr. Aikens voted for Mr. Price.

Mr. Keith having received a majority of the votes of the members-elect, was declared the duly elected speaker of the Eighteenth Legislative Session.

Messrs. Burnham and Price were appointed to escort the Speaker to the chair.

The oath of office was then administered to the Speaker by the Hon. Louis K. Church, Governor of Dakota Territory.

Mr. Elliott moved to adjourn and subsequently withdrew the motion, whereupon

The House proceeded to the election of chief clerk.

Mr. Newman nominated John G. Hamilton, of Grand Forks.

The roll being called

Those who voted for Mr. Hamilton were:

Messrs. Aikens, Allen, Adams, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Lillibridge, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patridge, Parkin, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, White, Wellman, Wellcome, Mr. Speaker.

Mr. Hamilton having received a majority of all the votes cast was duly elected chief clerk.

E. R. Ruggles was then elected assistant clerk by acclamation.

W. G. Eakins was then elected bill clerk by acclamation.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER; }
January 8, 1889. }

MR. SPEAKER:

I have the honor to inform the House of Representatives that the Council is organized by the election and qualification of the following officers, to-wit:

Smith Stimmel, President,
Robert E. Wallace, Chief Clerk,
S. H. Goodfellow, Assistant Clerk,
Eric Iverson, Enrolling Clerk,
W. W. Girton, Engrossing Clerk,
W. H. Ellis, Sergeant-at-Arms,
Rev. Geo. Klein, Chaplain,
Frank W. Hanscomb, Messenger,
Walter I. Hines, Doorkeeper,

and is now ready for the transaction of business.

R. E. WALLACE,
Chief Clerk.

Mr. Ryan nominated T. G. Orr, of Walworth, as enrolling and engrossing clerk.

The roll being called

Mr. Orr received 48 votes.

Those who voted for Orr were:

Messrs. Aikens, Allen, Adams, Baldwin, Bennett, Bergman, Bixler, Burnam, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Lillibridge, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patridge, Parkin, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, White, Wellman, Wellcome, Mr. Speaker.

W. P. Moffett was elected assistant enrolling and engrossing clerk by acclamation.

Mr. White nominated H. C. Rorapaugh, of Lawrence, for sergeant-at-arms.

Mr. Powell nominated R. E. Dowdell, of Sanborn.

Mr. Burnham nominated H. M. Boswell, of Cass.

There were 48 votes cast, of which Mr. Rorapaugh received 28, Mr. Dowdell 16, and Mr. Boswell 4.

Those who voted for Mr. Rorapaugh were:

Messrs. Aikens, Allen, Adams, Baldwin, Bennett, Bergman, Clark, Elliott, Fletcher, Gronna, Howell, Jones, Logan, Lillibridge, Mallory, McHugh, Morris, Palmer, Patridge, Parkin, Patton, Potter, Ramsdell, Sheets, Swanston, Trude, Upham, Wellman.

Those who voted for Mr. Dowdell were:

Messrs. Bixler, Cooke, Douglas, Greene, Hunter, Miller, Newman, Powell, Price, Royer, Ryan, Turnbull, Van Etten, White, Wellcome, Mr. Speaker.

Those who voted for Mr. Boswell were:

Messrs. Burnham, Lampman, McNeil, Smith.

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

Mr. Wellcome nominated Fred Snore, of Benson county, for assistant sergeant-at-arms.

Mr. Powell nominated R. E. Dowdell of Sanborn county.

There were 46 votes cast, of which Mr. Snore received 29 votes, Mr. Dowdell 17.

Those who voted for Mr. Snore were:

Messrs. Aikens, Adams, Baldwin, Bennett, Bergman, Clark, Douglas, Elliott, Fletcher, Gronna, Howell, Jones, Lampman, Mallory, McHugh, Morris, Newman, Palmer, Parkin, Patton, Potter, Ramsdell, Sheets, Swanston, Trude, Upham, White, Wellman, Wellcome.

Those who voted for Mr. Dowdell were:

Messrs. Allen, Bixler, Cooke, Greene, Hunter, Logan, Lillibridge, Miller, Patridge, Powell, Price, Royer, Ryan, Smith, Turnbull, Van Etten, Mr. Speaker.

Messrs. Burnham and McNeil being excused from voting.

Mr. Snore having received a majority of the votes cast, was declared the duly elected assistant sergeant-at-arms of the House.

Mr. Adams nominated Mr. Flick, of Emmons, for watchman.

Mr. Parkin nominated Mr. Ham, of Burleigh, watchman.

The roll being called

There were 46 votes cast, of which Mr. Flick received 38 votes and Mr. Ham 8 votes.

Those who voted for Mr. Flick were:

Messrs. Aikens, Allen, Adams, Baldwin, Bergman, Bixler, Burnham, Clark, Cooke, Elliott, Fletcher, Greene, Gronna, Jones, Lampman, Logan, Mallory, McHugh, Morris, Newman, Palmer, Patridge, Patton, Potter, Powell, Price, Ramsdell, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, White, Wellman, Mr. Speaker.

Those who voted for Mr. Ham were:

Messrs. Bennett, Douglas, Howell, Hunter, Lillibridge, McNeil, Parkin, Wellcome.

Absent and not voting:

Messrs. Miller and Royer.

Mr. Flick having received a majority of the votes cast was declared duly elected watchman.

Mr. Elliott nominated Rev. C. S. Lane, of Morton, for chaplain.

Mr. Wellman nominated H. E. Ward, of Stutsman, for postmaster.

Mr. Fletcher, of Brown, nominated Joseph McDearmon for postmaster.

The roll being called

There were 43 votes cast, of which Mr. Ward received 31 and Mr. McDearmon 12.

Those who voted for Mr. McDearmon were:

Messrs. Adams, Baldwin, Bennett, Douglas, Elliott, Fletcher, Howell, Lampman, Patridge, Patton, Ryan, White.

Those who voted for Mr. Ward were:

Messrs. Aikens, Bixler, Burnham, Cooke, Greene, Gronna, Hunter, Jones, Logan, Lillibridge, Mallory, McNeil, Miller, Morris, Newman, Palmer, Parkin, Potter, Powell, Ramsdell, Royer, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellman, Wellcome, Mr. Speaker.

Absent and not voting:

Messrs. Allen, Bergman, Clark, McHugh, Price.

Mr. Ward having received a majority of the votes cast, was declared the duly elected postmaster.

Mr. Parkin nominated Wesley Burgess, of Morton county, for messenger.

Mr. Fletcher nominated Joseph McDearmon for messenger.

The roll being called

There were 43 votes cast, of which Joseph McDearmon received 41 votes and Wesley Burgess 2.

Those who voted for Mr. McDearmon were:

Messrs. Allen, Adams, Baldwin, Bennett, Bergman, Bixler, Burnham, Douglas, Elliott, Fletcher, Greene, Howell, Hunter, Jones, Lampman, Logan, Lillibridge, Mallory, McNeil, Miller, Morris, Newman, Palmer, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, White, Wellman, Wellcome, Mr. Speaker.

Those who voted for Mr. Burgess were:

Messrs. Parkin and Wellcome.

Absent and not voting:

Messrs. Aikens, Clark, Cook, Gronna, McHugh.

Mr. McDearmon having received a majority of the votes cast, was declared the duly elected messenger.

Mr. Fletcher introduced the following resolution:

Resolved, That the Secretary of the Territory be, and is hereby requested to take immediate steps to improve, if possible, the acoustic properties of this hall.

Which resolution was adopted.

Mr. Adams nominated M. L. Michaels for doorkeeper.

Mr. Mallory nominated Mr. Fay, of McIntosh, and

Mr. Van Etten nominated Mr. Dowdell.

The roll being called

There were 17 votes cast for Mr. Michaels, 17 votes for Mr. Dowdell and 7 votes for Mr. Fay,

Whereupon a second vote was ordered by the Speaker.

Mr. Mallory withdrew the name of Mr. Fay.

The roll being called

There were 44 votes cast, of which Mr. Michaels received 14; Mr. Dowdell 30.

Those who voted for Mr. Michaels were:

Messrs. Aikens, Adams, Baldwin, Bennett, Bergman, Burnham, Elliott, Howell, Jones, Morris, Patton, Smith, Swanston, White.

Those who voted for Mr. Dowdell were:

Messrs. Allen, Bixler, Cooke, Douglas, Fletcher, Greene, Gronna, Hunter, Lampman, Logan, Lillibridge, Mallory, McNeil, Miller, Newman, Palmer, Patridge, Parkin, Potter,

Powell, Price, Ramsdell, Royer, Ryan, Sheets, Trude, Van Etten, Wellman, Wellcome, Mr. Speaker.

Absent and not voting:

Messrs. Clark, McHugh, Turnbull, Upham.

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

Mr. White moved that a committee of three be appointed by the Speaker to wait upon the Governor and the Council and notify them that the House is organized and ready to receive any communications either may have to make.

Which motion prevailed.

Whereupon the Speaker appointed Messrs. White, Greene and Lampman as such committee.

The oath of office administered by the speaker, was taken and subscribed by the chief clerk and all other officers elected by the House.

Mr. Aikens moved

That the House do now adjourn until 2 o'clock p. m., Wednesday.

Which motion prevailed and
The House adjourned.

JOHN G. HAMILTON,
Chief Clerk.

SECOND DAY.

BISMARCK, January 9, 1889.

The House assembled at 2 o'clock p. m., pursuant to adjournment, the Speaker presiding.

Prayer by the Chaplain.

Roll call.

All members present.

Mr. Royer moved

That the reading of the Journal be dispensed with.

Which motion prevailed.

Mr. White moved

That the rules of the Seventeenth Legislative Session be adopted by this Legislative body until such time as the Committee on Rules shall report.

Mr. Morris offered the following resolution as an amendment to motion of Mr. White.

Resolved, That the rules of the House of the Seventeenth Session of the Legislative Assembly, as published in Long's Legislative Hand Book be, and the same are adopted as the rules of the House until new rules are adopted, except that the following be adopted as rule fifty-six (56):

RULE FIFTY-SIX (56)—That any bill which has been introduced in the House at the request of the Territorial Farmers' Alliance, may be called up at any time, out of its regular order, for any purpose by a majority vote of the House. That the statement of the member introducing the bill, shall be taken as evidence of the fact that such bill has been introduced at the request of said Alliance.

Yeas and nays demanded.

The roll being called there were ayes, 30; nays 18.

Those who voted in the affirmative were:

Messrs. Aikens, Adams, Baldwin, Bennett, Bergman, Bixler, Cooke, Fletcher, Greene, Howell, Hunter, Jones, Lampman, Logan, Morris, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanson, Trude, White, Wellman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Allen, Burnham, Clark, Douglas, Elliott, Gronna, Lillibridge, Mallory, McHugh, McNeil, Miller, Newman, Palmer, Parkin, Turnbull, Upham, Van Etten, Wellcome.

So the resolution was adopted

And the original motion as amended prevailed.

Mr. Whit moved that the House take a recess for 15 minutes.

Which motion prevailed.

House called to order by the Speaker.

Mr. Adams, by unanimous consent, introduced—
House Bill No. 1.

A bill for an act authorizing counties to bond themselves to provide seed wheat.

Which was read the first time.

Mr. Elliott, by unanimous consent, introduced—
House Bill No. 2,

A bill for an act providing for a constitutional convention for North Dakota.

Which was read the first time.

Mr. McHugh, by unanimous consent, introduced—
House Bill No. 3,

A bill for an act amending Chapter 31 of the laws of the Seventeenth Legislative Assembly.

Also,
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 therefor and to provide for the payment of principal and interest of such bonds.

Which was read the first time.

The seageant-at-arms announced the members of the Council and the officers thereof in waiting.

The joint session of the two houses was called to order by the President of the Council.

Mr. Washabaugh moved

That the President appoint a joint committee of the Council and House to inform the Governor that the houses were in joint session and ready to receive his message, whereupon

The President appointed as such committee

Messrs. Washabaugh, Van Osdel and Miller of the Council and Messrs. White, Greene and Lampman of the House.

The committee reported to the joint session that the Governor and Territorial officials were in waiting and

The President introduced the Hon. Louis K. Church, Governor, who delivered the following message:

THE GOVERNOR'S MESSAGE.

Gentlemen of the Council and House of Representatives:

In pursuance of custom and as required by law, I have the honor to transmit, for your consideration, a summary of the condition of the public affairs of Dakota and recommendations for legislative consideration.

CONDITION OF THE TERRITORY.

The sanitary condition of the Territory is excellent; health and contentment reign within our borders in a marked degree, and I respectfully submit for your consideration my reports for the years 1887 and 1888 to the Department of the Interior for a full statement of the progress and development of our Territory.

FINANCES OF THE TERRITORY.

Total bonded indebtedness to date, \$1,098,800, expended in building and furnishing the following public institutions:

Date of Issue.	Purpose of Issue.	Rate Per Ct.	Maturity.	Amount.
May 1, 1883	Insane Hospital Yankton.....	5	5-20	\$ 77,500
May 1, 1887	Insane Hospital Yankton.....	4½	5-20	92,500
May 1, 1883	Deaf Mute School, Sioux Falls....	6	10-20	12,000
July 1, 1885	Deaf Mute School, Sioux Falls....	6	10-20	16,000
May 1, 1887	Deaf Mute School, Sioux Falls....	5	10-20	23,000
May 1, 1883	University of Grand Forks.....	6	10-20	30,000
July 1, 1885	University of Grand Forks.....	6	10-20	24,000
May 1, 1887	University of Grand Forks.....	4	10	20,000
May 1, 1883	University of Vermillion.....	6	10-20	30,000
May 1, 1885	University of Vermillion.....	6	5-20	57,000
May 1, 1887	University of Vermillion.....	4½	20	30,000
May 1, 1883	Penitentiary, Sioux Falls.....	6	5-20	30,000
May 1, 1887	Penitentiary, Sioux Falls.....	4½	10-20	14,300
May 1, 1883	Penitentiary, Bismarck.....	6	5-20	50,000
July 1, 1885	Penitentiary, Bismarck.....	6	10-20	14,600
May 1, 1887	Penitentiary, Bismarck.....	4½	10-30	29,000
May 1, 1883	Agricultural College, Brookings....	5	10-20	23,000
July 1, 1885	Agricultural College, Brookings....	6	10-20	20,000
May 1, 1887	Agricultural College, Brookings....	4½	20	54,500
May 1, 1884	Insane Hospital, Jamestown.....	6	10-20	50,000
May 1, 1885	Insane Hospital, Jamestown.....	6	5-20	63,000
May 1, 1887	Insane Hospital, Jamestown.....	4½	15	153,000
July 1, 1885	Normal School, Madison.....	6	10-20	13,600
May 1, 1887	Normal School, Madison.....	4½	15	35,800
July 1, 1885	School of Mines, Rapid City.....	6	10-20	10,000
May 1, 1887	School of Mines, Rapid City.....	5	10-20	23,000
May 1, 1887	Reform School, Plankinton.....	5	10-20	30,000
May 1, 1887	Normal School, Spearfish.....	5	10-20	25,000
May 1, 1887	Refunding Bonds to Refund 6 per cent. 5-20 Year Bonds issued May 1, 1881.....	4½	10-20	90,000
	Total.....			\$1,098,800

The bonds authorized by the last Legislature were for the building of additions to our overcrowded public institutions, benevolent and penal. It seemed an absolute necessity for the health and safety of the inmates of these institutions that large additions be provided for, and necessarily bonds must issue.

It is also true that our educational institutions, growing with the Territory's great growth, needed more room and better accommodations and equipments. The applications for admission were greater than the facilities would accommodate.

The buildings themselves are not shells, or in any sense temporary structures. They are, on the contrary, well built structures of solid brick, heated by steam, thoroughly ventilated, and fitted with all the modern improvements, excelling in convenience and adaptability many of the famous schools in the Eastern states.

The bids for the bonds authorized by the last Legislature were received and opened May 30. The highest bid was par and 0.52 per cent. premium. Five-sixths of the bonds issued and sold bore $4\frac{1}{2}$ per cent. interest; the balance five per cent., most of them subject to an option clause, reserving the right to redeem in five and ten years. This clause was a great hindrance in the sale of the bonds, as investors and those controlling trust funds prefer long-time bonds or a definite day for payment. This fact, coupled with the other fact that Dakota is still a territory and the date of admission into the Union uncertain, made investors over cautious. This timidity existed in spite of our showing that we had \$1,570,000 assets for every thousand dollars we owe.

I predict that when Dakota is a state her 3 per cent. bonds will sell more readily than the $4\frac{1}{2}$ per cent. bonds did. Nevertheless, this is the first time in the history of the United States that a territorial bond sold for less than 5 per cent., and we have conclusive proof that Dakota's credit is better than many of the states and rich municipalities of the East.

Even Saint Paul, with all her resources and moneyed power, sold her $4\frac{1}{2}$ per cent. bonds about the same time at 0.13 per cent. less premium than our Territorial bonds. (The above is from Treasurer's report to me in 1887.)

Total receipts and disbursements for the years ending November 30, 1887 and 1888.

Nov. 30, 1886, Balance in Treasury.....	\$	232,982	63
Received from Counties.....		723,471	97
" " Railroads.....		258,500	41
" " U. S. Government by M. L. McCormack, Secretary...		1,096	70
" " Premium on bonds.....		813	40
" " Insurance Companies.....		37,307	50
" " Western Union Telegraph Company.....		3,778	10
" " Edmunds County.....		91	80
" " North Dakota Hospital for Insane.....		214	25
" " Sale of Bonds.....		622,849	60
" " Railroad Commissioners.....		1,459	16
" " Territorial Auditor, Surplus Insurance Fees.....		5,224	88
" " Secretary of Territory, sale of Laws.....		85	25
" " Preston & Co. Chicago, Acc't of error in Coupons...		39	05
" " A. C. Mather and N. Hoffman, Administrators.....		474	10
		<u>\$</u>	<u>1,888,388</u>
			80
Paid Auditors Warrants.....	\$	1,438,742	64
" Counties Proportion of Railroad Tax.....		165,922	77
" Interest on Bonds.....		94,094	24
" Exchange and Express Charges.....		847	54
" 1881 Bonds Refunded.....		90,000	00
" Counties Proportion of Telegraph Tax.....		2,399	51
" Railroad Commission Warrants.....		1,406	45
" M. L. McCormack, Secretary.....		85	07
Nov. 30, 1888, Balance in Treasury.....		94,890	58
		<u>\$</u>	<u>1,888,388</u>
			80
Nov. 30, 1888, Balance in Treasury.....			\$ 94,890 58

ASSESSMENT AND TAXATION.

The total value of property in the Territory as shown by the assessment roll for the year 1888 amounts to \$161,420,974.30. As 4,300 miles of railroad and other property in the Territory belonging to railroads, with a valuation of over \$40,000,000, is not assessed and form no part of the above valuation—railroads being taxed upon their gross earnings—and as property is usually assessed at from one-half to two-thirds of its actual value, it is a moderate and safe estimate to place the actual property value or wealth of the Territory at \$320,000,000.

For a more detailed statement regarding assessment and taxation I respectfully refer to the report of the Territorial Auditor herewith submitted.

REDEMPTION OF BONDS.

By Chapter 17, Laws of 1887, provision was made for the redemption of \$167,500 of Territorial bonded indebtedness. Bonds to the extent of \$90,000 under this act were issued May 1, 1887, and bonds originally issued for construction of the Sioux Falls Penitentiary and construction of the Insane Hospital, dated May 1, 1881, and bearing

interest at 6 per cent., were redeemed. The bonds dated May 1, 1883, issued for the construction of the west wing of the Insane Asylum at Yankton have not been called for redemption, as provided in said act. The amount is \$77,500. The option in the bonds did not accrue until May 1, 1888. It was concluded wiser not to place the new bonds upon the market and incur the expense of interest when it was extremely doubtful whether a surrender of the old bonds could be procured. A surrender could not legally be required before the option accrued. When the option did accrue, May 1, 1888, the expense of advertising and other incidental expenses would have exceeded, to a considerable extent the saving that would accrue by reason of the reduction of one-half of 1 per cent. interest.

Considering the near approach of the session of the Legislature, the Treasurer preferred submitting the matter for your consideration before further acting in the premises.

APPROPRIATIONS.

The unsurpassed development of the Territory has necessarily led to large increase of government expense. I am of the opinion that the public welfare will in no instance be promoted by an appropriation for any new institution, or for improvements or additions to present institutions. On the assembling of the last Legislature some of our institutions were not completed, others not completed to the extent necessary to place them in condition for the object intended. The asylums undoubtedly needed enlarging; the Madison Normal School had been destroyed by fire and rebuilt under the encouragement that an appropriation therefor would not meet with Executive disfavor. This condition of affairs does not now exist; all of our institutions are completed and as completed are ample for the needs of the Territory, or future state, or states, for some years to come.

I earnestly recommend a most rigorous scrutiny in matters of appropriation.

FINANCIAL CREDIT.

The financial credit of the Territory could hardly be better and the ability of the Territory to provide for and meet all its obligations is extremely gratifying.

REPORTS.

Reports from the Auditor, Treasurer, Superintendent of Public Instruction, Commissioner of Immigration, Adjutant-

General, Public Examiners, Board of Health, Board of Railroad Commissioners, Veterinary Surgeon, Boards of Agriculture, Dental Examiners, Boards of Pharmacy, the School for Deaf Mutes, the North Dakota University, the University of Dakota at Vermillion, the Agricultural College, the Normal School at Madison, the Normal School at Spearfish, the School of Mines, the Insane Hospitals at Jamestown and Yankton, the Plankinton Reform School, and the Penitentiaries at Bismarck and Sioux Falls are all respectfully submitted, and I especially urge careful consideration of the report of the Auditor and the many important suggestions therein.

PUBLIC INSTITUTIONS.

The last Legislature appropriated a sum of \$92,500 for the construction of two additional wings and other improvements at the Asylum, Yankton.

Charges of irregularity having been made against a majority of the Board of Trustees of this institution, and an examination having been made by the Public Examiner, and a report of such examination having been filed in this office, as provided by law, upon careful consideration of said report and testimony taken, I deemed it my duty to withhold my sanction to the expenditure of this appropriation under the then existing Board.

After due consideration of the report of the Public Examiner, on September 30, 1887, I suspended from further performance of the duties of the office of Trustee a majority of the members of the Board, and, on the second day of November, after further considering the report of the Public Examiner and the evidence submitted on his examination, removed, for official misconduct and neglect of duty, the majority of the Board affected by my order of September 30, the balance of the Board having tendered their resignation, and thereupon appointed and commissioned an entire new Board consisting of five members. The removed members took legal proceedings to test the power of the Governor to make such removals, which proceedings were decided adversely to the old Board and the action of the Governor sustained. The new Board have proceeded with the construction of the two additional wings, provided for, by the act of the Legislature above referred to, and such improvements are rapidly approaching completion.

I respectfully submit the report of the Public Examiner and the evidence taken on such examination.

The Trustees of the Jamestown Insane Asylum exceeded their appropriation by some \$29,377 for two years ending March, 1887, which deficiency was provided for by the last Legislature.

In their report now submitted, it appears, a deficiency again exists. At this time, January 8, the amount is \$8,923.05.

My attention was called to the management of the fund appropriated for the maintenance of this institution, and I directed the Public Examiner to examine and report. I submit said examination and report. Considering the near approach of the session of the Legislature I concluded to take no action in the premises, until your Honorable Body had opportunity to pass upon the matter.

The evidence shows a laxity of management, which amounts to a disregard of care in the management of the funds appropriated for its maintenance.

In June 1887 the following circular letter was issued from the Executive Office and a copy mailed to each trustee, superintendent and warden of each of our public 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 expenditure 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 manner of managing our public institutions is extravagant.

Until the passage of the Public Examiners' act, there was no connecting link between the Territorial government proper and the various boards, and while that law has proved very beneficial in its operation, yet there is no law which enables the Governor or Auditor, or any other official, to restrain extravagance and curtail expenses of the various boards. An examination will show the payment of large and excessive salaries, and the employment of unnecessary help in many instances, when good management and the application of business principles to a reasonable degree would result in the same service being rendered to the public, at a large saving to the Territory.

I believe the whole system of boards of trustees for our different institutions should be abolished, and the establishment of a non-partisan Board of Charities and Correction, which should have charge of our charitable and penal institutions, with power to appoint the wardens and superintendents and chief officers of said institutions—said board to regulate the number of employees and the salaries of the same, and to have general control thereof—and a Board of Regents, with full power to regulate and control our educational institutions, are suggestions worthy of your consideration. The cost to the Territory during the past two years for the different boards has amounted in the aggregate to \$29,777.32, certainly an exorbitant amount, considering the nature of the duties performed.

If the above suggestions are not followed the number of meetings of boards, for which they receive compensation, should be limited and the amount of compensation therefor fixed and no other compensation should be allowed, save for such services as may be performed by the order or consent of the Governor and allowed by the Auditor. Large bills for expense of traveling and services rendered without the Territory are frequently presented.

The cost of conveying the insane to and from asylums and prisoners to penitentiaries should be a charge upon the respective counties, and the expense appertaining to requisitions should likewise be chargeable to the counties. Excessive bills are constantly being presented in matters of this kind. Were these matters referred to the counties the county commissioners would exercise a care and scrutiny in allowing bills or claims that would result in a large saving, and in no way interfere with the public service.

Expense of carrying Insane last two years	\$29,084 33
Transportation of Convicts	7,536 98
Requisitions	7,714 61
Total	\$44,335 92

This amount, together with cost to Territory for various boards of trustees (\$29,777 32), amounts to \$74,113 24.

The Auditor is powerless in many instances to prevent over charges, having no power to reduce extravagant bills and no power to examine into the justness thereof.

The original bills or vouchers from all institutions should be presented and filed with the Auditor before any warrant on the Treasury is issued.

The power of the Auditor should be enlarged so that he may examine into and allow or disallow, in whole or in part, claims against the Territory.

Allowing students from other states to attend our educational institutions without requiring a payment into the Territorial Treasury, an amount which will be a fair compensation for the privilege enjoyed, should be prohibited, and in no event should such sum be paid to the Board of Trustees or Treasurer thereof; such a practice encourages the filling of our institutions with non-residents (because of the increase of revenue to the boards), and also tends to limit accomodation for our own pupils.

There should be some restriction regarding a class of insane, that come within our borders. There can be no good reason advanced why those entitled to admission to our insane asylums should not have resided within the Territory for a certain period of time, and provision should be made for the prompt return to the states or territories where they belong, of that class of insane who have not a habitation or residence in this Territory and have not acquired one, as may be required by law; and provision should be made to compel those parents or guardians, who are financially able to do so, to contribute towards the support and care of such relatives as may be inmates of our asylums, and the law should further provide that such fact should be ascertained by the committing officer or officers, and the evidence taken on such examination filed with some competent authority to act in the premises.

In case the trustee system for our public institutions is not abolished, the law that requires a majority or any number of trustees for our public institutions to be appointed

from the county where the institution is located, should be so amended as to abrogate such requirement.

The result of the law, as it now stands, localizes many of our institutions and deprives them of their Territorial character of management. The Territory in effect has a minority representation on these boards. Our institutions are not only localized but controlled by local influences, and too often to the detriment of good financial management.

The control of our institutions should be purely Territorial in character—the administration of the affairs of the same would thereby be improved and cheapened and they would be removed as a factor in local politics.

A number of cells in the Penitentiary at Bismarck are vacant and I have been communicated with in reference to receiving prisoners from other territories. I suggest the propriety of enabling the proper authorities to contract for the care of prisoners from other states and territories.

AMENDING EXISTING LAWS.

The existing laws in many instances could be amended and thereby accomplish the bulk of necessary legislation. This would obviate the enactment of separate acts which tends to confusion in their application, and great embarrassment in their construction.

COMPILED LAWS.

At the last session of the Legislature an act was passed providing for compilation of the laws, and provided that the Governor should, by proclamation, announce the acceptance of such compilation, and that thirty days after such proclamation said compilation shall be as valid and binding as original enrolled acts. The compilers completed the work as required by law, but 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.

APPROPRIATIONS.

A general law should be passed, fixing the time when all appropriations shall begin and terminate, unless other-

wise provided in the act making the appropriation, and the Auditor should be empowered to cover back into the Territorial Treasury all balances of appropriations remaining, when new appropriations are made.

CONSTITUTIONAL CONVENTION FUND.

There remains a balance in the Territorial Treasury from the appropriation or fund raised for the purpose of the Constitutional Convention for South Dakota. Provision should be made for the repayment to the counties from which it was received, of any amount remaining in the Treasury, after the object contemplated has been attained.

RESTORING CITIZENSHIP.

A general law empowering the Governor to restore citizenship to such as may have lost the same, would relieve the Executive of numerous applications for pardon and would be just and wise in many instances.

ASSISTANT COUNSEL.

The trial of cases of importance where the public are concerned, often require assistant counsel. Judges of Courts of record, where such causes may be pending should be authorized to appoint a counsel or assistant counsel and fix their compensation, when in their opinion the public service requires such employment.

COUNTY COMMISSIONERS.

The auditing and allowing of claims by county commissioners and the issuing of warrants where there is no money in the county treasury, is contrary to sound business principles, and tends to produce financial discredit and injury, and leads to the paying of excessive prices for county needs.

The passage of a law prohibiting the auditing or issuance of warrants in excess of funds in the treasury would be in the interest of an economical administration of affairs and beneficial to public credit.

STOCK COMPANIES.

The incorporation of companies and the issuance of stocks and bonds by companies, representing little or no value, and the increasing of capital stock by the same, should be regulated and controlled by law, so as to render

it difficult, if not impossible to impose upon the public through the medium of powers exercised and sanctioned by law, leading many to believe there is stability and substance, where in reality there is nothing. Thus the power of the state is in fact loaned to the accomplishment of imposition and wrong.

INSURANCE COMPANIES.

The present laws pertaining to the business of insurance are so imperfect that it is impracticable to attempt to correct them by amendment. If it is not thought best to enact an entirely new law which shall cover the numerous branches of insurance, some legislation should be had, at least in the matter of the organization and control of Life Insurance companies, and the present laws made general as far as they apply to Dakota companies, preventing as far as possible the abuse of using fictitious or borrowed capital, and subjecting all insurance companies organized under the law of Dakota, to the examination and control of the Insurance Commissioner or Auditor, and protecting policy holders from imposition and fraud.

RAILROAD COMMISSIONERS.

The Board of Railroad Commissioners have, during the past two years, endeavored to carry out the provisions of the Grain and Warehouse law, passed at the last session of the Legislature and also discharge their duties applicable to railroads, so that the same might meet with approval.

In consequence of their very limited power this has been very difficult. Such good as they could accomplish comes as a matter of courtesy, not as a recognized right, or by virtue of any power of the Commission. This is not only humiliating to the Commission, but a sacrifice of dignity on the part of the Territory.

The power of the Commission should be greatly enlarged; they should have power to recommend and compel roads to connect their tracks with other roads at terminal or junctional points; to locate side tracks; to require running connections to be made with other roads, and to exercise such other powers as prudence and the public welfare require over railroads, express companies and telegraph lines; and the Grain and Warehouse law should be amended so as to confer upon the Commission a proper degree of authority in the regulation of warehouses and elevators. The Commission should have power to, and the

courts provided with, a speedy and specific remedy to enforce recommendations, when in their judgment proper.

UNORGANIZED COUNTIES.

I would recommend the passage of laws that would tend to relieve the many embarrassments and annoyances arising in unorganized counties, and that such legislation as will tend to relieve the same, be as far as possible enacted.

The passage of laws allowing the appointment of Notaries Public and the appointment of Justices of the Peace clothed with civil and criminal jurisdiction would be very desirable and beneficial. I would further recommend that the law which enables a county to which an unorganized county is attached for judicial purposes to collect taxes or other revenue from an unorganized county be amended, and that authority be conferred upon the judge of the judicial district regarding licenses, and that such revenue and such other taxes as the Auditor may be empowered to levy, be paid into the Territorial Treasury for the benefit of such unorganized county, when organized, and until such county is organized, the same be paid on warrant of the Auditor on recommendation of the Superintendent of Public Instruction for the support of schools in such unorganized county, and any balance after such payment, be subject to the Auditor's warrant for the judicial and other expenses of such county.

ELECTION LAWS.

The importance of a system of election laws that will tend to inspire confidence among all classes, that elections are fairly conducted and that every possible safeguard surrounds our elective system, needs no discussion.

Under our present system the elective machinery is liable to be controlled in its entirety by one party or class, who, for the time being, may have the power to appoint the judges of election, who in turn appoint the clerks of election, which constitutes our elective machinery. In the interest of that confidence which should exist—that the immense power and responsibility conferred on those who have our elections in charge is exercised impartially—I would recommend that our election laws be revised and amended so that they may be non-partisan in their nature, and that as far as possible it be placed beyond the power of any political party, or any interest or individual, to con-

trol the machinery of our elections—a condition which a careful examination of our laws will show does not now exist.

CAUCUSES AND PRIMARY ELECTIONS.

I would further recommend that the law applicable to caucuses or primary elections be enlarged, to the end that all political parties or associations of individuals may, in their caucuses or primary elections, be protected in the same, and the conduct thereof be free from interference or annoyance from those of a different political belief. This could easily be accomplished by allowing each political party or association, through the medium of their organizations, to fix the qualification of those who would be entitled to vote at a caucus or primary, and as far as possible the general election laws should be made applicable thereto, imposing the same penalties.

COUNTY TREASURERS.

The passage of a law making county, city and other treasurers ineligible for election or appointment to successive terms, would be a step in the direction of subjecting financial accounts regularly to careful examination, and would operate as a protection against the mismanagement of public funds.

PUBLIC EDUCATION.

Great confusion exists in the laws applicable to public education. The existing two systems, known as the township system and the district system leads to embarrassment in construing the statutes and necessarily to great annoyance to those who act under the law. I would suggest a uniform system for the entire Territory.

MILITIA.

The Militia of the Territory consists of twenty companies of infantry (two mounted), and one of artillery, (two regiments.) The infantry is fully equipped with late improved Model Springfield musket, calibre 45; the artillery company is furnished with two three-inch rifled cannon, with carriages and equipment complete. The command is under the supervision of Col. Mark W. Sheafe, senior ranking colonel. All orders issue through the Adjutant-General's office. The general staff consists of an Adjutant-General, a Quartermaster, a Commissary of Supply, Inspector, Judge-Advocate-General, Chief Engineer

and Ordnance, Surgeon General, and usual number of Aides-de-Camp. The effective strength, at present date, is 1,020 enlisted men, and eighty-four commissioned officers of the field, staff and line. The general staff consists of twenty-two commissioned officers.

Blunt's system of rifle practice, the same as adopted by the United States Army, was commenced at the encampment held at Huron in September, 1887. Tactics and uniform conform to United States regulations. The command is required to attend an annual muster and inspection, and each company is obliged to perform not less than twelve additional drills, parades, musters, and inspections per annum. An annual muster is provided for. The Legislature appropriated \$18,000 for militia purposes. Experience, however, has shown that two annual musters or encampments, cannot be held, and the expense be confined within the appropriations.

The annual expenditure for armory rent is \$6,250; clothing allowance, \$7,014; total, \$13,064.

In 1888 no encampment or muster was held owing to the disinclination to incur an expense in excess of the appropriation.

As at present organized, the companies are all located east of the Missouri river. Certainly a reorganization should be provided for. If an organized militia is necessary or desirable, the same should be re-organized; the companies should not be located in one part of the Territory to the exclusion of the other, especially when the cost of maintaining the establishment is borne by the entire Territory.

I am constrained, however, to recommend the abandonment of the annual encampment and providing for no more than ten companies of fifty men each, or that the force be not allowed to exceed 500 officers and men, or two regiments of 250 men each. The Governor could be empowered in case of emergency to increase the number.

The militia now costs the Territory \$18,000 per year and is entirely too expensive. The annual allowance of \$300 to each company for armory rent is too large, and is often an excessive rent for accommodations furnished, but the law is arbitrary and fixes the sum at \$300. The amount of rent paid for armory purposes should be approved by the Adjutant-General and Governor and should not be more than a fair compensation for the accommodations furnished.

TAXATION.

All property tangible and intangible (except such as from sound policy may be made exempt) should be taxed.

While it is impossible to subject every interest to its just share of taxation, it is possible to adopt a system of laws which will be uniform in its character and equitable in its application.

A large amount of property invisible in character and shifting in nature, now escapes taxation, and which is largely if not entirely in the hands of those who are best able to pay taxes. Some means should be devised to reach and tax this class of property. Legislation must be had, not only to enforce taxation, but against temptation to evade taxation. The inability to discover property and our defective system should be remedied as far as possible. Our taxes should be deprived of a personal character and our tax system be impartial in its application, exacting the public revenue from all persons and classes in proportion to their ability to pay. All the following (in addition to real estate) should be subject to a judicious tax: Incomes, inheritances and bequests, railroad and steamboat and transportation companies, express, palace car and sleeping car companies, telegraph and telephone companies, banks, (territorial and national,) loan and trust companies, insurance and indemnity companies, and their bonds and evidence of indebtedness, public elevators, warehouses and storehouses for grain, insurance agents and agents for all companies or corporations of other states, horse car, ferry, gas, electric, light, and all franchises or licenses granted, and all corporations or quasi corporations organized and doing business in the Territory should pay a tax on the actual value of their capital stock after deducting the assessed value of their real estate, and in addition a tax measured by their dividends. A tax with propriety might be adjusted to some of the interests above named, on the principle of gross earnings.

Personal property belonging to non-residents should be listed for taxation in the tax precinct where the property is located. While some of the interests above named pay their just proportion, others pay only a portion of what they should pay and others pay none at all. Bank stock is assessed under Chapter 140, Laws of 1887.

The Territorial Treasurer received from all telegraph

companies in the Territory, during the last two years \$3,778.10, viz.: \$1,655.80 in 1887 and \$2,122.30 in 1888—certainly a very inadequate sum, considering the telegraph property in the Territory.

Real estate by its nature, generally pays not only its full share, but the great burden of taxation is borne by this class of property. When we leave real estate and go into the realms of property, personal in its nature, the nearer we can indicate, specify and describe the property or interest to be taxed, the better. Our statutes in many instances are so wanting in precision and so general in their wording, that while it may be possible for assessors to reach much property not now assessed, this general language of our laws enables assessors to either neglect or to exercise a discretion without open violation of duty.

In all matters relating to taxation the duties of assessors and collectors and boards of equalization should be clearly defined, and the law applicable to the duties of assessors and collectors should be mandatory in its nature; no discretion should be allowed them but to assess and collect as indicated, and they should be liable to a severe penalty for breach or neglect of duty.

A general law, requiring that all licenses or privileges, in the nature of franchises, hereafter granted by all cities or towns shall be disposed of at public auction for a percentage of gross revenue—while not, perhaps, of great value at present—would, in time to come, result in great benefit.

A system of taxation that would eventually lead to exemption of real estate from taxation for Territorial or State purposes would be very desirable and could largely, if not entirely, be accomplished, by the Territorial taxes being collected from a class of property, corporate and personal in its nature.

PAYMENT OF TAXES SEMI-ANNUALLY.

I would also suggest the propriety of allowing taxes to be paid semi-annually, especially on real estate, allowing a rebate to those who pay the full amount of tax at the time the first payment is due.

TAXATION OF RAILROADS.

The question of taxation of railroads has received a great deal of attention. In 1879 the Territorial Legislature

passed an act providing, among other things, for the taxing of railroads under the gross earnings system (Sections 24 and 25, Chapter 46, Laws of 1879).

I quote the following from Section 24:

"The percentage of gross earnings hereinbefore specified to be paid in pursuance of the provisions of this section shall be in lieu of all other taxation of the road-bed, right of way, station or depot grounds, track, rolling stock, water stations, water tanks, turn-tables, engine houses, machine shops, depots and necessary buildings, tools, machinery for repairs, gravel beds, furniture, telegraph instruments and lines, and fuel of such railroad corporation used in or incident to the operation of such railroad. All property of railroads not above enumerated, subject to taxation, shall be treated in all respects, in regard to assessment, equalization and taxation, the same as similar property belonging to individuals, whether said lands are received from the General Government or from other sources."

In 1883 the Legislature passed another act providing for the collection of taxes on railroad property, (Chapter 99, Laws of 1883). The following is a part of Section 1 of said chapter:

"In lieu of any and all other taxes upon any railroads, except railroads operated by horse power, within this Territory, or upon the equipment, appurtenances or appendages thereof, or upon any other property situated in this Territory belonging to the corporation owning or operating such railroads, or upon the capital stock or business transaction of such railroad company, there shall hereafter be paid into the treasury of this Territory a percentage of all the gross earnings of the corporation owning or operating such railroad, arising from the operation of such railroad as shall be situated within this Territory as hereinafter stated, that is to say: Every such railroad corporation or person operating a railroad in this Territory shall pay to said Treasurer each year for the first five years after said railroad shall be or shall have been operated, in whole or in part, two (2) per centum. of such gross earnings; and for and in each and every year after the expiration of the said five years, three (3) per centum. of the said gross earnings, and the payment of such per centum. annually, as aforesaid, shall be and is in full of all taxation and assessments whatever upon the property aforesaid."

It is to be observed, in 1879 there were but few miles of railroad in the Territory, while at present there are nearly 4,500 miles. As the law stood prior to 1883 it is plain that the Legislature did not intend to exempt from the ordinary and usual method of taxation only such property as was actually used in, or necessarily incident to, the operation of the roads.

Whether said Chapter 99, Laws of 1883, goes further and exempts more property than is used in, and incident to, the operation of the roads is a disputed question between the officers of the Territory and the railroad companies.

In the year 1880, the officers of the county of Traill, authorized by law to assess property therein, for the purpose of taxation, assessed and levied taxes for that year upon lands granted to the Northern Pacific Railroad company for the purpose of aiding in the construction of said road, said lands not being a part of the road bed or any way used for railroad purposes. The county treasurer proceeded to advertise said lands for sale for non-payment of taxes. An application was made to the Territorial district court to enjoin the collection of such taxes. On appeal the Supreme Court of the Territory gave judgment for the defendant. Appeal was taken to the Supreme Court of the United States (*Northern Pacific Railroad Company vs. Traill County*, 115, U. S. Reports, page 600), and the decree of the Supreme Court of the Territory of Dakota was reversed, with directions to cause a decree to be entered perpetually enjoining the Treasurer of Traill county from any further proceeding to collect the taxes, the Court holding the provisions in the act of July 17, 1870 (16 Stat., 291, page 205), that the lands granted to the Northern Pacific Railroad company by the act of July 2, 1864 (13 Stat., 365), shall not be conveyed to the company or any party entitled thereto "until there shall be first paid into the Treasury of the United States the cost of surveying, selecting and conveying the same by the company to party in interest," exempt these lands from State or Territorial taxation until such payment is made into the Treasury. "That the Northern Pacific Railroad company has acquired no equitable interest in the lands so granted to it by reason of completing its road and thus earning the granted lands which are subject to State or Territorial taxation before such payment is made into the Treasury of the United States." The doctrine promulgated by the Supreme Court in this case was set

aside by act of Congress, approved July 10, 1886, which provided as follows:

“That no lands granted to any railroad corporation by any act of Congress shall be exempt from taxation by states, territories and municipal corporations, on account of the lien of the United States upon the same, for the costs of surveying, selecting and conveying the same, or because no patent has been issued therefor; but this provision shall not apply to lands unsurveyed; *Provided*, That any such land sold for taxes shall be taken by the purchaser subject to the lien for costs of surveying, selecting and conveying, to be paid in such manner by the purchaser as the Secretary of the Interior may by rule provide, and to all liens of the United States, all mortgages of the United States, and all rights of the United States in respect of such lands; *Provided further*, That this act shall apply only to lands situated opposite to and co-terminous with completed portions of said roads, and in organized counties; *Provided further*, That at any sale of lands under the provisions of this act, the United States may become a preferred purchaser, and in such case the lands sold shall be restored to the public domain and disposed of as provided by the laws relating thereto.” The Territorial officers caused the surveyed lands belonging to the Northern Pacific Railroad Company to be assessed both in 1887 and 1888. As yet the company has not paid the taxes upon said lands. The Northern Pacific Railroad company refused to pay the installment of percentage upon its gross earnings, which became due August 15, 1887. For the purpose of satisfying said tax the Territorial Treasurer distrained a large amount of rolling stock. The corporation brought suit to prevent the sale, and obtained a permanent injunction from the district court restraining it.

The company made its return of earnings on the 31st day of December, 1886, as required by law, and from such return the tax for 1886 was, in round numbers, \$76,000, one-half of which became payable on or before February 15, 1887, and the other half on or before August 15, 1887.

The statement filed by the company included earnings arising from the operation of its road in transporting goods and passengers through the Territory from points without, to points within, and from points within to points without the Territory, as well as between points local within the Territory.

The company in its complaint showed that the tax upon its earnings, local within the Territory, would not for the year exceed \$12,000. The \$38,000 which became due February 15, 1887, was paid by the corporation, and the suit was maintained upon the grounds that the tax upon all the earnings not local within the Territory was a tax upon inter-state commerce and void, and the company having already paid more than the whole tax on local earnings for the year, no more could be collected. The case was taken to the Supreme Court of the Territory, and the decision of the district court affirmed, following the cases of *Fargo vs. Michigan*, 121 U. S., 230, and *Philadelphia Steamship Company vs. Pennsylvania*, 122, U. S., 326.

Section 1,925 of the Revised Statutes of the United States provides as follows:

“In addition to the restrictions upon the legislative power of the territories contained in the preceding chapter, section 1,925, the legislative assemblies of Colorado, Dakota and Wyoming shall not pass any law impairing the rights of private property or make any discrimination in taxing different kinds of property, but *all property subject to taxation shall be taxed in proportion to its value.*”

The question then arises as to whether or not the gross earnings law above referred to is not in conflict with this section of the Revised Statutes. This question was not raised in the late suit by the Territorial Treasurer to enforce collections under the gross earnings law. The Northern Pacific Railroad Company during the year 1888 has paid about \$10,000 tax under the gross earnings law.

The following inter-state railroads paid upon total gross earnings:

Chicago & Northwestern,
Chicago, St. Paul, Minneapolis & Omaha.
Minneapolis & St. Louis,
Minneapolis & Pacific,
Burlington, Cedar Rapids & Northern.

The following paying on their local or Territorial earnings:

Northern Pacific,
St. Paul, Minneapolis & Manitoba.
Chicago, Milwaukee & St. Paul.

Section 2 of the act incorporating the Northern Pacific Railroad company provides as follows:

“That the right of way through the public lands be and the same is hereby granted to said Northern Pacific Rail-

road company, its successors and assigns, for the construction of a railroad and telegraph, as proposed. Said way is granted to said railroad to the extent of two hundred feet in width on each side of said railroad where it may pass through the public domain, including all necessary ground for station buildings, depots, machine shops, switches, side tracks, turn-tables and water stations, and the right of way shall be exempt from taxation within the territories of the United States."

In the case of the Northern Pacific Railroad company vs. Carland (Fifth Montana, 146), the supreme court of Montana held that:

"By virtue of the above (section 2 of the company's charter), exemption from taxation formed a part of the consideration for the undertaking and contract on the part of the company, and that such contract cannot be impaired by the National Legislature, much less by an act of a Territorial Legislature, which owes its existence to its organic act given by Congress. As well might such Territorial Legislature undertake to repeal the organic act, which called it into being as a Territory.

Under the charter of the Northern Pacific Railroad company it is clearly exempt from taxation. If what is known as the gross-earnings law is in conflict with Section 1925 of the Revised Statutes, the question presented is, whether or not any system of taxation can be adopted by the Territorial Legislature without Congress first taking some action. If the charter of the company operates as a contract between the National Government and the company to the extent of excluding taxation as provided by section 2 of its charter, does it necessarily follow that Congress has not power to legislate in such a manner that it may provide for or authorize the Territorial Legislature to impose a tax upon its income or gross earnings which would be valid and susceptible of being enforced? The interpretation of the gross-earnings law, that all other railroad property is exempt from taxation, has exempted from taxation nearly one-eighth of all taxable property in the Territory.

The Supreme Court of the United States in *Fargo vs. Michigan* 121 U. S. 230 (April 4, 1887) decided: "A statute which levies a tax upon the gross receipts of railroads for the carriage of freights and passengers into, out of, or through the state, is a tax upon commerce among the states, and, therefore, void. The states cannot be per-

mitted, under the guise of a tax upon business transacted within their borders, to impose a burden upon commerce among the states, when the business so taxed is itself inter-state commerce."

This decision was controlling of the Territorial Courts in considering the questions raised in suit between the Northern Pacific railroad and the Territorial Treasurer. Much can be said in favor of the gross earnings system of taxation of railroad property used for railway purposes, where it results in producing a fair and just amount of revenue. As the law now stands the collection of an adequate tax cannot be enforced.

In considering this question I would call your attention to the statute of Wyoming territory, which was tested and upheld by the United States Supreme Court in the case of Union Pacific Railroad Company v. Cheyenne 113 U. S. 516.

In case the Legislature should repeal the present gross-earnings law, some provision should be made for the assessment of railroad property when the property is situated in more than one county, so as to avoid the embarrassment and confusion of irregular and excessive assessments.

TAXATION OF RAILROAD LANDS.

The law provides that the annual sale for unpaid taxes shall take place on the first Monday of October in each year. As the time for such sale approached, and just prior thereto, the Northern Pacific Railroad company took proceedings to restrain the sale of certain of their lands not held for railroad purposes, which had been assessed for taxes for the year 1887. The railroad company, as plaintiff, commenced upwards of thirty actions against the county treasurers of the various counties within the boundaries of which are situated the lands granted to their company in Dakota. There are three classes of action, viz.: Those relating to lands within the original grant of forty miles on each side of the main line of the road. Those relating to the lands within the indemnity belt of ten miles on each side of the original grant; and third, those relating to town-sites owned wholly or in part by the railroad company. The actions were all brought to perpetually enjoin the county treasurers from selling the lands for the delinquent taxes of 1887. The railroad company alleges in its complaint that it had paid all the taxes due under the gross

earnings law of the Territory, and that by virtue of that law its lands were not subjected to taxation. They further alleged in their complaint that "certain irregularities existed in the tax proceedings, rendering those proceedings fatally defective and the taxes illegal."

Among the irregularities alleged to exist were the following: That "the assessors did not attach to the assessment rolls, the oath as required by law; that the county commissioners did not attach a proper warrant to the tax list, as required by law; that the tax list was not delivered to the Treasurer at the time, as required by law; that the Treasurer did not give the notice of sale, as required by law." As to the lands within the indemnity belt or limit, the company further alleged in their complaint, that "although they had complied with the provisions of the law and the rules of the Interior Department relating to the selection of such lands, yet, the Secretary of the Interior had refused to certify to such selection, and therefore, the company has not such a complete and full title to such lands as to render them subject to taxation, even if liable to taxation under the tax law."

In all of these actions temporary injunctions were granted with an order to show cause why the same should not be continued pending the action. Such orders were made returnable before the Hon. Roderick Rose, Judge of the Sixth Judicial District, at Steele on October 31st last. Counsel for the several counties appeared and the hearing was continued from time to time. In two of the cases answers were interposed denying the allegations of the complaint as to the irregularities in the tax proceedings.

In three other cases, two from Foster county and one from La Moure county, involving lands in the original grant and in the indemnity belt, demurrers to the entire complaint were filed, the demurrer being that the complaint did not state the cause of action. These cases were noticed for trial at the November term of the district court held at Jamestown. They were argued before the Hon. Judge Rose on November 24th and December 3d. These were considered test cases. On the 31st of December last the Honorable Judge sustained the demurrers in the two cases from Foster county, one involving lands in the original grant and one in the indemnity belt. He also sustained the demurrer in the LaMoure county case, involving lands in both the original and in the indemnity belt. The result of the decision by

the district court is favorable to the counties and sustains the theory that the lands held by the Northern Pacific Railroad Company, not used for railroad purposes are liable to taxation and can be legally taxed under our present laws.

RESTRAINING TAX SALES.

The practice of courts or judges granting injunctions or stays in matter of sales for unpaid taxes should be prevented and prohibited by proper legislation. No temporary injunction should in any case be allowed to issue, unless the amount of tax is first paid. This would in no way impair the remedy of a party to proceed by action to procure the vacation of an improper or unlawful tax. Under the pretense of a tax being void upon its face; injunctions or stay of tax sales are often procured that are predicated on no merit and collection of the public revenue is consequently delayed and embarrassed.

There is ample time between the levy of a tax and the time provided by law for a sale for delinquent taxes to enable any person aggrieved to have his action testing a tax determined by the courts, and those who wait until sales are about to occur should not be favored by extraordinary remedies which operate unjustly to the public.

SALES FOR UNPAID TAXES.

The question has been raised, whether after the time fixed by law for tax sales to take place, the treasurer can again advertise and sell before the time for the next annual tax sale.

Where the officer fails or is prevented from making sale, there is no reason why he should not be allowed to advertise and sell at any time.

I am of the opinion the law does not justify any such interpretation as above indicated. But it should be relieved of all ambiguity or uncertainty.

COMMUNICATIONS.

I had the honor in March last and subsequently thereto to receive several communications from the Hon. Secretary of the Interior in reference to the enforcement of the tax laws amongst the half-breed non-reservation Turtle Mountain Chippewas, by the county authorities of Rolette county. I herewith submit the correspondence between the Department and myself which full explains the desire of the Department and my action in the premises.

I respectfully submit communications from the Interstate Extradition Conference held in New York City in August, 1887; also communication from Washington Centennial Celebration Committee; also communication from Hon. Thomas F. Bayard, Secretary of State, relating to Paris Exposition, contemplated to be held commencing October 5, 1889; also communication from National Grange Patrons of Husbandry in regard to a World's Exposition in 1892.

PARDONS.

Pardons and commutations have been granted as follows:

BY ACTING GOVERNOR—Thomas W. McGill, homicide, September 1885, three years and one month, pardoned February 9, 1887.

BY PRESENT EXECUTIVE—Charles Hayes, grand larceny, December 1885, three years and four months, pardoned March 2, 1887.

Henry B. Schaffer, assault, August 1885, six months, pardoned June 8, 1887.

Andreas Handtcheigel, illegal sale of liquors, April 1887 sixty days, pardoned June 8, 1887.

George Harris, burglary, September 1885, two years and three months, pardoned June 30, 1887.

Osten O'Larhe, forgery, September 1885, five years, pardoned October 19, 1887.

John Lacey, manslaughter, September, 1882, twenty years, pardoned December 1, 1887.

COMMUTATION OF SENTENCE.

George W. McNear, murder, September, 1875; to be hanged. Commuted to life, November 5, 1875, by Hon. J. L. Pennington. October 4, 1887, commuted to twenty years.

Charles Hughes, robbery, August, 1884; life. Commuted to five years.

John Brown, robbery, August, 1884; life. Commuted to five years.

Boy Chief (Indian), rape, October, 1887; two years. two months. Commuted to nine months.

J. F. Hemingway, embezzlement, January, 1887; two years, six months, fine \$100. Commuted to two years.

CONCLUSION.

The Executive welcomes to the Legislative halls of Dakota, that branch of its government, to whom largely, if not entirely is confided the welfare of her people.

Through your instrumentality, abuses may be corrected and prevented, the great and growing interest of Dakota fostered protected and advanced. Let legislation be just to every individual and interest, equitable in its application and undiscriminating in the enforcement or protection of a right, the redress or prevention of a wrong, or the punishment of a public offense, to the end that every individual may rejoice in the fairness and wisdom of your enactments and every interest be content and satisfied with the impartiality thereof. And with a strong desire on my part to be in accord with the Legislature in considering and disposing of the public business in these closing hours of Territorial government and joining in the prayer and hope that the mantle of statehood may soon rest upon the Dakotas, I respectfully submit my message for your consideration.

LOUIS K. CHURCH.

Governor.

Upon concluding the delivery of the message

Mr. Lowry moved

That the joint session take an informal recess of 15 minutes to allow members to meet the Governor

Which motion prevailed.

Upon the reassembling of the joint session

Mr. Aikens offered the following joint resolution:

A JOINT RESOLUTION

Relative to a Division of the Territory of Dakota, and the Admission of Each Portion Into the Union as Separate States.

Be it Resolved by the Legislative Assembly of the Territory of Dakota, in Joint Convention Assembled:

That the proposition to divide the Territory of Dakota on the Seventh standard parallel, is hereby endorsed, and that the oft repeated expressions of the representatives of the people of Dakota, of adherence to the cause of division, are hereby renewed and reaffirmed.

That each portion of Dakota is entitled to membership in the Federal Union, and should be admitted without further unnecessary delay; the southern half bearing the name of South Dakota, and the northern half bearing that of North Dakota.

That a copy of these declarations, signed by the President of the Council and the Speaker of the House, and attested by the chief clerks of the Council and House, be sent to the President of the United States, to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States, and to Dakota's Delegate in Congress.

Which resolution was unanimously adopted.

Mr. Poindexter moved

That copies of the resolution be sent to Hon. Wm. Springer and to the other members of the Committee on Territories in Congress,

Which motion prevailed.

Mr. Lowry moved that the joint session do now dissolve,
Which motion prevailed.

The House was then called to order by the Speaker.

Mr. White moved that an informal recess of five minutes be taken to draw for seats,

Which motion prevailed.

By unanimous consent

House Bill No. 1,

A bill for an act authorizing counties to bond themselves to provide seed wheat

Was read the second time by its title.

Mr. Adams moved

That the bill be referred to a special committee of seven, to be appointed by the Speaker.

Which motion prevailed, and

The Speaker appointed Messrs. White, Gronna, Bergman, Swanson, Baldwin, Wellman and Smith as such committee.

Mr. Elliott moved that the House adjourn until 2 o'clock p. m., Thursday,

Which motion prevailed, and the House

Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

THIRD DAY.

BISMARCK, January 10, 1889.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All the members present.

Mr. Mallory moved

To dispense with the reading of the Journal,

Which motion prevailed.

REPORT OF SPECIAL COMMITTEES.

MR. SPEAKER

Your special committee to whom was referred
House Bill No. 1,

A bill for an act authorizing counties to bond themselves to provide seed wheat, respectfully report that they have considered the same, and report it back with the following amendments:

In section 1, line 3, strike out the word "March" and insert in lieu thereof the word "May."

In line 5, same section, strike out "\$25,000" and insert in lieu thereof "\$35,000."

In line 10, same section, strike out the word "annually" and insert in lieu thereof the word "semi-annually."

In section 3, line 6, beginning at the word "if" strike out remainder of section.

In section 9, line 3, after the word "transportation" insert the words "and handling."

In section 11, line 2, strike out the word "May" and insert in lieu thereof the word "June."

Section 12 shall read: The monies received by counties

taking advantage of this act, in repayment of the debt incurred hereunder by the persons receiving seed wheat, shall become a part of the county general fund.

Section 12 of original bill shall be numbered 13.

Section 13 shall be numbered 14.

And further recommend that the bill as amended do pass.

J. V. WHITE,
Chairman.

Mr. Price introduced the following resolution:

Resolved, That the Treasurer be requested to report to this House the amount due from, and paid by, the several railroad companies to the Territory to the credit of the several counties since December 1, 1888; and when the said amounts became due; when the same were respectively paid into the treasury; and the dates when the said amounts were paid over to the counties.

Which resolution was adopted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Greene introduced—

Joint Resolution No. 5.

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 was read the first time.

Mr. Lillibridge moved

That the rules be suspended and the Joint Resolution be read the second and third times and placed upon its final passage,

Which motion prevailed, and

The rules were suspended and

Joint Resolution No. 5.

A memorial to Congress for the passage of the pending bill for the opening to settlement of a portion of the Sioux Indian reservation

Was read the third time and placed on its final passage.

The roll being called, there were ayes 39; nays 8; absent and not voting, . . .

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Bennett, Bergman, Bixler, Burnam, Cooke, Douglas, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Lillibridge, Mallory, McNeil, Miller, Morris, Newman, Palmer, Patridge, Parkin, Potter, Powell, Price, Ramsdell, Royer, Sheets, Smith, Swanston, Turn-

bull, Upham, Van Etten, White, Wellman, Wellcome, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Baldwin, Clark, Fletcher, McHugh, Patton, Ryan, Trude.

Mr. Elliott being absent.

So the resolution passed and its title was agreed to.

Mr. Aikens introduced—

House Bill No. 6,

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

Which was read the first time.

Mr. Burnham introduced—

House Bill No. 7,

A bill for an act entitled “An Act to Amend Sections 1 and 27, Chapter 10, Laws of 1887,”

Which was read the first time.

Also,

House Bill No. 8,

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

Which was read the first time.

Mr. Swanston introduced—

House Bill No. 9,

A bill for an act defining the boundaries of Walsh and Ramsey counties.

Which was read the first time.

Mr. Elliott introduced.—

House Bill No. 10,

A bill for an act to provide for the inspection of illuminating oils, manufactured from petroleum coal oils.

Which was read the first time.

Also,

House Bill No. 11,

A bill for an act to locate and establish a territorial normal school.

Which was read the first time.

Mr. Fletcher introduced—

House Bill No. 12,

A bill for an act relating to the office of notaries public.

Which was read the first time.

Also.

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.

Which was read the first time.

Also

House Bill No. 14,

A bill for an act providing how tickets shall be prepared for election.

Which was read the first time.

Mr. Clark introduced—

House Bill No. 15,

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

Which was read the first time.

Mr. Gronna introduced—

House Bill No. 16,

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

Which was read the first time.

Mr. Allen introduced—

House Bill No. 17.

A bill for an act to reconvene the constitutional convention of South Dakota, giving certain powers thereto and making an appropriation for the expenses thereof,

Which was read the first time.

Mr. Burnham moved

That the rules be suspended and that

House Bill No. 15,

A bill for an act providing for an extension of the time for the paying of taxes for the year 1888 be given its second reading and that it be referred to a special committee of three to be appointed by the Speaker,

Which motion prevailed and

The bill was read the second time and

The Speaker appointed as such special committee Messrs. Lampman, Patridge and Fletcher.

CONSIDERATION OF GENERAL ORDERS.

Mr. White moved

That the House do now resolve itself into a Committee of the Whole,

Which motion prevailed, and
The Speaker called Mr. Fletcher to the chair.

When the committee arose the following report was presented:

MM. SPEAKER:

The Committee of the Whole have had under consideration

House Bill No. 1,

A bill for an act authorizing counties to bond themselves to provide seed wheat.

And submit the following report:

The committee recommend to the House that

House Bill No. 1 be made the special order for to-morrow at 3 o'clock, and that the further consideration of the bill be postponed until that hour.

J. H. FLETCHER,
Chairman.

Mr. Newman moved

To adopt the report of the committee,

Which motion prevailed.

The Speaker appointed E. H. Sanford stenographer of the House.

Mr. Patton moved

That the House adjourn,

Which motion prevailed and the House Adjourned.

J. G. HAMILTON,
Chief Clerk.

FOURTH DAY.

BISMARCK, January 11, 1889.

The House assembeled at 2 o'clock p. m. pursuant to adjournment.

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present.

The Journal of the preceding day was read and approved.

PETITIONS AND COMMUNICATIONS.

The following petition was received:

MEMORIAL.

To the Legislative Assembly 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 of Bottineau, D. T., January 9, 1889.

L. D. DANA,
JAMES CUDHIE,
ESRA TURNER,
GEORGE MICHIE,
L. P. LEMAY.
Commissioners.

Attest:

M. O. TIBBITS, County Clerk.

The Speaker appointed Charles W. Conroy and William Chance as pages.

REPORT OF SPECIAL COMMITTEE.

MR. SPEAKER:

Your committee appointed to report on

House Bill No. 15,

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

Have had the same under consideration and respectfully recommend that the bill be amended by striking out, in line ten, of section two, the words, "in the opinion of the treasurer be," and inserting in lieu thereof the words, "when the treasurer has good reason to believe that he is"

And when so amended we recommend the passage of the bill.

IRA S. LAMPMAN,
J. H. FLETCHER,
A. L. PATRIDGE.



The bill was referred to general orders.

INTRODUCTION OF BILLS.

Mr. Price introduced—

House Bill No. 18,

A bill for an act prescribing the penalty for taking usury.
Which was read the first time.

Mr. Adams introduced—

House Bill No. 19,

A bill for an act to give publicity to chattel mortgage sales.

Which was read the first time.

Mr. Royer introduced—

House Bill No. 20,

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

Which was read the first time.

Mr. Allen introduced—

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.

Which was read the first time.

Mr. Fletcher introduced—

House Bill No. 22,

A bill for an act to amend 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, passed at the Sixteenth Legislative Assembly of the territory of Dakota and approved March 6, 1885.

Which was read the first time.

Mr. Burnham introduced—

House Bill No. 23,

A bill for an act to amend Subdivisions 2 and 3 respectively of Section 37 of Chapter 28, Political Code.

Which was read the first time.

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, Laws of 1887.

Which was read the first time.

CONSIDERATION OF GENERAL ORDERS.

Mr. Royer moved

That the House resolve itself into Committee of the Whole for the consideration of general orders,

Which motion prevailed and

The Speaker called Mr. Burnham to the Chair.

When the committee rose the following report was presented:

MR. SPEAKER:

The Committee of the Whole have had under consideration

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.

And recommend the adoption of the following resolution as a substitute therefor:

Be it Resolved by the House of Representatives, the

Council concurring:

That a committee of three members from each house be appointed by the President and Speaker to act as a Joint Committee to confer and report a proper bill relating to the extension of time for the payment of taxes.

J. W. BURNHAM,
Chairman.

Mr. White moved

The adoption of the report,

Which motion prevailed.

Mr. Aikens moved

That the rules be suspended; that the joint resolution be read the second and third times and placed on its final passage,

Which motion prevailed, and

Joint Resolution providing for the appointment of a joint committee to report a bill for the extension of payment of taxes of 1888

Was read the third time and placed on its final passage.

The roll being called there were ayes, 48; nays, none.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Adams, Baldwin, Bennett, Bergman, Bixler, Burnam, Clark, Cooke, Douglas, Elliott, Fletcher,

Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Lillibridge, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patridge, Parkin, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, White, Wellman, Wellcome, Mr. Speaker.

So the joint resolution was passed.

The Speaker announced an informal recess of ten minutes.

The Speaker announced that
House Bill No. 1,

A bill for an act authorizing counties to issue bonds to provide seed wheat was a special order for 3 o'clock.

Mr. Adams moved

That the House resolve itself into a Committee of the Whole to consider

House Bill No. 1,

Which motion prevailed, and

The Speaker called Mr. Fletcher to the Chair.

When the committee rose the following report was presented.

MR. SPEAKER:

The Committee of the Whole have had under consideration

House Bill No. 1,

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

And submit the following report:

In section 1, line 3, strike out the word March and insert in lieu thereof the word May. In line 5, same section, strike out "\$25,000" and insert in lieu thereof "\$35,000." In line 10, same section, strike out the word "annually" and insert in lieu thereof the word "semi-annually." In section 3, line 6, beginning at the word "if," strike out remainder of section. In section 8 strike out the word "suffer" and substitute in lieu thereof the words "have suffered." In section 9, line 3, after the word transportation insert the word "and handling."

In section 11, line 2, strike out the word "May" and insert in lieu thereof the word "June."

Section 12 shall read:

The moneys received by counties taking advantage of this act in repayment of the debt incurred hereunder by

the persons receiving seed wheat shall become a part of the county general fund.

Seciton 12 of the original bill shall be numbered 13.

Section 13 shall read as follows:

Section 13. The county commissioners of any and every county proposing to distribute seed wheat under the provisions of this act shall suitably publish and advertise such intention for at least thirty days prior to the first day of April, 1889, giving notice also that all applications must be filed with the auditor or county clerk by that date (April 1.) 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 application which they may deem it improper to grant.

That section 14 shall read as follows:

Section 14. The affidavit provided for by Chapter 150 of the General Laws of 1887 may be made by the county auditor or chairman of the board of county commissioners and the words "its passage" inserted after the word "after,"

And when so amended they recommend the passage of the bill.

J. H. FLETCHER,
Chairman.

Mr. Price moved

That the report of the committee be adopted,
Which motion prevailed.

Mr. Elliott moved

That the rules be suspended and that
House Bill No. 1

Be placed upon its third reading and final passage,
Which motion prevailed, and

House Bill No. 1.

A bill for an act authorizing counties to bond themselves to provide seed wheat.

Was read the third time and placed on its final passage.

The roll being called, there were ayes 48, nays, none.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Adams, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lamp-

man, Logan, Lillibridge, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patridge, Parkin, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, White, Wellman, Wellcome, Mr. Speaker.

So the bill passed.

Mr. Aikens moved

To amend the title of the bill by striking out the words "to bond themselves" and insert the words "to issue bonds" in lieu thereof.

Which motion prevailed, and

The title of the bill as amended was agreed to.

The Speaker appointed the following standing Committees:

JUDICIARY—Price, Newman, Wellcome, Aikens, Patridge, Lampman, Burnham, Allen, Powell.

EDUCATIONAL—Lampman, Newman, Bixler, Price, Cooke, Fletcher, Van Etten.

WAYS AND MEANS—Patton, McHugh, Morris, Howell, Baldwin, Bergman, Upham.

APPROPRIATIONS—Greene, Potter, White, Allen, Miller, Trude, Palmer, Wellman, Wellcome.

COUNTIES—Gronna, Clark, Greene, Logan, Douglas, Cooke, McNeal.

TOWNS AND CITIES—Newman, Howell, Ryan, McHugh, Upham, Bennett, Bixler.

PUBLIC PRINTING—Adams, Clark, Elliott, Smith, Gronna, Parkin, Jones.

ENROLLING AND ENGROSSING OF BILLS—Powell, Cooke, Bergman, Swanston, Morris, Lillibridge, Royer.

TERRITORIAL AFFAIRS—Allen, Sheets, Aikens, Gronna, Wellman, Price, Powell.

AGRICULTURE—White, Turnbull, Logan, Ramsdell, Fletcher, Lampman, Patridge.

INSURANCE—Douglas, Baldwin, Patton, Miller, Palmer, Hunter, Bennett.

BANKING—Sheets, Ramsdell, Elliott, Wellcome, Bixler, Lillibridge, Morris.

MINES AND MINING—Clark, Patton, Trude, Jones, Ryan, Parkins, McNeal.

RAILROADS—Hunter, Smith, Trude, Wellman, Sheets, Mallory, Powell, Allen, Wellcome.

CHARITABLE INSTITUTIONS—Mallory, Burnham, Elliott, Lampman, Turnbull, Logan, Ramsdell, Sheets, Van Etten.

PENAL INSTITUTIONS—Parkin, Burnett, Van Etten, Patridge, Potter, Allen, Wellcome, Wellman, McHugh.

HIGHWAYS, BRIDGES AND FERRIES—Miller, Douglas, Bergman, Swanston, Upham, Baldwin, Howell.

IMMIGRATION—Smith, Douglas, Adams, Trude, Cooke, Royer, Jones.

ELECTION AND PRIVILEGES—Palmer, Bixler, Parkin, McHugh, Howell, Ryan, Morris.

INDIAN AFFAIRS—Lillibridge, Jones, McNeal, Baldwin, Bixler, Patton, Clark.

MANUFACTURES—Ramsdell, Palmer, Cooke, Ryan, Lillibridge, Howell, Trude.

PUBLIC LANDS—Turnbull, Fletcher, Smith, Bennett, Gronna, Miller, Swanston.

PUBLIC HEALTH—Royer, Swanston, Van Etten, Fletcher, McNeal, White, Bennett.

WAREHOUSES, GRAIN GRADING AND DEALING—Wellman, Sheets, Lampman, Patridge, Douglas, Miller, Smith.

MILITARY AFFAIRS—Logan, Price, Potter, Lillibridge, Elliott, Parkin, Patton.

PUBLIC BUILDINGS—Wellcome, Douglas, Burnham, White, Potter, Mallory, Elliott, Adams, Fletcher.

RULES—Ryan, Patridge, Lampman, Newman, Greene, Mallory, Allen.

TEMPERANCE—Patridge, Van Etten, Potter, McNeal, Bixler, Burnham, Turnbull.

Mr. White moved

That the House adjourn,

Which motion prevailed and the House

Adjourned.

J. G. HAMILTON,
Chief Clerk.

FIFTH DAY.

BISMARCK, January 12, 1889.

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

The Spéaker presiding.

Prayer by the chaplain.

Roll called.

All members present, except Messrs. Parkin and McNeal, excused

Journal of preceding day read and approved.

The Speaker announced the following changes in committees:

Mr. Patton resigned as Chairman of the Committee on Ways and Means and is appointed a member of the Committee on Appropriations. Mr. Trude resigns from Committee on Appropriations and is appointed Chairman of the Committee on Ways and Means.

PRESENTATION OF PETITIONS AND MEMORIALS.

Mr. Wellcome introduced the following petition:

To the Members of the Legislature of Dakota Territory:

GENTLEMEN: We, the undersigned voters of Pierce county, would respectfully ask that our county be attached to McHenry county, Dak., for judicial purposes.

(Signed) H. HERMAN SER.

And others.

Mr. Gronna introduced the following memorial:

To the Honorable Council and House of Representatives of the Legislature of Dakota:

We, the undersigned commissioners of Nelson county, Dakota, urgently petition that Chapter 13 of the Laws of 1887 be so amended as to extend its benefits up to February 1, 1889, thus enabling counties who have an outstanding floating indebtedness to fund the same at a low rate of interest and to prevent county warrants from depreciating in value below par.

Dated and signed at Lakota, D. T., Jan. 9, 1889.

J. H. McLAUGHLIN,	} County Commissioners Nelson County, D. T.
J. G. GORDON,	
JAS. COLLINS,	
JOHN W. FORBES,	
OLE K. KJOWESTAD.	

Attest, A. T. WEBB,

County Auditor Nelson County, D. T.

The following communication was received from the the Territorial Treasurer:

Hon. H. H. Keith, Speaker:

DEAR SIR: In compliance with the request of the House, that the Treasurer report to it the amount due from, and paid by the several railroad companies to the Territory, to the credit of the several counties since December 1, 1888, and when the said accounts became due; when the same were respectively paid into the treasury; and the dates when the said amounts were paid over to the counties, I have to say that since December 1, 1888, no money has been paid into the treasury by any of the railroad companies of the Territory.

The taxes paid by the several railway companies for the two years preceding December 1, 1888, and the portions of the same disbursed among the counties is shown in the Treasurer's biennial report, copies of which the members will find upon their desks. The only taxes that might be considered due the Territory since December 1, 1888, are the taxes which the Northern Pacific, the Chicago, Milwaukee & St. Paul and the St. Paul, Minneapolis & Manitoba railway companies decline to pay, on account of the Supreme Court of the Territory deciding that railway com-

panies cannot be taxed upon their inter-state earnings.
The amount of such taxes is also shown in the report.

Very respectfully,

JOHN D. LAWLER,
Treasurer.

REPORTS OF STANDING COMMITTEES.

BISMARCK, January 12, 1889.

MR. SPEAKER:

Your Committee on Rules beg leave to report

That they recommend that this House be governed by the rules as laid down in Long's Legislative Hand Book, except that the Committee on Temperance shall consist of nine members, and the Committees on Railroads and Appropriations shall each consist of eleven members, and that a Committee on Woman's Suffrage be created to consist of seven members.

GEO. W. RYAN,
Chairman.

Mr. Burnham moved

The adoption of the report,

Mr. Aikens moved

To amend by referring the report to General Orders.

Which amendment was adopted and

The original motion as amended prevailed.

Mr. Fletcher moved

That the clerk of the Judiciary Committee be elected by the House by ballot.

Which motion prevailed.

The ballot being taken there were 46 votes cast, of which Mr. Conklin received 26 votes, Mr. Moore 19 votes, and Mr. Van Camp 1 vote.

Mr. Conklin having received a majority vote of the members-elect, was declared the duly elected Clerk of the Judiciary Committee.

MOTIONS AND RESOLUTIONS.

Mr. Burnham presented the following resolution:

That the Territorial Auditor be requested to procure rooms in the city for the use of the Committees of the House.

Which resolution was adopted.

Mr. McHugh moved

That the sergeant-at-arms be instructed to procure and place on the desks of the House the name of each member and the county represented by him.

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Patridge introduced—

House Bill No. 26,

A bill for an act forfeiting bills, bonds, notes and other evidences of indebtedness for the taking of unlawful interest,

Which was read for the first time.

Mr. Douglas introduced—

House bill No. 27,

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

Which was read the first time.

Mr. Aikens introduced—

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,

Mr. Burnham introduced—

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,

Which was read the first time.

Mr. Gronna introduced—

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 was read the first time.

Mr. Fletcher introduced—

House Bill No. 31,

A bill for an act to provide for the foreclosure of mortgages on real estate and to abolish other methods of foreclosure of the same,

Which was read the first time.

Mr. Van Etten introduced—

House Bill No. 32,

A bill for an act making it a misdemeanor to refuse to comply with the law concerning fire breaks,

Which was read the first time.

Mr. Aikens introduced—

House Bill No. 33,

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

Which was read the first time.

Mr. Potter introduced—

House Bill No. 34,

A bill for an act regulating the licensing and sale of liquors in cities and towns, having exclusive control of the liquor traffic within their limits,

Which was read the first time.

Mr. Newman introduced—

House Bill No. 35,

A bill for an act to amend Section 39, Chapter 21, of the Political Code,

Which was read the first time.

Mr. Aikens introduced—

Joint Resolution No. 36,

Providing for certain printing, etc.,

Mr. Aikens moved that the rules be suspended and that Joint Resolution No. 36, providing for certain printing, be read the second and third time and placed upon its final passage,

Which motion prevailed, and

Joint Resolution No. 36,

A Joint Resolution providing for certain printing

Was read the second and third time and placed upon its final passage.

The roll being called there were ayes, 45; nays, none.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Adams, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Lillibridge, Mallory, McHugh, Miller, Morris, Newman, Palmer, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, White, Wellman, Wellcome, Mr. Speaker.

Absent and not voting:

Messrs. McNeil and Parkin.

So the Joint Resolution was passed and its title was agreed to.

SECOND READING OF HOUSE BILLS.

Mr. Aikens moved

That the reading at length of the bills be dispensed with, that the bills be read by their titles and referred to the appropriate committees,

Which motion prevailed.

House Bill No. 2,

A bill for an act providing for a constitutional convention for North Dakota,

Was read the second time and

Referred to the Judiciary Committee.

House Bill No. 3,

A bill for an act amending Chapter 31 of the Laws of the Seventeenth Legislative Assembly,

Was read the second time and

Referred to the Judiciary Committee.

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 therefor and to provide for the payment of principal and interest of such bonds,

Was read the second time and

Referred to the Committee on Counties.

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 Judiciary Committee.

House Bill No. 7,

A bill for an act entitled, "An Act to Amend Sections 1 and 27, Chapter 10, Laws of 1887,"

Was read the second time and

Referred to the Judiciary Committee.

House Bill No. 8,

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

Was read the second time and

Referred to the Judiciary Committee.

House Bill No. 9,

A bill for an act defining the boundaries of Walsh and Ramsey counties,

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

House Bill No. 10,

A bill for an act to provide for the inspection of illuminating oils, manufactured from petroleum coal oils.

Was read the second time and
Referred to the Committee on Territorial Affairs.

House Bill No. 11,

A bill for an act to locate and establish a Territorial normal school,

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

House Bill No. 12,

A bill for an act relating to the office of notaries public,

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

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 Judiciary Committee.

House Bill No. 14,

A bill for an act providing how tickets shall be prepared for election,

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

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 second time and
Referred to a Special Committee.

House Bill No. 16,

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

Was read the second time and
Referred to a Special Committee.

House Bill No. 17,

A bill for an act to reconvene the constitutional convention of South Dakota, giving certain powers thereto and making an appropriation for the expenses thereof,

Was read the second time and
Referred to the Committee on Territorial Affairs.

House Bill No. 18,

A bill for an act prescribing the penalty for taking usury,
Was read the second time, and
Referred to the Judiciary Committee.

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 Judiciary Committee.

House Bill No. 20,

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

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

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 and Bridges.

House Bill No. 22,

A bill for an act to amend an act to provide for the es-
tablishment of a Board of Railroad Commissioners, defining
their duties and to regulate the receiving and transporta-
tion of freight on railroads in this territory, passed at the
Sixteenth Legislative Assembly of the territory of Dakota
and approved March 6, 1885,

Was read the second time, and
Referred to Judiciary Committee to pass upon the con-
stitutionality of the bill, and by them to be referred to
the Committee on Railroads.

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,

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

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 Judiciary Committee.

Mr. Aikens moved

That the rules be suspended and that
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,

Be read the second time and be referred to a special committee of three to be appointed by the Speaker,

Which motion prevailed, and

The Speaker appointed as such committee,
Messrs. Aikens, McHugh and Bergman.

By unanimous consent the following report was presented:

To the Hon. Speaker and House of Representatives:

The undersigned, constituting a special committee to consider and report House Bill No. 28, respectfully report:

That they have had under consideration said
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,

And that in our opinion public necessity demands that the same be passed without unnecessary delay. We therefore recommend the suspension of the rules, that the bill be put upon its second and third reading and final passage.

Respectfully submitted,

FRANK R. AIKENS,

P. M. MCHUGH,

E. H. BERGMAN,

Special Committee.

Mr. White moved

The adoption of the report,
Which motion prevailed.

Mr. Aikens moved

To suspend the rules and that House Bill No. 28 be read the third time and placed on its final passage.

Which motion prevailed, and

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,

Was read the third time and placed on its final passage.

The roll being called, there were ayes 46, nays, none.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Adams, Baldwin, Bennett, Bergman, Bixler, Burnam, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Lillibridge, Mallory, McHugh, Miller, Morris, Newman, Palmer, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, White, Wellman, Wellcome, Mr. Speaker—46.

Absent and not voting:

Messrs. McNeil, Parkin.

So the bill passed and its title was agreed to.

CONSIDERATION OF MESSAGES FROM THE COUNCIL.

The following messages were presented:

COUNCIL CHAMBER, }
BISMARCK, January 8, 1889. }

MM. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 1,

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

The same having passed the Council and ask your favorable consideration thereof.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
BISMARCK, January 11, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith,

Council Bill No. 13,

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

Which has passed the Council and your favorable action is requested.

R. E. WALLACE,
Chief Clerk.

Mr. Greene moved

That the rules be suspended; that the joint resolution be read the first, second and third times and placed on its final passage

Which motion prevailed

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

Was read the first, second and third times and placed on its final passage.

The roll being called there were ayes, 40; nays, 6.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Clark, Cooke, Douglas, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Lillibridge, Mallory, McHugh, Miller, Morris, Newman, Palmer, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Trude, Turnbull, Upham, Van Etten, White, Wellman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Burnam, Elliott, Fletcher, Smith, Wellcome.

Absent and not voting:

Messrs. McNeil, Parkin.

So the Joint Resolution was passed and its title agreed to.

FIRST READING OF COUNCIL BILLS.

Joint Resolution No. 1,

Providing for the purchase of Codes for the use of members of the House and Council,

Was read the first time.

Mr. White moved

To suspend the rules and that the clerk be instructed to transmit House Bill No. 28 forthwith to the Council.

Which motion prevailed.

Mr. White moved

That the House resolve itself into a Committee of the Whole to consider general orders.

Which motion prevailed.

The speaker called Mr. White to the Chair.

When the Committee rose the following report was presented:

MR. SPEAKER:

The Committee of the Whole have had under consideration the report of the Committee on Rules and recommend that the same be amended by inserting the word "who" in line 1, of Rule 18; that the Committees on Railroads and Appropriations shall consist of 11 members; the Com-

mittee on Temperance to consist of 9 members, and that there shall be created a Committee on Woman Suffrage to consist of 7 members; and when so amended they recommend the adoption of the rules as reported by the Committee on Rules.

J. V. WHITE,
Chairman.

RULES OF THE HOUSE.

EIGHTEENTH SESSION.

1. The Speaker shall take the chair at the time to which the House stands adjourned, and the House shall then be called to order, and the roll of members called, and the names of the absentees shall be entered upon the Journal of the House.
2. Upon the appearance of a quorum the Journal of the preceding day shall be read by the Clerk, and any mistakes therein shall be corrected by the house.
3. Any five members of the House may order a call of the House and cause absent members to be sent for, but a call must not be made after the voting has commenced. A call being moved, the Speaker shall require those desiring the call to rise, and if five or more members shall rise, the call shall be ordered. The call being ordered, the Sergeant-at-Arms shall close the door, and no member shall be allowed to leave the room. The Clerk shall then call the roll and furnish the Sergeant-at-Arms with a list of those members absent without leave, and that officer shall then proceed forthwith to find and bring in such absentees. While the House is under call, no business shall be transacted except to receive and act upon the report of the Sergeant-at-Arms: and no motion shall be in order except a motion to suspend further proceedings under the call, and said motion shall not be adopted unless a majority of all the members-elect vote in favor thereof. Upon the report of the Sergeant-at-Arms, showing that all the members who were absent without leave, naming them, are present, the call shall be at an end, and the doors shall be opened and the business or motion pending at the time the call was made shall be proceeded with.

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

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

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

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

8. When two or more members rise at once, the Speaker shall designate the member who is first to speak; but in all cases the member who shall first rise and address the Chair shall speak first.

9. No member shall speak more than twice on the same subject, without leave of the House, nor more than once until every member choosing to speak on the subject pending shall have spoken.

10. No motion shall be debated or put unless the same be seconded; it shall be stated by the Speaker, before debate, and any such motion shall be reduced to writing, if the Speaker or any member desire it.

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

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

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

14. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members

present, and its effects shall be to put an end to all debate, and bring the House to a direct vote upon the amendments reported by a committee, if any, upon the pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the House shall be in order; but after a majority shall have seconded such motion; no call shall be in order prior to decision of the main question.

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

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

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

18. Every member who shall be present before the vote is declared from the Chair, and no other, shall vote for or against the same unless the House shall excuse him, or unless he is immediately interested on the question, in which case he shall not vote.

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

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

21. A member called to order shall immediately sit down, unless permitted to explain, and the House, if appealed to, shall decide the case. If there be no appeal, the decision of the Chair shall be submitted to. On an appeal, no member shall speak more than once, without leave of the House, but each member may speak once, except when a member is called to order for offensive language, in which case there shall be no debate.

22. 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.

23. Every bill, before being introduced, shall have en-

dorsed thereon the title of the same; and every bill or resolution shall have thereon the name of the member introducing it; and when ordered by a committee, the name of such committee shall be endorsed thereon.

24. All bills, memorials or joint resolutions shall be read the first time when introduced for information, and if opposition be made to it, the question shall be: "Shall this bill be rejected?" If no opposition be made, or if the motion to reject be lost, the bill shall go to its second reading without a question.

25. All bills, memorials or joint resolutions, on their second reading, shall be read at length, and the question taken upon their commitment, amendment or engrossment for a third reading.

26. All bills, memorials or joint resolutions, on their third reading, shall be read by their title, and no amendment shall be in order, except by the unanimous consent of the House.

27. Every bill shall be read on three different days, unless, in case of urgency, two-thirds of the House shall deem it expedient to dispense with this rule, and no bill shall be passed unless it shall have been read once at length.

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

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

30. Bills committed to the committee of the whole House, shall by the committee of the whole thereon be first read through, unless the committee shall otherwise order, and then read and debated by sections, leaving the title to be last considered; all amendments shall be noted in writing and reported to the House by the chairman.

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

32. A similar mode of proceeding shall be observed with

bills which have originated in and passed the Council as with bills originating in the House, except that they shall not be printed.

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

34. When notice of intention to move the reconsideration of any bill or joint resolution shall be given by a member, the Clerk of the House shall retain the said bill or joint resolution until after the time during which the said motion can be made, unless the same can previously be disposed of.

35. Any member who votes on that side of a question which prevailed, may be at liberty to move a reconsideration, and a motion for a reconsideration shall be decided by a majority of votes.

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

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

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

1. Judiciary.
2. Education.
3. Ways and Means.
4. Appropriations.
5. Counties.
6. Towns and Cities.
7. Public Printing.
8. Engrossed and Enrolled Bills.
9. Territorial Affairs.
10. Agriculture.
11. Insurance.
12. Banking.
13. Mines and Mining.
14. Railroads.
15. Charitable Institutions.
16. Penal Institutions.
17. Highways, Bridges and Ferries.
18. Immigration.

19. Election and Privileges.
20. Indian Affairs.
21. Manufactures.
22. Public Lands.
23. Public Health.
24. Warehouses, Grain Grading and Dealing.
25. Military Affairs.
26. Federal Relations.
27. Public Buildings.
28. Rules.
29. Temperance.
30. Woman Suffrage.

The committees on Charitable Institutions, Penal Institutions, Judiciary, Temperance and Public Buildings shall consist of nine (9) members; each of the other committees shall consist of seven (7) members.

The committees on Appropriations and Railroads shall consist of 11 members; Woman suffrage, 7.

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

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

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

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

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

44. No persons shall be admitted within the bar of the House but the Executive members of the Council, Terri-

torial officers, judges of the Supreme Court, members of Congress, ex-members of Congress and of the Legislative Assembly, ex-Governors of the Territory, all Federal officials of the Territory, and reporters of newspapers, except by vote of the House.

45. The Speaker shall cause the Clerk of the House to make a list of all bills, resolutions, reports of committees and other proceedings of the House which are committed to a committee of the whole House, and which are not made the order of the day for any particular day, and to number the same, which list shall be called, "The general order of the day;" and they shall be taken up in the order in which they are numbered, unless otherwise ordered by a majority of the House; and the Clerk shall also keep a book showing the situation and progress of bills.

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

1. Prayer by the Chaplain.
2. Calling the Roll.
3. Reading the Journal.
4. Presentation of Petitions and Communications.
5. Reports of Standing Committees.
6. Reports of Select Committees.
7. Motions and Resolutions.
8. Notices of Bills.
9. Introduction of Bills, Joint Resolutions and Memorials.
10. Consideration of Messages from the Council.
11. First Reading of Council Bills, Joint Resolutions and Memorials.
12. Second Reading of Council Bill, Joint Resolutions and Memorials.
13. Third Reading of the same.
14. Second Reading of House Bills, Joint Resolutions and Memorials.
15. Third Reading of the same.
16. Consideration of General Orders.
17. Unfinished Business.
47. Whenever the report of any committee of conference contains several modifications or amendments, any member may have the same divided, and the question of concurrence taken separately upon each modification or amendment.
48. When the House has arrived at the general orders of

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

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

50. 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.

51. No rule of the House shall be suspended, altered or amended without the concurrence of two-thirds of the members present.

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

53. The ayes and nays shall not be ordered unless demanded by two members, except upon the final passage of bills, joint resolutions and memorials, in which case the ayes and nays shall be had without any demand.

54. All House bills of a general nature shall, on their first reading, be printed without a special order of the House, except bills that are rejected.

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

56. That any bill which has been introduced in the House may be called up at any time, out of its regular order, for any purpose, by a majority vote of the House.

Mr. Jones moved

As an amendment to the report of the committee the following amendment as Rule (56).

That any bill which has been introduced in the House at the request of the Territorial Farmers' Alliance may be called up at any time out of its regular order for any purpose by a majority vote of the House; that the statement of the member introducing the bill shall be taken as evidence of the fact that such bill has been introduced at the request of said Alliance.

Ayes and nays demanded.

The roll being called there were ayes, 18; nays, 28.

Those who voted in the affirmative were:

Messrs. Aikens, Adams, Baldwin, Bergman, Clark, Cooke, Elliott, Fletcher, Jones, Morris, Patridge, Patton, Price, Royer, Smith, Swanston, Wellman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Allen, Bennett, Bixler, Burnham, Douglas, Greene, Gronna, Howell, Hunter, Lampman, Logan, Lillibridge, Mallory, McHugh, Miller, Newman, Palmer, Potter, Powell, Ramsdell, Ryan, Sheets, Trude, Turnbull, Upham, Van Etten, White, Wellcome.

Absent and not voting:

Messrs. McNeil, Parkin.

So the amendment was lost.

Mr. Jones moved

To amend the report of the committee by adding the following as Rule 56:

That any bill which has been introduced in the House may be called up at any time, out of its regular order, for any purpose, by a majority vote of the House,

Which amendment was adopted, and

The report of the committee as amended was adopted.

The Committee on Enrolled and Engrossed Bills presented the following report:

BISMARCK, January 12, 1889.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

Joint Resolution No. 1.

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

BISMARCK, January 12, 1889.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 1,

And find same correctly engrossed.

D. M. POWELL,
Chairman.

Mr. Sheets presented the following Resolution:

Resolved, That the Speaker be authorized to appoint clerks for the following Standing Committees, to-wit:

Committee on Appropriations.

Committee on Railroads.

Committee on Warehouses, Grain Grading and Dealing.

Committee on Engrossed and Enrolled Bills.

Mr. Burnham moved

To amend by striking out the "Clerk for Warehouses, Grain Grading and Dealing."

Which motion was lost.

Mr. Mallory moved

To amend by adding the words "That clerks shall not be appointed until requested by the committees."

Which motion prevailed.

Mr. Elliott introduced the following resolution:

Resolved, That the Speaker appoint such clerical help as may from time to time be required for the engrossment and enrollment of bills,

Which resolution was adopted.

Mr. Aikens, by unanimous consent, introduced the following bill by request—

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,

Which was read the first time.

Mr. Greene moved

That the House adjourn,

Which motion prevailed and the House Adjourned.

J. G. HAMILTON,
Chief Clerk.

SEVENTH DAY.

BISMARCK, January 14, 1889.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present, except Mr. Parkin, excused.

Mr. Aikens moved

To dispense with the reading at length of the Journal,

Which motion prevailed.

Mr. Aikens moved

That the Speaker appoint a committee, consisting of two members, together with the assistant clerk, whose duty it shall be to read and correct the Journal and make daily report to the House,

Which motion prevailed, and

The Speaker appointed Messrs. Bennett and Van Etten as such committee.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Bixler 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., Dec. 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 charters 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.

The Speaker announced his signature to
Joint Resolution No. 1.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT :

The Committee on Judiciary beg leave to submit the following report:

That they have had under consideration House Bills numbered 13 and 14, and recommend that they be referred to the Committee on Elections and Privileges.

Also, that they have considered
House Bill No. 6,

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

And recommend its passage.

Also,

House Bill No. 8,

A bill for an act entitled, "An act increasing the time of residence required before beginning suit for divorce,"

And recommend its passage.

M. M. PRICE,
Chairman

Mr. Sheets presented the following resolution:

Resolved, That the Treasurer of the Territory be requested to report to this House when the amount of the taxes due from the Northwestern railroad for the year 1887 was paid into the treasury, and when said amount was paid over to the several counties, etc., respectively,

Which resolution was adopted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Burnham introduced—

House Bill No. 38,

A bill for an act to fix the compensation of the judges of the probate court and to provide a fund to reimburse the

county for the same, and to provide for clerks of probate court,

Which was read the first time.

Mr. Price introduced—

House Bill No. 39,

A bill for an act to establish and maintain a Soldier's Home in the Territory of Dakota, and providing for the issue of the bonds of the Territory therefor,

Which was read the first time.

Mr. McHugh intruded—

House Bill No. 40,

A bill for an act to amend section 14, of Chapter 10, Session Laws of 1887, relating to county auditors,

Which was read the first time.

Mr. Potter introduced—

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,"

Which was read the first time.

Mr. Potter introduced—

House Bill No. 42,

A bill for an act to amend subdivision 11 of Chapter 15, Article 2, Section 1542 of the General Laws of 1881.

Which was read the first time.

Mr. Hunter introduced—

House Bill No. 43,

A bill for an act declaring usury to be a misdemeanor and providing for the punishment thereof,

Which was read the first time.

Mr. Greene introduced—

House Bill No. 44,

A bill for an act to amend Section 656 of the Code of Civil Procedure,

Which was read the first time.

Mr. Fletcher introduced—

House Bill No. 45,

A bill for an act to make it unlawful to leave open wells or excavations unprotected,

Which was read the first time.

Mr. Fletcher introduced—

House Bill No. 46,

A bill for an act entitled "An act authorizing the incor-

poration of banking associations and for regulating the same,"

Which was read the first time.

Mr. Aikens introduced, (by request)—

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 session.

Which was read the first time.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, }
January 14, 1889. }

MR. SPEAKER:

I have the honor to return herewith

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 for holding court therein."

Which passed the Council under suspension of the rules.

R. E. WALLACE,
Chief Clerk.

SECOND READING OF COUNCIL BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Joint Resolution No. 1,

Providing Codes for the use of the members of the Legislature,

Was read the second time.

Mr. Fletcher moved

To amend by adding the words, "and the same shall be returned to the Secretary at the close of the session."

Which amendment and joint resolution was referred to the Judiciary Committee.

House Bill No. 26,

A bill for an act forfeiting bills, bonds, notes and other evidences of indebtedness for the taking of unlawful interest,

Was read the second time and

Referred to the Judiciary Committee.

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 Territorial Affairs.

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 second time and

Referred to the Judiciary Committee.

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 Judiciary Committee.

House Bill No. 31,

A bill for an act to provide for the foreclosure of mortgages on real estate and to abolish other methods of foreclosure of the same,

Was read the second time and

Referred to the Judiciary Committee.

House Bill No. 32,

A bill for an act making it a misdemeanor to refuse to comply with the law concerning fire breaks,

Was read the second time and

Referred to the Judiciary Committee.

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 Judiciary Committee.

House Bill No. 34,

A bill for an act regulating the licensing and sale of liquors in cities and towns, having exclusive control of the liquor traffic within their limits,

Was read the second time and

Referred to the Committee on Temperance.

House Bill No. 35,

A bill for an act to amend Section 39, Chapter 21, of the Political Code,

Was read the second time and

Referred to the Judiciary Committee.

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 second time and
Referred to the Committee on Appropriations.

Mr. Aikens, by unanimous consent, offered the following resolution:

Be it Resolved by the House of Representatives of the Territory of Dakota:

That the rule of the House relating to the appointment of standing committees be and the same is hereby amended by adding to the Committee on Judiciary one member.

Which resolution was adopted.

Mr. Adams, by unanimous consent, introduced the following resolution:

WHEREAS, In times past it has been customary to postpone the introduction and consideration of appropriation bills until the last days of the Legislative session, at which time the bills are rushed through without due consideration, and

WHEREAS, it has been customary, contrary to the Organic Act, to prolong the sessions of the Legislature beyond the statutory period of sixty days by the device of turning back the House clock.

Be it Resolved, That no appropriation bills be introduced into this House after the 1st day of March, A. D. 1889, and be considered in any manner whatsoever on the 8th day of March, A. D. 1889.

Mr. Aikens moved

As an amendment that the resolution be referred to the Committee on Rules.

Which amendment prevailed and

The resolution as amended was referred to the Committee on Rules.

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 placed on its final passage.

The roll being called, there were ayes 43; nays none.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Adams, Baldwin, Bennett, Bergman, Bixler, Clark, Cooke, Elliott, Fletcher, Gronna, Howell, Jones, Lampman, Logan, Lillibridge, Mallory, McHugh, McNeil, Morris, Newman, Palmer, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets.

Smith, Swanston, Trude, Turnbull, Upham, Van Etten, White, Wellman, Wellcome, Mr. Speaker.

Absent and not voting:

Messrs. Burnam, Douglas, Greene, Miller, Parkin.

So the bill passed and its title was agreed to.

House Bill No. 8,

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

Was read the third time, and placed on its final passage.

The roll being called, there were ayes 45; nays 2.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Adams, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Lilibridge, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patridge, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, White, Wellman, Wellcome, Mr. Speaker.

Those who voted in the negative were: ..

Messrs. Patton, Elliott.

Absent and not voting:

Mr. Parkin.

So the bill passed and its title was agreed to.

The Speaker announced an informal recess of ten minutes.

The Speaker announced the appointment of J. F. Halladay as clerk of the Committee on Appropriations.

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

Be it Resolved, That the clerk publish for each day of the session a calendar of the bills properly in General Orders, and that, unless otherwise ordered by a majority, such bills shall be considered in their regular order in the Committee of the Whole.

Which motion prevailed.

Mr. Aikens moved that the House adjourn.

Which motion prevailed and the House

Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

EIGHTH DAY.

BISMARCK, January 15, 1889.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Mr. White, excused.

The Journal of the preceding day was read and approved.

EXECUTIVE COMMUNICATION.

The following communication was received from the executive office:

EXECUTIVE OFFICE,
January 15, 1889. }

To the Speaker of the House of Representatives:

DEAR SIR: Would you pardon me for making the following suggestion? That the Public Printer be requested (by resolution) to indicate on each bill the committee to which the bill is referred. This will be advantageous to every member of the Legislature as well as the Territorial officers who may desire to consult or communicate with committees in reference to bills which may be before them.

I trust you will not feel I am presuming in making this suggestion.

Respectfully,
LOUIS K. CHURCH.
Governor.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

The following communication was received from the Territorial Treasurer: .

Hon. H. H. Keith, Speaker:

DEAR SIR: In reply to yesterday's resolution of the House, I respectfully submit the following:

The Chicago & Northwestern Railway Company paid its tax on the earnings of 1887 on February 8, 1888. One-half of the counties' share was apportioned among them April 24th, and the remaining half was credited to them between July and November.

The law permits the railway companies to pay into the Territorial Treasury one-half of the tax in March, and one-half in September, and leaves it discretionary with the Territorial Treasurer when he shall apportion among the counties their share.

When the Chicago & Northwestern Railway Company paid in its full amount of tax in February it could clearly be foreseen that the General Fund, during the summer months, would show a deficit unless the second installment of taxes that was due from the railway companies in September, was retained by the Territorial Treasurer until the county treasurers made their final settlements for the year with him in November. As during the period between March and November the county treasurers are generally indebted to the Territory to an amount greater than their share of the second installment of railroad tax, I decided in order to arrest a deficit in the General Fund to retain the second installment when paid until November, when the county treasurers in making their final payments might take credit for the amounts due them. As a precedent to, and part of this plan, I have retained one-half of the Chicago & Northwestern Railway tax.

Later it was ascertained that several of the principal railway companies of the Territory would not pay their second installment of tax, and that a deficiency in the General Fund was unavoidable. The inducement for retaining one-half of the Chicago & Northwestern tax having passed away, the County Treasurers to whom it was due, were allowed to take credit for it in their July and November settlements. That such action was justifiable is evident from the fact that on August 1st the General Fund was exhausted, and on November 1st showed a deficit of \$65,000. The only regret is, that the failure of the railroad companies to pay their second installments, rendered ineffec-

tual my efforts to prevent a deficit in the General Fund for the year 1888.

Very Respectfully,
JOHN D. LAWLER,
Treasurer.

REPORT OF STANDING COMMITTEES.

The Judiciary-Committee made the following report:

MR. SPEAKER:

The Judiciary Committee report that they have considered

House Bill No. 18,

A bill for an act prescribing the penalty for taking usury,
And recommend that it pass.

Also,

House Bill No. 2,

A bill for an act providing for a constitutional convention for North Dakota.

And recommend that it be referred to the Committee on Territorial Affairs.

Also,

House Bill No. 3,

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

And recommend that it be referred to the Committee on Counties.

W. W. PRICE,
Chairman.

Mr. Newman moved

To adopt the report of the committee as to House Bills No. 2 and 3,

Which motion prevailed, and

House Bills No. 2 and 3 were referred to the Committee on Territorial Affairs.

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 28,

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 18,
And find the same correctly engrossed.

D. M. POWELL,
Chairman.

MR. SPEAKER:

Your committee on Charitable Institutions have had under consideration the reports of the Hospitals for the Insane, and adjourned to meet in the parlor of the Western Hotel on Wednesday evening at 8 o'clock for further consideration of the same subject.

H. J. MALLORY,
Chairman.

MR. SPEAKER:

Your Committee on Public Health to whom was referred House Bill No. 20,
A bill for an act to amend Section 6 of Chapter 121 of the laws of 1887,

Beg leave to report that they have had the same under consideration and recommend that the bill do pass.

D. F. ROYER,
Chairman.

MR. SPEAKER:

Your Committee on Elections and Privileges have had under consideration
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.

And return the same with the recommendation that it pass.

P. P. PALMER,
Chairman.

MR. SPEAKER:

Your Committee on Rules beg leave to report that they have had under consideration the resolution offered by Mr. Adams fixing the time at which all appropriation bills shall be introduced, and they respectfully recommend that the "18th day of February" be substituted for the "1st day of March" in line number 20, and in line number 23 "the last day of the session" be substituted for "the 8th day of March."

GEO. W. RYAN,
Chairman.

And the resolution and the report of the committee was referred to General Orders.

MOTIONS AND RESOLUTIONS.

Mr. Burnham introduced the following resolution:

Resolved, That in view of the work to be done another page is needed in this House. The Speaker is hereby authorized to make the appointment.

Which resolution was adopted.

Mr. Aikens introduced the following resolution:

Be it Resolved, That all bills introduced in the House, seeking the repeal or amendment of any law or a part thereof, shall contain in their titles the full title of the act affected, and if it be for amendment that the portion so amended shall appear in said bill in full as proposed by the amendment,

Which resolution was adopted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Burnham introduced—

House Bill No. 48,

A bill for an act to require county treasurers to deposit funds in designated depositories and providing for interest thereon.

Which was read the first time.

Mr. Aikens introduced (by request)—

House Bill No. 49,

A bill for an act to correct the Published Statutes of the Seventeenth Session of the Legislative Assembly.

Which was read the first time.

Mr. Patten introduced—

House Bill No. 50,

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

Which was read the first time.

Mr. McHugh introduced—

House Bill No. 51,

A bill for an act to amend Section 9, Article 13 of Chapter 3, Session Laws of 1887.

Which was read the first time.

Mr. Gronna introduced—

House Bill No. 52,

A bill for an act to amend an act entitled "An act to de-

fine 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,"

Which was read the first time.

Mr. Van Etten introduced, (by request)—

House Bill No. 53.

A bill for an act entitled "An act to amend Sections 324 and 325 of the Code of Civil Procedure relating to additional exemptions,

Which was read the first time.

Also,

House Bill No. 54.

A bill for an act to strike out every vestige of the school law now on record,

Which was read the first time.

Also,

House Bill No. 55.

A bill for an act entitled "An act to amend Section 47 of Chapter 27 of the Political Code,

Which was read the first time.

Mr. Lillibridge introduced—

House Bill No. 56,

A bill for an act entitled "An act to amend Section 47 of Chapter 29 of the Political Code,"

Which was read the first time.

Mr. Palmer introduced—

House Bill No. 57.

A bill for an act to amend Section 60 of Chapter 47 of the Session Laws of 1887,

Which was read the first time.

Mr. Adams introduced—

House Bill No. 58,

A bill for and act to repeal Chapter 124, of the General Laws of 1887, entitled, "An act to create the office of Public Examiners, defining the duties and dividing the Territory into two examiners' districts,

Which was read the first time.

Mr. Bennett introduced—

House Bill No. 59,

A bill for an act to amend Sections 61, 62 and 65, of Chapter 28, of the Political Code, relating to the time of tax sales.

Which was read the first time.

Mr. Palmer introduced—

House Bill No. 60,

A bill for an act to amend Section 35. of Chapter 47, of the Session Laws of 1887,

Which was read the first time.

Mr. Wellman introduced—

House Bill No. 61,

A bill for an act to provide for an equal distribution of cars to shippers by railroad companies,

Which was read the first time.

Mr. Newman introduced—

House Bill No. 62,

A bill for an act to repeal Chapter 50 of the General Laws of 1887,

Which was read the first time.

Mr. Fletcher introduced—

House Bill No. 63,

A bill for an act fixing the fee for filing and indexing chattle mortgages and for cancelling the same,

Which was read the first time.

Mr. Greene introduced—

House Bill No. 64,

A bill for an act regulating the time in which divorced persons shall marry,

Which was read the first time.

The Committee introduced—

House Bill No. 65,

A Joint Resolution providing for the appointment of certain committees,

Which was read the first time.

Mr. Price introduced—

Joint Resolution No. 66,

Being 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,

Which was read the first time.

SECOND READING OF HOUSE BILLS.

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 Territorial Affairs.

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,"

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

House Bill No 42,

A bill for an act to amend Subdivision 11 of Chapter 15, Article 2, Section 1542 of the General Laws of 1881,

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

House Bill No. 43,

A bill for an act declaring usury to be a misdemeanor and providing for the punishment thereof,

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

Mr. Price moved

To suspend the rules and that

Joint Resolution No. 66,

Authorizing the auditor to furnish rooms for the use of the committees and making an appropriation for the same.

Be read the second and third times and placed on its passage,

Which motion prevailed, and

Joint Resolution No. 66.

Joint Resolution authorizing the Auditor to provide rooms for committees.

Was read the second and third time and placed on its final passage.

The roll being called there were ayes, 45; nays, 1.

Those who voted in the affirmative were:

Messrs. Allen, Adams, Baldwin, Bennett, Bergman, Bixler, Burnam, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Lampman, Logan, Lillibridge, Mallory, McHugh, Miller, Morris, Newman, Palmer, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellman, Wellcome.
Mr. Speaker.

Mr. Aikens absent and not voting.

Mr. White being excused.

So the Joint Resolution passed and its title was agreed to.

Mr. Speaker announced an informal recess of ten minutes.

Mr. Fletcher, by unanimous consent, moved

That a special committee of three be appointed by the Speaker to whom all bills with reference to the rate of interest and penalty for usury be referred, with power to report by bill.

Which resolution was adopted, and

The Speaker appointed as such committee Messrs. Fletcher, Newman and Cooke.

Mr. Baldwin presented the following:

BISMARCK, Jan. 15, 1889.

MR. SPEAKER:

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 this Legislative Assembly an invitation to visit the city of Grand Forks, and to inspect the University of North Dakota on Saturday, the 19th inst.

C. H. BALDWIN:

The Speaker appointed Arthur Linn as a page.

The Speaker appointed the following additional members of the respective committees and the Committee on Woman Suffrage:

ON RAILROADS—Ramsdell and Lillibridge.

ON JUDICIARY—Adams.

ON TEMPERANCE—Fletcher and Mallory.

Mr. Fletcher resigned as a member of the committee and the Speaker appointed Mr. Ryan in his place.

WOMAN SUFFRAGE—Van Etten, Cook, Lillibridge, Newman, Price, Burham, Potter.

Mr. Elliott moved

To suspend the rules and that

House Bill No. 65,

Joint Resolution providing for the appointment of certain committee,

Be read the second and third times and placed upon its final passage,

Which motion prevailed, and

Joint Resolution No. 65,

Providing for the appointment of certain committee.

Was read the second and third times and placed on its final passage.

The roll being called, there were ayes, 40; nays, 4.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Lampman, Logan, Lillibridge, Mallory, McHugh, Morris, Newman, Palmer, Patridge, Parkin, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellman, Wellcome.

Those who voted in the negative were:

Messrs. Bergman, Jones, McNeil, Miller.

Absent and not voting:

Messrs. Adams, Bixler.

Mr. White and Mr. Speaker being excused.

So the Joint Resolution was passed and its title was agreed to.

Mr. Adams moved

That the House resolve itself into a Committee of the Whole.

Which motion prevailed and

The Speaker called Mr. Lampman to the chair.

When the Committee rose the following report was presented:

MR. SPEAKER:

The Committee of the Whole have had under consideration the report of the Committee on Rules as to the resolution introduced by Mr. Adams and recommend that it be amended by substituting the words "the eighteenth day of February" for "the first day of March" in line 20 and that in line 23 the words "the last day of the session" for "the eighth day of March," and when so amended they recommend the adoption of the resolution.

IRA S. LAMPMAN.

Chairman.

Mr. Newman moved

The adoption of the report of the committee.

Which motion prevailed, and

The resolution as amended was adopted as follows:

WHEREAS, In times past it has been customary to postpone the introduction and consideration of appropriation bills until the last days of the legislative session, at which time the bills are rushed through without due consideration; and

WHEREAS, It has been customary, contrary to the Organic Act, to prolong the sessions of the legislature beyond the statutory period of sixty days by the device of turning back the House clock;

Be it Resolved, That no appropriation bills be introduced into this House after the 18th day of February, A. D. 1889, and no appropriation bills be considered in any manner whatsoever on the last day of the session.

Mr. Newman moved
That the House adjourn,
Which motion prevailed, and the House
Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

NINTH DAY.

BISMARCK, January 16, 1889.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Lillibridge and White, excused.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

The committee to revise and correct the Journal have examined the Journal of January 15, 1889, and recommend that it be corrected as follows: On Page 3 strike out the

words and letters, "W. W. Price" and insert the words and letters, "M. M. Price;" on Page 9 strike out the words, "Mr. Aikens voting in the negative," also the word "being," and insert the words, "and not voting," and with these corrections we recommend the approval of the Journal.

O. R. VAN ETTEN.
R. L. BENNETT.

Mr. Newman moved to adopt the report.
Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bills Nos. 20 and 13,
And find the same correctly engrossed.

Also,
Joint Resolution No. 66,
And find the same correctly engrossed.

Also,
Joint Resolution No. 65,
And find the same correctly engrossed.

Also,
House Bill No. 29,
And find the same correctly engrossed.

Also,
House Bill No. 35,
And find the same correctly engrossed.

Also,
House Bill No. 50,
And find the same correctly engrossed.

Also,
House Bill No. 52,
And find the same correctly engrossed.

D. M. POWELL.
Chairman.

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills respectfully reports that at the hour of 2:30 p. m. of this date

Joint Resolution No. 1, and
House Bill No. 28,

Were presented to the Governor for his approval.

D. M. POWELL.

Chairman.

MR. SPEAKER:

The Judicial Committee beg leave to make the following report:

They have considered

House Bill No. 12,

A bill for an act relating to the office of notaries public,

And return the same with a substitute and recommend the passage of the substitute.

Also,

Council Bill No. 1,

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

And return the same with the recommendation that it be referred to the Committee of the Whole.

Also,

House Bill No. 35,

A bill for an act to amend Section 39, Chapter 21, of the Political Code,

And return the same with the recommendation that the bill pass.

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,

And return the same with the recommendation that it be referred to the Committee on Ways and Means.

Also,

House Bill No. 32,

A bill for an act making it a misdemeanor to refuse to comply with the law concerning fire breaks,

And

House Bill No. 26.

A bill for an act forfeiting bills, bonds, notes and other evidences of indebtedness for the taking of unlawful interest,

And return the same with the recommendation that they be referred to the Special Committee on Usury Bills.

Also,

House Bill No. 33.

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

And return the same with the recommendation that the bill pass.

Also,

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,

And return the same with the recommendation that the bill pass.

All of which is respectfully submitted.

M. M. PRICE,
Chairman.

Mr. Jones moved

That the report of the Judiciary Committee be adopted.

Which motion prevailed.

MR. SPEAKER:

The Committee on Counties have had under consideration

House Bill No. 3,

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

And beg leave to report the following amendments: In line 3 of Section 1 strike out the words "the figures" where they occur and insert in lieu thereof "January 1st." and in line 4 of Section 1 strike out the words "the figures" where they occur and insert in lieu thereof "February 1st."

And recommend that the bill do pass as amended.

A. J. GRONNA,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Morris introduced the following resolution:

WHEREAS, The Dakota Farmers' Alliance, in annual convention assembled, at Jamestown, December last, adopted the following resolutions:

1st. We recommend that the Board of Regents of our Agricultural College should be composed of practical and operative farmers.

2d. The Russian thistle should be included in the law providing for the destruction of noxious weeds.

3d. The Territory's loan to any county in the Territory for the benefit of farmers who lost their crops by frost the

past season, an amount sufficient to procure seed for the coming year, the rate of interest not to exceed 7 per cent.

4th. A law to enable Mutual Insurance Companies to organize and transact business.

5th. The Emigration Bureau is an expensive luxury and serves no good purpose and should be repealed.

6th. We recommend that all contracts tainted with usury be null and void.

7th. All Insurance Companies in case of total loss be required to pay the full amount provided for in the policy.

8th. The date of tax sales should be changed to the first Monday in November.

9th. That the present system of County Commissioners should be repealed in all counties having organized townships, and the Township Supervisor system, so long and successfully tried in the East, substituted.

10th. All county officers should be ineligible to election to office for more than two consecutive terms.

11th. That Chapters 116, 153 and 186 of the Session Laws of 1887, should be repealed.

12th. In addition to the notice now required by law before a tax deed can issue, personal notice must be served upon the owner of the land if a resident of the county. If not, a notice shall be mailed to the owner's last known postoffice address and also be served upon the person or persons, if any, occupying or cultivating said lands, at least sixty days before deed shall issue.

To make the taking of usury or contracting to receive it a criminal offense, punishable in all cases of conviction by imprisonment, and also by fine not less than cost of prosecution.

To make all contracts for attorney's fee contained in any note, mortgage, or other evidence of debt absolutely void, and providing in lieu thereof that in actions prosecuted in judgment in district court the judge may allow to the prevailing party such attorney fee as he may deem just.

To repeal the law which now authorizes the foreclosure of real estate mortgages by advertisement and sale, and provide that such foreclosures shall be by action in the district court.

That redemption from mortgage sale of real estate may be made within one year from date of judgment, instead of date of sale, as now provided, and that no steps toward a sale or to make any costs after judgment shall be made

until the year for redemption has expired; then, if not redeemed, the sale to take place and be final.

That any provision in a mortgage whereby the debtor undertakes to give to any person an irrevocable power of attorney to sell and convey the property described in the mortgage, shall be deemed against public policy and void.

That any and all provisions in any note or mortgage empowering the owner of such note or mortgage, or his agent or attorney, upon the non-payment of any interest, or installment of principal due, or upon non-payment of any taxes due on the mortgaged property, or of insurance on the mortgaged property, to declare the whole debt due and payable at once, and to proceed at once to collect the whole of the amount of such note or mortgage shall be deemed against public policy and void, saving to the creditor the right to collect, and for that purpose to foreclose any mortgage, for any interest due and unpaid, or installment of principal as it shall fall due, or for any monies he may have been compelled to advance to protect his mortgage interest by payment of taxes or insurance upon the mortgaged property.

That any provision in any note or bond or mortgage for the payment of the debt evidenced by such note or bond or mortgage in gold or silver shall be void, and any such note, bond or mortgage shall, notwithstanding such provision be payable in any money of the United States of America, that shall by the laws of the said United States be a legal tender at the date of the maturity of said note, or bond or mortgage or other evidence of debt at the time when tender of payment is made.

To establish the fees that may be charged by any person or officer for foreclosing a chattel mortgage and establish reasonable limits to the same.

To provide for a more thorough notice of sale in chattel mortgage cases and for the filing of chattel mortgages in the office of the clerk of organized townships, cities and villages, instead of with the register of deeds; chattel mortgages on property in unorganized townships to be recorded with the register of deeds as heretofore until such towns shall become organized.

That a chattel mortgage given upon property not in existence or not owned and possessed by the debtor at the time of giving the mortgage shall be void for any purpose whatsoever.

That every person shall be assessed and taxed upon the

equitable interest he has in any property, real or personal, whether such interest be represented by deed, mortgage or otherwise, and for no more. That the amount due on any mortgage be deducted from the assessed value of the mortgaged property, and the taxpayer assessed for the monied interest he actually has in such property, after deduction of the amount due on the mortgage and no more, and that all mortgaged interests in property in this territory be taxed in the counties and towns where such mortgages are recorded, the same as other property is required to be assessed and taxed.

That any combination, or organization, or association, or confederation, or trust, or agreement of any kind, or in any manner or form by any persons or corporations, with the manifest intent, design, object or purpose, by any way or plan, or device, to hinder or delay, or discourage, or prevent competition in the terms, or conditions, or rate of interest, for the use or forbearance of money, or in the manufacture, or sale, or use, or transportation of any article or commodity of any name, kind, character, or nature, made, or sold, or leased, or granted, or conceded for the use or convenience, or support, or relief, or protection, or enjoyment or amusement of the people shall be unlawful, and that any person or persons convicted of being members of, or party to any such combinations, organization, association, confederation, trust or agreement, or of aiding, or assisting, or encouraging, or abetting, or permitting in any way or manner, any such combination, etc., etc., shall be deemed guilty of a felony, and on conviction thereof, shall be punished by imprisonment in the penitentiary not less than two nor more than five years, and by fine not less than the costs of prosecution.

To increase the power of railway commissioners, provide for the just and equal taxation of railways and railroad property: provide for the receipt and discharge of freight and passengers at railway crossings or junctions, wherein the judgment of the railway commissioners the convenience of the people demand it: to provide for the transfer of loaded cars from one railway to another at all crossings or junctions, when the convenience of the public demand it, and for the cost of such transfer and the rate to be charged from point of transfer to destination: to provide for purchase or condemnation of railway lands, for warehouse purposes, and for equal railway facilities to warehouses erected on such lands.

That we recommend the adoption of the Australian system of holding and conducting elections by our next legislature.

And, *Whereas*, it is the sense of this House that all such suggested legislation, that is just, should be enacted into laws: therefore, be it

Resolved, That the foregoing resolutions be referred to a committee consisting of Messrs. Lampman, Potter, Douglass, Ryan, Ramsdell, Patridge and Palmer, who shall act throughout the Session of this Legislative Assembly; and may report bills at any time and may appoint, if necessary, a clerk to be paid as other committee clerks of the House are paid.

Mr. Jones moved to adopt the resolution.

Mr. Elliott moved

As an amendment that the resolution be made the special order for to-morrow at 3 o'clock.

Which amendment was adopted and

The resolution was made the special order for 3 o'clock p. m. Thursday.

Mr. Burnham introduced the following resolution:

Resolved, That a committee of three be appointed by the Speaker to act with a like committee on the part of the Council to prepare Joint Rules.

Which resolution was adopted.

Mr. Mallory moved

To reconsider the vote by which the invitation to visit Grand Forks was accepted.

Yeas and nays demanded.

The roll being called there were ayes, 22: nays, 21.

Those who voted in the affirmative were:

Messrs. Aikens, Bixler, Burnham, Cooke, Greene, Howell, Hunter, Logan, Mallory, Miller, Palmer, Patridge, Patton, Potter, Powell, Price, Ramsdell, Ryan, Sheets, Smith, Van Etten, Mr. Speaker.

Those who voted in the negative were:

Messrs. Allen, Baldwin, Bennett, Bergman, Clark, Douglas, Elliott, Fletcher, Gronna, McHugh, McNeil, Morris, Newman, Parkin, Royer, Swanston, Trude, Turnbull, Upham, Wellman, Wellcome.

Absent and not voting:

Messrs. Adams, Jones, Lampman.

Messrs. Lillibridge and White being excused.

So the motion to reconsider prevailed.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, }
January 16, 1889. }

MR. SPEAKER:

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
Laws of 1887,

Which has passed the Council and your favorable action
is requested.

R. E. WALLACE,
Chief Clerk.

Mr. Newman moved

To suspend the rules, and that Joint Resolution No. 97,
providing for a Joint Committee to pass upon the Compiled
Laws, be read the second and third times and placed
on its final passage.

Which motion prevailed, and
Council Bill No. 97,

Joint Resolution for a Joint Committee to pass upon the
advisability of accepting the Joint Rules

Was read the second and third times and placed on its
final passage.

The roll being called there were ayes 41; nays none.

Those who voted in the affirmative were:

Messrs. Allen, Baldwin, Bennett, Bergman, Bixler, Burn-
ham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene,
Gronna, Howell, Hunter, Lampman, Logan, Mallory, Mc-
Hugh, McNeil, Miller, Newman, Palmer, Patridge, Parkin,
Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets,
Smith, Swanston, Trude, Turnbull, Upham, Van Etten,
Wellman, Wellcome, Mr. Speaker.

Absent and not voting:

Messrs. Aikens, Adams, Jones, Morris.

Messrs. Lillibridge and White being excused.

So the joint resolution was adopted and its title
agreed to.

COUNCIL CHAMBER, }
January 16, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 14,
 Joint Resolution for the printing of 1,500 copies of the
 Governor's message,
 Which has passed the Council and your favorable action
 thereon is respectfully requested.

R. E. WALLACE,
 Chief Clerk.

Mr. Mallory moved
 To suspend the rules and that
 Council Bill No. 14,
 A Joint Resolution providing for printing the Governor's
 message,
 Be read the second and third times and placed upon its
 final passage,
 Which motion prevailed, and
 Council Bill No. 14,
 A Joint Resolution providing for printing the Governor's
 message,
 Was read the second and third times and placed on its
 final passage.
 The roll being called there were ayes, 26; nays, 14.
 Those who voted in the affirmative were:
 Messrs. Adams, Bennett, Bixler, Burnham, Clark, Doug-
 las, Hunter, Mallory, McHugh, McNeil, Miller, Newman,
 Palmer, Patridge, Parkin, Patton, Potter, Powell, Price,
 Royer, Sheets, Turnbull, Upham, Wellman, Wellcome, Mr.
 Speaker.
 Those who voted in the negative were:
 Messrs. Aikens, Allen, Baldwin, Bergman, Cooke, Greene,
 Gronna, Jones, Lampman, Morris, Ramsdell, Ryan, Trude,
 Van Etten.
 Absent and not voting:
 Messrs. Elliott, Fletcher, Howell, Logan, Smith, Swan-
 ston.
 Messrs. Lillibridge and White being excused.
 So the resolution was adopted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Miller introduced—
 House Bill No. 67,
 A bill for an act to amend Section 61 of Chapter 28 of the
 Political Code,
 Which was read the first time.

Mr. Trude introduced—

House Bill No. 68,

A bill for an act creating and defining a subdivision of the First Judicial District,

Which was read the first time.

Mr. Fletcher introduced—

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,

Which was read the first time.

Mr. Ryan introduced—

House Bill No. 70,

A bill for an act to permit county commissioners to compromise delinquent taxes,

Which was read the first time.

Mr. Burnham introduced—

House Bill No. 71,

A bill for an act limiting the terms of holding the offices of county treasurer and sheriff,

Which was read the first time.

Mr. McHugh introduced—

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,"

Which was read the first time.

SECOND READING OF HOUSE BILLS.

Mr. Newman moved

To dispense with the reading at length of the bills; that they be read by their titles and referred to the appropriate committees.

Which motion prevailed.

House Bill No. 39,

A bill for an act to establish and maintain a Soldier's Home in the Territory of Dakota, and providing for the issue of the bonds of the Territory therefor,

Was read the second time and

Referred to the Committee on Appropriations.

House Bill No. 44,

A bill for an act to amend Section 656 of the Code of Civil Procedure.

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

House Bill No. 45,

A bill for an act to make it unlawful to leave open wells
or excavations unprotected,

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

House Bill No. 46,

A bill for an act entitled "An act authorizing the incor-
poration of banking associations and for regulating the
same,"

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

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 Session,

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

House Bill No. 48,

A bill for an act to require county treasurers to deposit
funds in designated depositories and providing for interest
thereon,

Was read the second time and
Referred to the Committee on Territorial Affairs.

House Bill No. 49,

A bill for an act to correct the Published Statutes of the
Seventeenth Session of the Legislative Assembly,

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

House Bill No. 50,

A Joint Resolution providing for the furnishing of cer-
tain newspapers to members,

Was read the second time.

Mr. McHugh moved

That the rules be suspended and that

House Bill No. 50,

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

Be read the third time and placed on its final passage.

Which motion prevailed and
Joint Resolution No. 50,

A Joint Resolution providing for furnishing members with newspapers,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 30; nays, 15.

Those who voted in the affirmative were:

Messrs. Aikens, Baldwin, Bergman, Bixler, Burnham, Douglas, Elliott, Greene, Gronna, Hunter, Lampman, McHugh, McNeil, Miller, Morris, Newman, Patridge, Patton, Powell, Price, Ramsdell, Royer, Sheets, Swanston, Trude, Turnbull, Upham, Van Etten, Wellman, Wellcome.

Those who voted in the negative were:

Messrs. Allen, Bennett, Clark, Cooke, Fletcher, Howell, Jones, Logan, Mallory, Palmer, Parkin, Potter, Ryan, Mr. Speaker.

Absent and not voting:

Mr. Adams.

Messrs. Lillibridge and White being excused.

So the Joint Resolution was adopted and its title was agreed to.

House Bill No. 51,

A bill for an act to amend Section 9, Article 13 of Chapter 3, Session Laws of 1887,

Was read the second time and

Referred to the Judiciary Committee.

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 second time.

Mr. Wellcome moved

To suspend the rules and that House Bill No. 52 be read the third time and placed on its final passage.

Which motion prevailed and

House Bill No. 52,

A bill for an act to amend an act, entitled "An act to define the boundaries of the Sixth Judicial District and to attach Pierce County to McHenry County for judicial purposes,

Was read the third time and placed on its final passage.

The roll being called there were ayes 44; nays, none.

Messrs. Aikens, Allen, Adams, Baldwin, Bennett, Berg-

man, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Gronna, Howell, Hunter, Jones, Lampman, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patridge, Parkin, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan Sheets, Smith, Swanston, Trude, Upham, Van Etten, Wellman, Wellcome, Mr. Speaker.

Absent and not voting:

Messrs. Greene, Turnbull. •

Messrs. Lillibridge and White being excused.

So the bill passed and its title was agreed to.

House Bill No. 53,

A bill for an act entitled "An act to amend Sections 324 and 325 of the Code of Civil Procedure relating to additional exemptions,"

Was read the second time and

Referred to the Committee on Territorial Affairs.

House Bill No. 54,

A bill for an act to strike out every vestige of the school law now on record,

Was read the second time and

Referred to the Committee on Education.

House Bill No. 55,

A bill for an act entitled "An act to amend Section 47 of Chapter 27 of the Political Code,"

Was read the second time and

Referred to the Judiciary Committee.

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 Judiciary Committee.

House Bill No. 57,

A bill for an act to amend Section 60 of Chapter 47 of the Session Laws of 1887,

Was read the second time and

Referred to the Judiciary Committee.

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 the duties and dividing the Territory into two examiners' districts,

Was read the second time and

Referred to the Committee on Territorial Affairs.

House Bill No. 59,

A bill for an act to amend Sections 61, 62 and 65, of Chapter 28, of the Political Code, relating to the time of tax sales,

Was read the second time and

Referred to the Committee on Ways and Means.

House Bill No. 60,

A bill for an act to amend Section 35, of Chapter 47, of the Session Laws of 1887,

Was read the second time and

Referred to the Judiciary Committee.

House Bill No. 61,

A bill for an act to provide for an equal distribution of cars to shippers by railroad companies,

Was read the second time and

Referred to the Committee on Railroads.

House Bill No. 62,

A bill for an act to repeal Chapter 50 of the General Laws of 1887,

Was read the second time and

Referred to the Judiciary Committee.

House Bill No. 63,

A bill for an act fixing the fee for filing and indexing chattel mortgages and for cancelling the same,

Was read the second time and

Referred to the Committee on Ways and Means.

House Bill No. 64,

A bill for an act regulating the time in which divorced persons shall marry,

Was read the second time and

Referred to the Committee on Appropriations.

The Speaker appointed the following additional members of the Committee on Appropriations:

Mr. Bennett,

Mr. Logan.

Also, to act as a Joint Committee to consider Council Joint Resolution No. 97,

Mr. Newman,

Mr. Greene,

Mr. Mallory.

EXECUTIVE COMMUNICATION.

The following communication was received from the executive office:

EXECUTIVE OFFICE, }
January 16, 1889. }

To the Speaker of the House of Representatives:

I have the honor to inform your Honorable body that I have approved

House Bill No. 28,

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

And the said bill has been filed in the office of the Secretary.

Respectfully,

LOUIS K. CHURCH,
Governor.

THIRD READING OF HOUSE BILLS.

House Bill No. 13,

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

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 23; nays, 17.

Those voting in the affirmative were:

Messrs. Allen, Adams, Baldwin, Bennett, Bixler, Fletcher, Gronna, Howell, Logan, McHugh, Miller, Morris, Patridge, Parkin, Patton, Potter, Powell, Price, Ramsdell, Ryan, Trude, Van Etten, Wellcome.

Those who voted in the negative were:

Messrs. Aikins, Bergman, Burnham, Clark, Cooke, Douglas, Elliott, Hunter, Jones, Lampman, Mallory, McNeil, Newman, Palmer, Sheets, Turnbull, Upham, Mr. Speaker.

Absent and not voting:

Messrs. Greene, Royer, Smith, Swanston, Wellman.

Messrs. Lillibridge and White being excused.

So the bill passed and its title was agreed to.

House Bill No. 20,

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

Was read the third time and placed on its final passage.

The roll being called, there were ayes 46; nays, none.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Adams, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lamp-

man, Logan, Mallory, McHugh McNeil, Miller, Morris, Newman, Palmer, Patridge, Parkin, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellman, Wellcome, Mr. Speaker.

Messrs. Lillibridge and White being excused.

So the bill passed,
And 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 placed on its final passage.

The roll being called there were ayes 43; nays 2.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Adams, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Douglas, Elliott, Fletcher, Gronna, Howell, Hunter, Jones, Lampman, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patridge, Parkin, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellman, Wellcome.

Those who voted in the negative were:

Messrs. Cooke and Mr. Speaker.

Absent and not voting:

Mr. Greene.

Messrs. Lillibridge and White being excused.

So the bill passed and its title was agreed to.

Mr. Elliott moved

To recommit House Bill No. 35 to the Judiciary Committee,

Which motion prevailed.

The Speaker announced an informal recess of five minutes.

GENERAL ORDERS.

Mr. McHugh moved

That the House resolve itself into a Committee of the Whole to consider General Orders,

Which motion prevailed and

The Speaker called Mr. McHugh to the chair.

When the committee rose the following report was presented:

MR SPEAKER:

The Committee of the Whole have had under consideration

Council Bill No. 1,

A Joint Resolution, providing for furnishing members with Codes, Session Laws, etc.,

And recommend that it be amended by striking out "Levisee's Codes and Session Laws," also, by striking out the words "be returned to the Secretary at the close of the session," and when so amended they recommend the passage of the bill.

Also,

House Bill No. 3,

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

And recommend that it be amended by striking out the words "the figures" in line 3, of Section 1, and insert in lieu thereof the words "January 1st," and in line 4, Section 1 strike out the words "the figures," and insert in lieu thereof the words "February 1st,"

And when so amended they recommend the passage of the bill.

Also,

House Bill No 12,

A bill for an act relating to the appointment of Notaries Public,

Together with the substitute bill reported by the Judiciary Committee,

And recommend the passage of the substitute bill.

P. McHUGH,
Chairman.

Mr. Royer moved

To adopt the report of the committee.

Which motion prevailed.

Mr. Jones moved

To adjourn,

Which motion prevailed and the House

Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

TENTH DAY.

BISMARCK, January 17, 1889.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

The committee to revise and correct the Journal have examined the Journal of January 16, 1889, and find the same correct, and recommend the approval of the Journal.

O. R. VAN ETTEN,
R. S. BENNETT.

Mr. Douglas moved
To adopt the report,
Which motion prevailed.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. McHugh introduced the following, petition:

To the Legislature 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 county com-

missioners of said county at Bottineau, D. T., January 9, 1889.

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

Also numerously signed by the settlers of the county.

REPORT OF STANDING COMMITTEES.

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bills No. 21 and 30

And find the same to be correctly engrossed.

Also,

House Bill No. 33,

And find the same correctly engrossed.

Also,

House Bill No. 60,

And find the same correctly engrossed.

Also,

House Bill No. 63,

And find the same correctly engrossed.

Also,

House Bill No. 3, substitute for House Bill No. 12 and Council Bill No. 1,

And find the same correctly engrossed.

D. M. POWELL,
 Chairman.

MR. SPEAKER:

The Judiciary Committee beg leave to submit the following report

They have considered

House Bill No. 55,

A bill for an act entitled "An act to amend Section 47 of Chapter 27 of the Political Code,

And return the same with the recommendation that it be referred to the Committee on Woman's Suffrage.

Also,

House Bill No. 43,

A bill for an act declaring usury to be a misdemeanor and providing for the punishment thereof,

And return the same with the recommendation that it be referred to the Committee on Usury.

Also,

House Bill No. 60,

A bill for an act to amend Section 35, of Chapter 47, of the Session Laws of 1887,

And return the same with the recommendation that the bill pass.

Also,

House Bill No. 57,

A bill for an act to amend Section 60 of Chapter 47 of the Session Laws of 1887,

And return the same with an amendment and recommend that when so amended the bill pass.

Also,

House Bill No. 58,

A bill for and 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,

And return the same with the recommendation that it be referred to the Committee on Ways and Means.

All of which is respectfully submitted.

M. M. PRICE,
Chairman

Mr. Patridge moved

To adopt the report of the Judiciary Committee,
Which motion prevailed.

MR. SPEAKER:

The Committee on Territorial Affairs beg leave to submit the following report:

House bill No. 27,

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

Having had the same under consideration, we return bill with the recommendation that it do pass.

JOSEPH ALLIN,
Chairman.

MR. SPEAKER:

Your Committee on Highways Bridges and Ferries to whom was referred

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,

Beg leave to report that they have had the same under consideration and recommend that the bill do pass.

C. J. MILLER,
Chairman.

MR. SPEAKER:

Your Committee on Ways and Means have had under consideration

House Bill No. 63,

A bill for an act fixing the fee for filing and indexing chattle mortgages and for cancelling the same,

And recommend that the same do pass.

CHAS. J. TRUDE,
Chairman.

MR. SPEAKER:

Your Committee on Ways and Means have had under consideration

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.

And recommend that the same do pass.

CHAS. J. TRUDE,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Jones moved

To reconsider the Morris resolution,

Which motion prevailed.

Mr. Jones then moved

The adoption of the resolution.

Ayes and nays demanded.

The roll being called, there were ayes, 23; nays, 24.

Those who voted in the affirmative were:

Messrs. Aikens, Adams, Baldwin, Bergman, Clark, Cooke, Douglas, Elliott, Fletcher, Howell, Jones, McHugh, Morris, Patridge, Patton, Price, Royer, Ryan, Swanston, Trude, Upham, Wellman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Allen, Bixler, Burnham, Greene, Gronna, Hunter, Lampman, Logan, Lillibridge, Mallory, McNeil, Miller, Newman, Palmer, Parkin, Potter, Powell, Ramsdell, Sheets, Smith, Turnbull, Van Etten, White, Wellcome.

Absent and not voting:

Mr. Bennett.

Messrs. Bixler, Burnham, Mallory, Patridge, Van Etten and White explaining their votes.

Mr. White moved

To reconsider the vote just taken.

Mr. Mallory moved

To lay the motion to reconsider on the table.

Ayes and nays demanded.

The roll being called there were ayes, 22; nays, 26.

Those who voted in the affirmative were:

Messrs. Allen, Bixler, Burnham, Greene, Gronna, Hunter, Lampman, Logan, Lillibridge, Mallory, McNeil, Miller, Newman, Palmer, Parkin, Potter, Powell, Ramsdell, Smith, Turnbull, Van Etten, Wellcome.

Those who voted in the negative were:

Messrs. Aikens, Adams, Baldwin, Bennett, Bergman, Clark, Cooke, Douglas, Elliott, Fletcher, Howell, Jones, McHugh, Morris, Patridge, Patton, Price, Royer, Ryan, Sheets, Swanston, Trude, Upham, White, Wellman, Mr. Speaker.

And so the motion to lay on the table was lost.

Mr. Newman moved

To substitute Mr. Morris for Mr. Lampman on the committee,

Which amendment was adopted.

Mr. Mallory

Moved to substitute Mr. Jones for Mr. Potter,

Which motion prevailed.

Mr. Sheets moved

To substitute Mr. Pierce for Mr. Palmer,

Which motion prevailed.

Mr. Adams moved

The previous question

Which motion was lost.

Mr. Elliott moved

To amend by making the resolution the special order for 3:30.

Which motion prevailed.

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

Resolved, That in view of the work to be done by the

Committee on Counties and also the Committee on Warehouses, Grain Grading and Dealing, they need a clerk. The Speaker is hereby authorized to make the appointment.

Which resolution was adopted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Aikens introduced (by request)—

House Bill No. 73,

A bill for an act to provide fuel for the Capitol building,
Which was read the first time.

Also,

House Bill No. 74,

A bill for an act fixing the liability of railroad corporations for setting fires,

Which was read the first time.

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,

Which was read the first time.

Mr. Mallory introduced—

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 practices and the sale of poisons, in the Territory of Dakota,

Which was read the first time.

Mr. Bixler introduced—

House Bill No. 77,

A bill for an act to repeal Chapter 7 of the Session Laws of 1887, being 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.

Also,

House Bill No. 78,

A bill for an act to amend Section 2408, Article 10, Chapter 20 of the Compiled Laws,

Which was read the first time.

Mr. Bixler withdrew House Bill No. 78 for the purpose of revising same.

Mr. Howell introduced—

House Bill No. 79,

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,

Which was read the first time.

Mr. Palmer introduced—

House Bill No. 80,

A bill for an act regulating the salaries of registers of deeds and county treasurers,

Which was read the first time.

Mr. Wellman introduced—

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 was read the first time.

Mr. Sheets introduced—

House Bill No. 82,

A bill for an act to amend Sections 60 and 66 of Chapter 47 of the General Laws of 1887, entitled "An act to amend Chapter 44 of the Session Laws of 1883, relating to education,"

Which was read the first time.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER,
January 14, 1889. }

MR. SPEAKER:

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,

Which has passed the council, and your favorable action thereon is respectfully requested.

R. E. WALLACE,
Chief Clerk.

SECOND READING OF HOUSE BILLS.

Mr. Newman moved

That the reading of the bills at length be dispensed with,

that they be read by their title and referred to their appropriate committees.

Which motion was lost.

House Bill No. 38,

A bill for an act to fix the compensation of the judges of the probate court and to provide a fund to reimburse the county for the same, and to provide for clerks of probate court,

Was read the second time, and

Referred to the Committee on Territorial Affairs.

House Bill No. 67,

A bill for an act to amend Section 61 of Chapter 28 of the Political Code,

Was read the second time and

Referred to the Judiciary Committee.

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 Judiciary Committee.

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. 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 Territorial Affairs.

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 Territorial Affairs.

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.

THIRD READING OF HOUSE BILLS.

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 placed on its final passage.

The roll being called there were ayes, 46; nays, none.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Adams, Baldwin, Bennett, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Lillibridge, Mallory, McNeil, Miller, Morris, Newman, Palmer, Patridge, Parkin, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, White, Wellman, Wellcome, Mr. Speaker.

Absent and not voting, Messrs. Bergman and McHugh,
So the bill passed and its title was agreed to.

Mr. Wellcome moved

To reconsider the acceptance of the invitation to visit Grand Forks.

Ayes and nays demanded.

The roll being called, there were ayes 25; nays 23.

Those who voted in the affirmative were:

Messrs. Aikens, Adams, Baldwin, Bennett, Bergman, Clark, Cooke, Douglas, Elliott, Fletcher, Howell, Jones, McHugh, Morris, Patridge, Patton, Price, Royer, Ryan, Swanston, Trude, Upham, White, Wellman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Allen, Bixler, Burnham, Greene, Gronna, Hunter, Lampman, Logan, Lillibridge, Mallory, McNeil, Miller, Newman, Palmer, Parkin, Potter, Powell, Ramsdell, Sheets, Smith, Turnbull, Van Etten, Wellcome.

So the motion to reconsider prevailed.

Mr. Wellcome moved

The acceptance of the invitation.

Which motion prevailed.

Mr. Aikens introduced by unanimous consent—
House Bill No. 83,

A bill for an act relating to the payment of premiums for insurance by the giving of notes,

Which was read the first time.

The Speaker announced the appointment of Messrs. Ryan, Allen and Wellcome as members of the joint committee on rules.

Mr. Speaker announced an informal recess of ten minutes.

Mr. Gronna moved

That the House resolve itself into a Committee of the Whole to consider the special and general orders.

Which motion prevailed and

Mr. Speaker called Mr. Price to the chair.

When the Committee rose the following reported was presented:

MR. SPEAKER:

The Committee of the Whole have had under consideration as a special order, the Morris resolution, and recommend that the committee rise.

M. M. PRICE,
Chairman.

Mr. Burham moved

That the report be adopted,
Which motion prevailed.

Mr. Bennett moved

That the House do now adjourn,
Which motion was lost.

Mr. Aikens moved

That the hour of 3 o'clock p. m. to-morrow be set apart for the purpose of considering the Governor's message,
Which motion prevailed.

Mr. Adams moved

That the Morris resolution be taken from the Committee of the Whole,
Which motion prevailed.

Mr. Adams moved

To adopt the Morris resolution.

Ayes and nays demanded.

The roll being called, there were ayes, 24; nays, 24.

Those who voted in the affirmative were:

Messrs. Aikens, Adams, Baldwin, Bergman, Clark, Cooke, Douglas, Elliott, Fletcher, Howell, Jones, McHugh, Morris, Patridge Patton, Price, Royer, Ryan, Swanston, Trude, Upham, White, Wellman, Mr. Speaker.

Those who voted in the negative were:
 Messrs. Allen, Bennett, Bixler, Burnham, Greene, Gronna,
 Hunter, Lampman, Logan, Lillibridge, Mallory, McNeil,
 Miller, Newman, Palmer, Parkin, Potter, Powell, Ramsdell,
 Sheets, Smith, Turnbull, Van Etten, Wellcome.

Mr. Bixler explaining his vote.

And so the resolution was lost.

Mr. Trude moved

That the House do now adjourn,

Which motion prevailed, and the House

Adjourned.

JOHN G. HAMILTON,
 Chief Clerk.

ELEVENTH DAY.

BISMARCK, January 18, 1889.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Mr. Sheets, excused.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

The committee to revise and correct the Journal have examined the Journal of January 17, 1889, and recommend that the same be corrected as follows: On page 1 after the words "Mr. Douglas moved to accept," strike out the word "accept" and insert in lieu thereof the word "adopt:" on page 7, after the words "Mr. Bixler," strike out the word "withdraws" and insert in lieu thereof the word "withdrew;" also on page 8, in the phrase "Referred to the Committee on Foreign Affairs" strike out the words "Foreign Affairs" and in lieu thereof insert the word "Appropriation,"

And with these corrections recommend the approval of the Journal.

O. R. VAN ETTEN,
 R. S. BENNETT.

Mr. Royer moved
To adopt the report of the committee,
Which motion prevailed.

PETITIONS AND COMMUNICATIONS.

Mr. Gronna presented the following petition:

To the Hon. A. J. Gronna and Members of the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of McHenry county, Territory of Dakota, do hereby petition and ask that you and the members of the Legislative Assembly to use all honorable means in you vested to prohibit and prevent the change of the existing boundary lines now bounding the counties of McHenry, Pierce and Church, in said Territory, for the reason that the present boundaries are more beneficial to said counties, by reason of the manner in which said counties have been settled, and are thereby better able to support their county organizations by taxation than any change of bondaries could give.

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

REPORTS OF STANDING COMMITTEES.

MR. SPEAKER:

Your Committee on Charitable Institutions having had under consideration certain charges made in the printed report of Public Examiner E. S. Tyler, concerning the North Dakota Hospital for the Insane at Jamestown against Dr. O. W. Archibald, superintendent thereof, beg leave to report that we have found no evidence to support such charges, and that we believe from the testimony we have taken that the said Dr. O. W. Archibald is well calculated to fill the position he now occupies.

H. H. MALLORY,
Chairman.

J. W. BURNHAM,
IRA S. LAMPMAN,
H. H. SHEETS,
WM. RAMSDELL,
O. R. VAN ETTEN,
JOHN TURNBULL,
WM. S. LOGAN,
T. M. ELLIOTT.
Committee.

MR. SPEAKER:

The Committee on Judiciary beg leave to submit the following report:

They have considered

House Bill No. 7,

A bill for an act entitled, "An Act to Amend Sections 1 and 27, Chapter 10, Laws of 1887,"

And recommend that it be referred to the Committee on Counties.

Also,

House Bill No. 23,

A bill for an act to amend Subdivisions 2 and 3 respectively of Section 37 of Chapter 28, Political Code,

And recommend that it be referred to the Committee on Ways and Means.

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, Laws of 1887,

And recommend its passage.

Also,

House Bill No. 67,

A bill for an act to amend Section 61 of Chapter 28 of the Political Code,

And recommend that it be referred to the Committee on Ways and Means,

All of which is respectfully submitted.

M. M. PRICE,
Chairman.

Mr. Fletcher moved

To adopt the report,

Which motion prevailed.

MR. SPEAKER:

Your Committee on Appropriations having had under consideration

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,

Beg leave to report that they have carefully examined said bill and recommend that it do pass.

J. M. GREENE,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 63,

And find same correctly engrossed.

Also,

House Bill No. 27,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Fletcher introduced—

House Bill No. 84,

A bill for an act establishing the Aberdeen University at Aberdeen, Dakota,

Which was read the first time.

Mr. Newman introduced—

House Bill No. 85,

A bill for an act to establish a Territorial Normal School at Milnor, Dakota,

Which was read the first time.

Mr. Parkin introduced—

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 was read the first time.

Mr. Bixler introduced—

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,

Which was read the first time.

Mr. Aikens introduced—

House Bill No. 88,

A bill for an act amending Subdivision 6, of Section 3, of Chapter 28, of the Political Code entitled "Revenue,"

Which was read the first time.

Also,

House Bill No. 89,

A bill for an act regulating the assessment, etc., of railroad companies,

Which was read the first time.

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,"

Which was read the first time.

Mr. Mallory introduced—

House Bill No. 91,

A bill for an act to amend Section 13 of Chapter 26 of the Laws of 1879, entitled "An act to regulate the sale of intoxicating liquors,

Which was read the first time.

Mr. Royer introduced—

House Bill No. 92,

A bill for an act to regulate telephones,

Which was read the first time.

Mr. McNeil introduced—

House Bill No. 93,

An act to amend Section two (2), Chapter fifty-two (52), of the Session laws of 1879,

Which was read the first time.

Mr. White introduced—

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,"

Which was read the first time.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER, }
January 18, 1889, }

MR. SPEAKER:

I have the honor to transmit herewith,
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 has passed the Council and your favorable action is requested.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
January 18, 1889. }

MR. SPEAKER:

I have the honor to transmit 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 District,

Also,

Council Bill No. 86.

Joint Resolution, providing postage stamps for mem-
bers of the Eighteenth Legislative Assembly.

Also,

Council Bill No. 93,

An act to define the boundaries of the Eighth Judicial
District, and to provide for a Judicial Subdivision therein,
Which have passed the Council and your favorable con-
sideration thereof, is respectfully requested.

R. E. WALLACE,
Chief Clerk.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 5,

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

Was read the first time.

MOTIONS AND RESOLUTIONS.

Mr. Morris moved the following resolution and moved its
adoption:

WHEREAS, The report of the Public Examiner on the
management of the Territorial Insane Asylum at James-
town, on an investigation ordered by the Governor, shows
reckless management and careless and extravagant ex-
penditures of the moneys appropriated for said institution;
therefore be it

Resolved, By the House of Representatives of the Terri-
tory of Dakota: That the report of the Public Examiner
be referred to the Committee on Charitable Institutions,
with instructions that they proceed at once to make a
thorough investigation of the affairs of said institution.
That they call to their aid the Attorney General of the
Territory; that they have power to send for persons and
papers; that they visit said institution, if in their judg-

ment the public welfare will be promoted thereby, and that they make full report to the House of their doings.

Resolved, That the tendency to localize the Educational, Charitable and Penal Institutions of this Territory should be discouraged; that the practice of some of the Trustees, Directors and other officials of such Institutions, of visiting the Capital, unsolicited by the Governor or any committee of the Legislature and lobbying with members of the Legislature, for extravagant appropriations for said institutions should be discountenanced as incompatible with honest and faithful management of said institutions by said officials.

Mr. Jones moved that the resolution be adopted,

Which motion prevailed and the resolution was referred to the Committee on Penal and Charitable Institutions.

THIRD READING OF HOUSE BILLS.

House Bill No. 3,

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

Was read the third time and placed on its final passage.

The roll being called there were ayes, 47; nays, none.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Adams, Baldwin, Bennett, Bergman, Bixler, Burnam, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Lillibridge, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patridge, Parkin, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, White, Wellman, Wellcome, Mr. Speaker.

Mr. Sheets being excused.

So the bill passed and its title was agreed to.

House Bill No 12,

A substitute bill introduced by the Judiciary Committee.

A bill to amend an act entitled "An act relating to the offices of Notary Public,

Was read the third time and placed on its final passage.

The roll being called there were ayes 45; nays none.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Adams, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Lampman, Logan, Lillibridge, Mallory, McHugh, McNeil, Miller, Mor

ris, Newman, Palmer, Patridge; Parkin, Patton, Potter, Powell, Price, Ramsdell, Ryan, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, White, Wellman, Wellcome, Mr. Speaker.

Absent and not voting:

Messrs. Jones, Royer.

Mr. Sheets being excused.

So the bill passed and its title was agreed to.

Mr. Allen moved

That the rules be suspended, that

Joint Resolution, Council Bill No. 22

Be read the first second and third times and placed on its final passage,

Which motion prevailed.

Mr. Aikens moved

To amend the resolution as follows:

That no member of the Joint Committee shall be appointed who represents the Legislative District in which such institution is located.

Amendment was withdrawn, and

Joint Resolution, Council Bill No. 22,

A bill for the appointment by the President of the Council and Speaker of the House of a Joint Committee to investigate the Yankton Insane Asylum,

Was read the first, second and third times and placed on its final passage.

The roll being called there were ayes 44; nays none.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Adams, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Lillibridge, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patridge, Parkin, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Smith, Swanston, Trude, Turnbull Upham, Van Etten, White, Wellman, Wellcome Mr. Speaker.

Mr Sheets being excused.

So the Joint Resolution passed and its title was agreed to.

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 and placed on its final passage.

The roll being called, there were ayes, 26; nays, 17.

Those who voted in the affirmative were:

Messrs. Allen, Adams, Baldwin, Bergman, Burnham, Clark, Fletcher, Greene, Gronna, Howell, Hunter, Lillibridge, Mallory, Miller, Newman, Patridge, Parkin, Powell, Price, Ramsdell, Smith, Trude, Turnbull, Van Etten, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Bennett, Bixler, Cooke, Jones, Lampman, Logan, McHugh, McNeil, Morris, Palmer, Patton, Potter, Royer, Ryan, Swanston, Upham, Wellman, Wellcome.

Absent and not voting:

Messrs. Douglas and Elliott.

Mr. Sheets being excused.

So the bill passed and its title was agreed to.

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 placed on its final passage.

The roll being called there were ayes 45; nays, none.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Lillibridge, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patridge, Parkin, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Swanston, Trude, Turnbull, Upham, Van Etten, White, Wellman, Wellcome, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Smith.

Mr. Sheets being excused.

So the bill passed and its title was agreed to.

House Bill No. 60,

A bill for an act to amend Section 35, of Chapter 47, of the Session Laws of 1887,

Was read the third time.

Mr. Aikens moved

To strike out the words and figures "25 cents" and insert in lieu thereof the words and figures "15 cents,"

Which motion prevailed.

Mr. Newman moved

That the bill be recommitted to the Judiciary Committee,

Which motion prevailed.

Mr. Aikens moved

To recommit House Bill No. 63 to the Judiciary Committee,

Which motion prevailed.

Mr. McHugh moved

That House Bill No. 27 be recommitted to the Committee on Territorial affairs,

Which motion was lost.

House Bill No. 27,

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

Was read the third time and placed on its final passage.

The roll being called there were ayes, 27; nays, 18.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Bennett, Bixler, Douglas, Fletcher, Greene, Gronna, Howell, Hunter, Lampman, Logan, Mallory, McNeil, Morris, Newman, Patridge, Potter, Price, Royer, Ryan, Upham, Van Etten, White, Wellcome, Wellman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Baldwin, Bergman, Burnham, Cooke, Elliott, Jones, Lillibridge, McHugh, Miller, Palmer, Patton, Powell, Ramsdell, Smith, Swanston, Trude, Turnbull.

Absent and not voting:

Messrs. Clark and Parkin.

Mr. Sheets being excused.

So the bill passed and its title was agreed to.

Council Bill No. 1,

A Joint Resolution relating to the furnishing the members of the Seventeenth Legislative Assembly with a copy of the Compiled Laws,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 35; nays, 11.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Adams, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Greene, Gronna, Howell, Hunter, Lampman, Logan, Mal-

lory, McHugh, McNeil, Miller, Newman, Patridge, Parkin, Powell, Price, Royer, Ryan, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome.

Those who voted in the negative were:

Messrs. Fletcher, Jones, Lillibridge, Morris, Palmer, Patton, Potter, Ramsdell, Smith, White, Mr. Speaker.

Mr. Wellman being absent.

Mr. Sheets being excused.

Messrs Jones and White explaining their vote.

So the Joint Resolution passed and its title was agreed to.

The Speaker announced as members of the Joint Committee to inspect the Hospital for Insane at Yankton Messrs. Fletcher Burnham and Hunter.

The Speaker announced an informal recess of ten minutes.

Mr. Aikens moved

That the consideration of the Governor's message be made the special order of Tuesday at 3 o'clock p. m.,

Which motion prevailed.

Mr. White moved

That the House do now adjourn,

Which motion prevailed and the House

Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

TWELFTH DAY.

BISMARCK, January 19, 1889.

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

Mr. Speaker being absent.

Mr. Fletcher moved

That Mr. Jones act as Speaker, pro tem.,

Which motion prevailed.

The Chaplin not being present, upon request of the Speaker,

Prayer was offered by Mr. Van Etten.

Mr. Bixler moved

That the calling of the Roll be dispensed with.

Which motion prevailed.

Mr. Royer moved,

That the reading of the Journal be dispensed with.

Which motion prevailed.

Mr. Fletcher introduced the following Resolution and moved its adoption:

Be it Resolved, That the sentiment of this House is in favor of Prohibition.

Mr. Adams moved

That the House resolve itself into a Committee of the Whole for the purpose of considering the resolution of Mr. Fletcher.

Which motion prevailed and

The Speaker called Mr. Van Etten to the Chair.

When the committee rose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration the resolution of Mr. Fletcher, a resolution favoring the sentiment of prohibition by this House of Representatives and recommend that the further consideration of this resolution be made a special order for 3 o'clock p. m., February 2, 1889.

O. R. VAN ETTEN,
Chairman.

Mr. Morris moved

That the report be adopted.

Which motion prevailed.

Mr. Adams moved

That the House do now adjourn.

Which motion prevailed and the House Adjourned.

J. G. HAMILTON,
Chief Clerk.

FOURTEENTH DAY.

BISMARCK, January 21, 1889.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present, except
Messrs. Aikens, Douglas, Elliott, Howell, Lampman,
Parkin, Potter, Sheets and Swanston excused.

The committee to revise and correct the Journal made the following reports:

MR. SPEAKER:

The Committee to revise and correct the Journal, have examined the Journal of January 18th, 1889, and recommend that the same be corrected as follows: On page 9 strike out the words "Mr. Newman moved that the bill be re-committed to the Judiciary Committee," and insert on page 10, following the third line, the words: "Mr. Newman moved that the bill be re-committed to the Judiciary Committee, which motion prevailed," and with these corrections recommend the approval of the Journal.

O. R. VAN ETTEN,
R. L. BENNETT.

MR. SPEAKER:

The committee to revise and correct the Journal have examined the Journal of January 19, 1889, and recommend that the same be corrected as follows: That on page 2 in line 6 the word "general" be stricken out and the word "special" be inserted in lieu thereof; also that the words "E. R. Ruggles, assistant," be stricken out and insert in

lieu thereof "John G. Hamilton," and with these corrections recommend the approval of the Journal.

O. R. VAN ETTEN,
R. L. BENNETT.

Mr. Patridge moved
To adopt the reports of the Committee.
Which motion prevailed.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

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

Resolved, That the Territorial Auditor be and he is hereby required to furnish for the information of the members of this Legislature a detailed statement of the entire cost of the compilation, publication and distribution of the Laws of the Territory, as authorized and required by the Session Laws of 1887, Chapter Eighty-three (83) thereof, said statement to show the amounts paid, to whom and for what purpose.

Which resolution was adopted.

Mr. Smith introduced the following petition:

To the Legislative Assembly of the Territory of Dakota:

GENTLEMEN: 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.

MARGARET BRUNSDALE
And others.

Mr. Adams moved
To suspend the rules and that
House Bill No. 15
Be read the third time and placed on 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 third time.

Mr. Smith, by unanimous consent, introduced the following amendment to
House Bill No. 15:
Strike out the words "the first day of July" wherever

they occur and insert the words "the 1st day of October."

Which amendment was lost.

Mr. White moved

That House Bill No. 15 be made the special order for 3:30 p. m.

Which motion prevailed.

MOTIONS AND RESOLUTIONS.

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

WHEREAS, It is believed by some of the members of the House of the Seventeenth Legislative Assembly, that the act entitled, "An act to provide for the issuing of bonds for additional buildings and improvements for the North Dakota Hospital for the Insane near Jamestown, and to appropriate money therefor," approved March 11, 1887, never passed the House as published in the Laws of said Session; but that said act, as passed by the House, appropriated \$102,000 instead of \$153,000 as appears by said published Laws. Therefore, be it

Resolved, That the Judiciary Committee of the House be, and is hereby instructed, to examine the House and Council Journals of said Session, and report to the House the result of its investigation; and if the Committee find that said act never passed the House appropriating more than \$102,000, that it recommend to the House what action, in its judgment, the House should take.

Which resolution was adopted.

Mr. Jones then offered the following resolution and moved its adoption:

Resolved, That the Governor be and is respectfully requested to inform the House if the officers of the Jamestown Asylum came before him and requested the approval of the act entitled "An act to provide for the issuing of bonds for additional buildings and improvements for the North Dakota Hospital for the Insane near Jamestown and to appropriate money therefor," approved March 11, 1887, and if so, whether the amount appropriated in said bill was discussed between them.

Resolved, That a copy of this resolution be forthwith handed to the Governor by the chief clerk.

Which resolution was adopted.

MR. SPEAKER:

The Committee on Enrolled and Engrossed bills have examined

House Bills No. 24 and 37,
And find the same correctly engrossed.

D. M. POWELL,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. White introduced—

House Bill No. 95,

A bill for an act providing for the taxation of telegraph lines.

Which was read the first time.

Mr. Fletcher introduced—

House Bill No. 96,

A bill for an act to amend Section 4 of Chapter 130 of the 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 was read the first time.

Also,

House Bill No. 97,

A bill for an act entitled "An act empowering the Governor to appoint women notaries public.

Which was read the first time.

Mr. Trude introduced—

House Bill No. 98,

A bill for an act to define the boundaries of the county of Butte,

Which was read the first time.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 1,

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

Which was read the first time.

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,

Was read the first time.

Council Bill No. 86,

Joint Resolution providing postage stamps for members of the Eighteenth Legislative Assembly,
Was read the first time.

SECOND 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 second time and
Referred to the Committee on Judiciary.

SECOND READING OF HOUSE BILLS.

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 Territorial Affairs.

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 Judiciary.

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

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 practices and the sale of poisons, in the Territory of Dakota,
Was read the second time and
Referred to the Committee on Public Health.

House Bill No. 77,
A bill for an act to repeal Chapter 7 of the Session Laws of 1887, being an act to provide for the construction and maintenance of artesian wells and the assessment and collection of taxes therefor,
Was read the second time, and
Referred to Committee on Territorial Affairs.

House Bill No. 78,

A bill for an act to amend Section 2408, Article 10, Chapter 20 of the Compiled Laws,

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

House Bill No. 79,

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,

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

House Bill No. 80,

A bill for an act regulating the salaries of registers of deeds and county treasurers,

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

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 Judiciary Committee.

House Bill No. 82,

A bill for an act to amend Sections 60 and 66 of Chapter 47 of the General Laws of 1887, entitled "An act to amend Chapter 44 of the Session Laws of 1883, relating to education,"

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

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. Adams moved

To suspend the rules, that House Bill No. 84 be read the second time by its title and referred to the proper committee.

Which motion prevailed and

House Bill No. 84,

A bill for an act establishing the Aberdeen University at Aberdeen, Dakota,

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

Mr. Mallory moved

To suspend the rules, that House Bill No. 85 be read the second time by its title and referred to its proper committee.

Which motion prevailed, and
House Bill No. 85,

A bill to establish a Territorial Normal School at Milnor, Dakota,

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

Mr. McHugh moved

That the rules be suspended and that House Bill No. 89 be read the second time by its title and referred to its proper committee.

Which motion prevailed and
House Bill No. 89,

A bill for an act regulating the assessment, etc., of railroad companies,

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

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 time and

Referred to the Judiciary Committee to pass upon the legality of the bill and from them referred to the Committee on Charitable Institutions.

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 Territorial Affairs.

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 Ways and Means.

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,"

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

House Bill No. 91,

A bill for an act to amend Section 13 of Chapter 26 of the Laws of 1879, entitled "An act to regulate the sale of intoxicating liquors,"

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

House Bill No. 92,

A bill for an act to regulate telephones,

Was read the second time and
Referred to the Committee on Territorial Affairs.

House Bill No. 93,

An act to amend Section 2, Chapter 52, of the Session Laws of 1879,

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

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 Highways and Bridges.

THIRD 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 third time.

Mr. McHugh, by unanimous consent, moved

To amend the bill by striking out the word "November" and inserting the word "December,"

Which amendment was adopted, and

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,

And amended as above,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 36; nays, 1.

Those who voted in the affirmative were:

Messrs. Allen, Adams, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Fletcher, Greene, Gronna, Hunter, Jones, Logan, Lillibridge, Mallory, McHugh, McNeil, Miller, Morris, Palmer, Patridge, Powell, Price, Ramsdell, Royer, Ryan, Smith, Trude, Turnbull, Upham, Van Etten, Wellman, Wellcome, Mr. Speaker.

Mr. Patton voting in the negative.

Absent and not voting:

Messrs. Aikens, Douglas, Howell, Lampman, Parkin, Elliott, Potter, Sheets, Swanston and White.

Mr. Newman being excused.

So the bill passed, and its title was agreed to.

Mr. White moved

That House Bill No. 37 pass to its third reading to-morrow.

Which motion prevailed.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER, }
January 21, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 25,

A Joint Resolution providing for the appointment of a joint committee to report a bill for the extension of taxes, which the Council has passed and the President of the Council has appointed as members of such committee Messrs. Allin, Walsh and Crawford.

R. E. WALLACE,
Chief Clerk.

The Speaker appointed as such joint committee on the part of the House Messrs. Burnham, Mallory and Patridge.

COUNCIL CHAMBER, }
January 21, 1889. }

MR. SPEAKER:

I have the honor to return
Council Bill No. 1,

A Joint Resolution requesting the Secretary to furnish certain codes for the members of the Legislative Assembly And report that the Council has refused to concur in the

House amendments and the President of the Council has appointed Messrs. Walsh, Hughes and Poindexter as members of the Committee of Conference.

R. E. WALLACE,
Chief Clerk.

Mr. White moved

That a Committee of Conference be appointed by the Speaker.

Which motion prevailed and

The Speaker appointed as such committee Messrs. White, Newman and Wellcome.

The Speaker announced his signature to Council Bills Nos. 13, 14 and 97.

The Speaker announced an informal recess of five minutes.

Mr. Newman moved

That House Bill No. 15 be referred to Joint Committee, Which motion prevailed:

Mr. Gronna moved

That all bills of like character be referred to the Joint Committee,

Which motion prevailed.

Mr. Allin moved

That the House do now adjourn, Which motion prevailed, and the House Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

FIFTEENTH DAY.

BISMARCK, January 22, 1889.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present

Except Messrs. Elliott and Parkin, excused.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

The committee to revise and correct the Journal have examined the Journal of January 21, 1889, and recommend that the same be corrected as follows: On page 8 strike out all that part following the "third reading of House bills" down to "the roll being called" and insert the following:

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.

Mr. McHugh, by unanimous consent, moved to amend the bill by striking out the word "November," and inserting the word "December,"

Which amendment was adopted, and

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, and amended as above,

Was read the third time and placed on its final passage.

Also,

On page 5, just preceding "House Bill No. 73," insert the words "Second Reading of House Bills,"

Also,

On page 9, after the words "Mr. Newman being excused" insert the words "and so the bill passed and its title was agreed to."

And with these corrections we recommend the approval of the Journal.

O. R. VAN ETTEN,
R. L. BENNETT.

Mr. Poyer moved
The adoption of the report,
Which motion prevailed.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. McNeil presented the following petition:

FARGO, DAK., Jan. 21, 1889.

To the Honorable Members of 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 others.

Mr. Price offered the following petition:

To the Honorable House of Representatives of the Territory of Dakota:

The undersigned petitioners respectfully represent to your honorable body that they are honorably discharged soldiers of the late war of the rebellion; that the Seventeenth Legislative Assembly of this territory passed an act entitled, "An act to secure in the Territory of Dakota to honorably discharged soldiers and sailors who served in the army and navy of the United States during the late war, the rights and privileges guaranteed to them by Section 1,754 and 1,755 of the Revised Statutes of the United States, also, Section 3, Chapter 287, Laws of 1875;

And your petitioners most respectfully represent that the provisions of said act have in many cases been grossly violated.

Wherefore your petitioners earnestly request your honorable body to appoint a committee from the honorably discharged soldiers and sailors of your body to investigate the alleged violations of said act, with power to summon witnesses and to require persons in charge of public buildings and institutions to report to them the name and number of their employes and the number of such employes that are honorably discharged soldiers and sailors of the late war, and to report to you the result of said investigation.

Dated at Bismarck, Dakota, this 10th day of January, 1889.

Mr. Jones moved
To refer the petition to the Committee on Territorial Affairs.

Which motion prevailed.

The following communication was received from the executive office:

EXECUTIVE OFFICE, }
January 21, 1889. }

To the Honorable, the House of Representatives:

In response to your resolution that I be requested to inform the House if the officers of the Jamestown Insane Asylum came before me, or requested the approval of the act entitled "An act to provide for the issuing of bonds for additional buildings and improvements for the North Dakota Hospital for the Insane near Jamestown, and to appropriate monies therefor," approved March 11, 1887, and if so, whether the amount appropriated in said bill was discussed before them—I remember of discussing the question of appropriations with some of the officers of that institution; and as to the necessity of additional accommodations for patients; not only as regards this appropriation in particular, but in fact, of all appropriations, I made it my business to as far as possible avail myself of such information as was accessible in reference to matters of this kind. I am confident that the amount appropriated in said bill must of necessity have been discussed.

I am unable to say at this time whether the officers of the institution discussed the amount mentioned in this appropriation at the exact time the bill was signed, but I have no reason to doubt that the matter of appropriation was generally discussed, either about or just prior to the time the bill was received in the Executive office.

It appears that the act referred to in your resolution, which is known as Chapter 62 of the Laws of 1887, is House Bill No. 252, entitled "An act to provide for the issuing of bonds for additional buildings and improvements for the North Dakota Hospital for the Insane near Jamestown, and to appropriate monies therefor." This bill as appears by the endorsement thereon was received at the Executive office at 9 p. m., March 10, 1887, and was duly filed and receipted for at the Secretary's office. . . . The bill is duly certified to by George G. Crose, Speaker of the House; attested by W. G. Eakins, Chief Clerk. Likewise countersigned by George A. Mathews, President of the Council, attested T. A. Kingsbury, Chief Clerk; and was approved by the Governor March 11th, 1887.

Should you not deem this a sufficient answer to your resolution, I would be pleased, should you so desire, to meet a committee of your honorable body and give them such information as it is possible for me to give them, or to more fully answer your resolution, should they so desire.

Respectfully,

LOUIS K. CHURCH,
Governor.

The following communication was received from the auditor's office:

OFFICE OF THE AUDITOR, }
January 22, 1889. }

To the Speaker of the House of Representatives:

In obedience to the resolution passed by the House January 21st, requiring a detailed statement of the entire cost of the compilation, publication and distribution of the laws of the Territory, showing the amounts paid, to whom and for what purpose, etc., I respectfully return the following statement:

SALARIES OF COMPILERS.

No. War't.	Date.	Name.	Amount.
10,512	April 18, 1887.	E. W. Caldwell.....	\$ 200 00
10,513	April 18,	Chas. H. Price.....	200 00
10,789	May 23,	Chas. H. Price.....	200 00
11,060	June 15,	Chas. H. Price.....	200 00
11,068	June 16,	E. W. Caldwell.....	200 00
11,588	July 16,	Chas. H. Price.....	200 00
11,754	July 29,	E. W. Caldwell.....	400 00
11,968	Aug. 13,	Chas. H. Price.....	200 00
12,415	Sept. 23,	E. W. Caldwell.....	400 00
12,416	Sept. 23,	Chas. H. Price.....	200 00
12,738	Oct. 24,	Chas. H. Price.....	200 00
13,125	Nov. 17,	Chas. H. Price.....	200 00
13,194	Nov. 20,	E. W. Caldwell.....	200 00
13,195	Nov. 20,	E. W. Caldwell.....	200 00
Total.....			\$ 3,200 00

INCIDENTAL EXPENSES.

11,961	Aug. 12, 1887	Caldwell & Price.....	\$ 300 25
13,380	Dec. 5,	Caldwell & Price.....	437 35
14,407	Feb. 25, 1888	M. L. McCormack.....	17 96
Total.....			\$ 755 56

PRINTING, BINDING, ETC.

14,886 Mar. 29, 1888 Henry Gibson.....\$10,711 21

Very respectfully yours,

JAMES A. WARD,
Auditor.

REPORTS OF STANDING COMMITTEES.

MR. SPEAKER:

Your Judiciary Committee having had under consideration

House Bill No. 60,

A bill for an act to amend Section 35, of Chapter 47, of the Session Laws of 1887,

Report that they have agreed upon a substitute for said bill and recommend the passage of the same.

M. M. PRICE,
Chairman.

MR. SPEAKER:

Your Committee on Judiciary having had under consideration the following bills do make the following recommendations and report:

House Bill No. 79,

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.

Recommend bill do pass with the following amendments: Insert the word "Walworth" in place of the word "McPherson" wherever the same appears in said bill.

Also,

House Bill No. 42,

A bill for an act to amend subdivision 11 of Chapter 15, Article 2, Section 1542 of the General Laws of 1881.

Recommend bill do not pass.

Also,

House Bill No. 51,

A bill for an act to amend Section 9, Article 13 of Chapter 3, Session Laws of 1887.

Recommend bill do pass.

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."

Recommend bill do pass.

Also,

Council Bill No. 5,

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

Recommend bill do pass.

M. M. PRICE,
Chairman.

MR. SPEAKER:

Your Committee on Territorial Affairs have had under consideration

House Bill No. 2.

A bill for an act providing for a Constitutional Convention for North Dakota,

And recommend the following amendments:

That the following Section be substituted for Section 11:

SEC. 11. The Board of County Commissioners of the counties to which the unorganized counties of Pierce and Buford are respectively attached for judicial purposes, shall, at the time named in Section 1 of this act, establish one or more election precincts in said unorganized counties and define the boundaries thereof, establish polling places, appoint judges of election therefor, and do such other acts as may be necessary to secure a fair election in said counties under the provisions of this act. The judges so appointed shall perform all the duties and shall have all the power and authority of judges of election in said unorganized counties. They shall make returns of the votes cast to the county clerks of said counties to which they are severally attached as aforesaid. The board of canvassers of said counties shall canvass the votes cast in said unorganized counties, and certify the same to the Secretary of the Territory, in the manner and within the time required in Section 1 of this Act. The expenses of said election shall be audited and paid by the said counties to which said unorganized counties are attached, and the amounts so paid, and the items thereof, shall be by the county clerks of said counties certified to the Territorial Auditor, who shall draw his warrant on the Territorial Treasurer for the amount so paid if found correct.

Change Section 11 to Section 12 and add to said Section

12 the following words: "Billings one delegate." Change Section 12 to Section 13 and amend said Section 13 by adding after the words, "take effect," in said section the words "from and," and so amended we recommend that the bill do pass,

Also,

House Bill No. 73,

A bill for an act to provide fuel for the capitol building,

Recommend that the bill do pass,

Also,

House Bill No. 10,

A bill for an act to provide for the inspection of illuminating oils, manufactured from petroleum coal oils.

Recommend that the bill do not pass,

Also report

A substitute for House Bill No. 87,

And recommend that it do pass.

JOSEPH ALLEN.
Chairman.

MR. SPEAKER:

Your committee appointed to confer with a like committee from the Council on bills referring to extension of time for payment of taxes for the year 1888, respectfully report that the joint committee agreed to recommend for passage House Bill No. 15, amended to strike out the word "July," where found in Sec. 1, of said bill and insert instead the word "June."

J. W. BURNHAM,
H. J. MALLORY,
A. L. PATRIDGE,

Mr. McNeil moved
To adopt the report
Which motion prevailed.

MR. SPEAKER:

House Bill No. 15

Is herewith returned from the Committee on Engrossed and Enrolled Bills as requested by the House.

D. M. POWELL,
Chairman.

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills have examined

Council Bill No. 1,

A Joint Resolution requesting the secretary to furnish certain Codes and Session Laws to the members of the Legislative Assembly,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

Council Bill No. 5,

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

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Greene introduced (by request)—

House Bill No. 99,

A Joint Resolution providing for the appointment and compensation of certain employes and making an appropriation therefor,

Which was read the first time.

Mr. Mallory introduced—

House Bill No. 100,

A bill for an act to amend Sections 7 and 12 of Chapter 63 of the Laws of 1885, 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. Ryan introduced—

House Bill No. 101,

A bill for an act to provide for the levy and collection of taxes on the property of express companies, telephone companies and sleeping car companies doing business in this Territory,

Which was read the first time.

Mr. Clark introduced—

House Bill No. 102,

A bill for an act to repeal Chapter thirty-eight (38) of the Session Laws of 1887, being an act entitled "An act authorizing the division of counties and for other purposes,"

Which was read the first time.

Mr. Morris introduced—

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 was read the first time.

Mr. Hunter introduced—

House Bill No. 104,

An act to authorize the discharge of attachments and lis pendens,

Which was read the first time.

Mr. Bixler introduced—

House Bill No. 105,

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

Which was read the first time.

Mr. Fletcher introduced—

House Bill No. 106,

A bill for an act to amend Section Four (4) of Chapter One Hundred and Forty-one (141) of the Session Laws of 1887, entitled "An act to provide for the assessment and taxation of the property of telegraph companies in the Territory of Dakota."

Which was read the first time.

The Conference Committee made the following report:

MR. SPEAKER:

The Conference Committee to whom was referred

Council Joint Resolution No. 1,

Providing Codes for the 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 provision providing for the Session Laws, and further that the bill be amended so as to include all Session Laws since 1877, which the Secretary may have

GEO. H. WALSH,
ALEXANDER HUGHES,
D. W. POINDEXTER,
JOHN B. WELLCOME,
C. C. NEWMAN,
J. V. WHITE.

Mr. Patridge moved

To adopt the report of the conference committee,
Which motion prevailed.

Mr. Aikens moved
That the House concur in the amendment proposed by
the Council to Joint Resolution No. 36,
Which motion prevailed.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 11.

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

Was read the second time and
Referred to the Committee on Territorial Affairs.

Council Bill No. 86,

Joint Resolution, providing postage stamps for mem-
bers of the Eighteenth Legislative Assembly.

Was read the second time and
Referred to the Committee on Ways and Means.

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 and
Referred to the Committee on Judiciary.

SECOND READING OF HOUSE BILLS.

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 Appropriations.

House Bill No. 96,

A bill for an act to amend Section 4 of Chapter 130 of
the 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 Ware-
house Commission in relation thereto,"

Was read the second time and
Referred to the Committee on Warehouses, Grain
Grading and Dealing.

House Bill No. 97,

A bill for an act entitled "An act empowering the Governor to appoint women notaries public."

Was read the second time and

Referred to the Committee on Judiciary.

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.

THIRD READING OF HOUSE BILLS.

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 third time and placed on its final passage.

The roll being called there were ayes, 44, nays, none.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Adams, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Fletcher, Greene, Gronna, Hunter, Jones, Lampman, Logan, Lillibridge, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, White, Wellman, Wellcome, Mr. Speaker.

Absent and not voting:

Messrs. Baldwin, Howell.

Messrs. Elliott and Parkin being excused.

So the bill passed and its title was agreed to.

The Speaker announced an informal recess of five minutes.

Mr. Speaker announced that the Governor's message was made the special order for this time.

Mr. Mallory moved

That the Governor's message be made the special order for Saturday, January 26th, at 3 o'clock p. m.

Which motion prevailed.

Mr. Adams moved that

House Bill No 15,

Be recalled from the Committee on Enrolled and Engrossed bills,

Which motion prevailed, and

House Bill No. 15 was recalled.

Mr. Adams moved

That the rules be suspended and that

House Bill No. 15,

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

Be given its second and third readings and placed on its final passage.

Mr. Miller moved

As an amendment to the previous motion that the consideration of the bill be deferred for one week

Which amendment was lost, and

The motion of Mr. Adams prevailed.

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 third time, and placed on its final passage.

The roll being called, there were ayes 40; nays, 5.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Adams, Baldwin, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Fletcher, Greene, Hunter, Jones, Lampman, Logan, Lillibridge, Mallory, McHugh, McNeil, Morris, Newman, Palmer, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Upham, White, Wellman, Wellcome, Mr. Speaker.

Those who voted in the negative were:

Messrs. Bennett, Gronna, Miller, Turnbull, Van Etten.

Absent and not voting:

Messrs. Elliott, Howell, Parkin.

Messrs. Bennett, Gronna, Mallory, Miller and Van Etten explaining their votes.

So the bill passed and its title was agreed to.

Unanimous consent being granted

Mr. Allin introduced—

House Bill No. 107,

A joint resolution providing for mileage for certain investigation committees, and making an appropriation therefor,

Which was read the first time.

Mr. Allen moved

To suspend the rules, and that House Bill No. 107 be read the second and third times and placed upon its final passage,

Which motion was lost.

Mr. Newman moved

That the rules be suspended and that
House Bill No. 99,

A Joint Resolution providing for the appointment and
compensation of certain employes and making an appro-
priation therefor,

Be given its second and third reading and placed upon
its final passage.

Which motion prevailed and
Joint Resolution No. 99

Was read the second time.

Mr. White moved the following amendment:

Provided, if any clerk or employe be found incompetent
to discharge the duties of his position, it shall be the duty
of the respective presiding officers and they are hereby
empowered to discharge such person and fill the vacancy
so created.

Which was adopted.

Mr. Mallory moved

As a further amendment that clerks under pay and un-
employed may by the Speaker be transfered to other posi-
tions where clerk help is needed, provided such cases exist.

Which amendment was adopted, and

House Bill No. 99,

A joint resolution relating to the pay of subordinate offi-
cers of the House and making an appropriation for the pay-
ment of the same,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 40; nays, none.

Those voting in the affirmative were:

Messrs. Aikens, Allen, Allen, Adams, Baldwin, Bennett,
Bergman, Bixler, Burnham, Cooke, Douglas, Greene,
Gionna, Hunter, Lampman, Logan, Lillibridge, Mallory,
McHugh, McNeil, Miller, Morris, Newman, Palmer,
Patridge, Potter, Powell, Price, Ramsdell, Royer, Ryan,
Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van
Etten, White, Wellman, Wellcome.

Absent and not voting:

Messrs. Clark, Elliott, Fletcher, Howell, Jones, Parkin,
Patton.

Messrs. Elliott and Mr. Speaker being excused.

So the joint resolution was passed and its title was
agreed to.

Mr. Mallory moved

That the House do now resolve itself into a Committee of the Whole.

Which motion prevailed, and

Mr. Speaker called Mr. Mallory to the chair.

When the Committee rose the following report was presented:

MR. SPEAKER:

The Committee of the Whole have under consideration, House Bill No. 57,

A bill for an act to amend Section 60 of Chapter 47 of the Session Laws of 1887,

Together with the amendments proposed by the Judiciary Committee, and recommend that the bill be amended by adding the following, "for each day actually and necessarily engaged in the discharge of his duties as such officer," and when so amended they recommend the passage of the bill.

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,

Together with the substitute bill reported from the Committee on Territorial Affairs, and recommend the passage of the substitute bill.

Also,

House Bill No. 79,

A bill for an act providing for a subdivision of the Seventh Judicial district,

Together with the amendment proposed by the Judiciary Committee and recommend that the bill be amended by striking out the word "McPherson" wherever it occurs in the bill and inserting the word "Walworth." and when so amended they recommend the passage of the bill,

Also,

House Bill No. 60,

A bill for an act to amend Section 35, of Chapter 47, of the Session Laws of 1887,

And recommend that the bill be committed to the Committee on Education.

Also,

House Bill No. 2,

A bill for an act providing for a constitutional convention for North Dakota,

Together with certain amendments proposed by the Committee on Territorial Affairs, and recommend that the bill and the amendments be referred to a special committee, consisting of the Representatives of Districts north of the Seventh Standard parallel.

H. J. MALLORY,
Chairman.

Mr. Royer moved
To adopt the report of the committee.
Which motion prevailed.

The Speaker announced his signature to Council Bill No. 92.

Mr. Morris moved
That the House do now adjourn.
Which motion prevailed and the House
Adjourned.

J. G. HAMILTON,
Chief Clerk.

SIXTEENTH DAY.

BISMARCK, January 23, 1889.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present,
Except Mr. Paskin, excused.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

The committee to revise and correct the Journal have

examined the Journal of January 22d, 1889, and recommend the following corrections:

On page 12, line nine (9), insert the word "title" after the word "its" also on page 13 after the 18th line insert the following:

"Mr. Allen moved to suspend the rules and that House Bill No. 107 be read the second and third times and placed on its final passage, which motion was lost,"

Also on page 15 strike out lines 30 and 31, which reads as follows: "Mr. Royer moved that the report of the committee be adopted,"

And with these corrections recommend the approval of the Journal.

O. R. VAN ETTEN,
R. L. BENNETT.

Mr. Hunter moved
To adopt the report of the committee.
Which motion prevailed.

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 24
	<hr/>
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.....	26,148 26
<hr/>	
Total receipts for the period, including cash on hand	\$1,536,851 77
Deficiency	122,494.51

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 Executive for the purpose of taking into consideration and providing for proper legislation.

Respectfully, LOUIS K. CHURCH,
Governor.

Which was referred to General Orders.

The following communication from the Territorial Treasurer, accompanied the above Executive communication:

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 tem-

porarily 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
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

Which was referred to General Orders.

PETITIONS AND COMMUNICATIONS.

Mr. Burnham presented the following petition:

To the Honorable Members of the Righteenths 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.

Signed by 454 Citizens of Cass County.

Mr. Aikens presented the following petition:

To the Legislative Assembly of the Territory of Dakota:

The undersigned residents of the Territory of Dakota, believing that there exists ample grounds to justify and demand a complete and thorough investigation of the condition and affairs of the North Dakota Hospital for the Insane at Jamestown, and the methods in force at said hospital for the treatment of patients therein, respectfully pray your honorable body that you pass at an early day, House Bill No. 86 entitled, "A Joint Resolution for the investigation of the management and condition of the North Dakota Hospital for the Insane at Jamestown," so that the affairs of said institution may be speedily and legally inquired into and made known to the public, and we will ever pray.

C. E. MEECH,
And 43 others of Mandan.

REPORTS OF STANDING COMMITTEES.

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills have examined

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. 95,

A bill for an act providing for the taxation of telegraph lines,

And find the same correctly engrossed.

Also,

House Bill No. 36,

A Joint Resolution, providing for certain printing,

Also,

House Bill No. 51,

A bill for an act to amend Section 9, Article 13 of Chapter 3, Session Laws of 1887,

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,"

And find the same correctly engrossed.

Also,

House Bill No. 99,

A joint resolution providing for the appointment and compensation of minor officers of the eighteenth Legislative Assemblage.

Also,

House Bill No. 42,

A bill for an act to amend Subdivision 11 of Chapter 15, Article 2, Section 1542 of the General Laws of 1881,

Also,

House Bill No. 15,

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

And find the same correctly engrossed.

Also,

House Bill No. 57,

A bill for an act to amend Section 60 of Chapter 47 of the Session Laws of 1887,

And find the same correctly engrossed.

Also,

House Bill No. 36,

A Joint Resolution providing for certain printing and making appropriation for the same.

And find the same correctly engrossed and enrolled.

Also,

House Bill No. 71,

A bill for an act limiting the terms of holding the offices of county treasurer and sheriff,

And find the same correctly engrossed.

Also,

House Bill No. 73,

A bill for an act to provide fuel for the Capitol building,
And find the same correctly engrossed.

Also,

House Bill No. 79,

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,

Also,

Substitute for House Bill No. 87,

A bill for an act to amend Section 1, Supplement to Ses-
sion Laws of 1887, being an act to prevent the spread of
noxious weeds in the Territory of Dakota.

Also,

Substitute for House Bill No. 60,

A bill for an act to amend Section 35, of Chapter 47, of
the Session Laws of 1887,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills res-
pectfully report that

House Bill No. 36,

A Joint Resolution providing for certain public printing
and making appropriation for the same,

Was delivered to his Excellency the Governor for his ap-
proval at the hour of 4 o'clock p. m., January 23, 1889.

D. M. POWELL,
Chairman.

The Committee on Charitable Institutions made the fol-
lowing report:

MR. SPEAKER:

Your Committee on Charitable Institutions have had
under consideration the resolution introduced by Mr. Mor-
ris providing for an investigation into the affairs of the
Insane Asylum at Jamestown, and herewith return the
resolution to the House with the recommendation that it
be referred for future consideration to a Joint Committee
of the House and Council, to be appointed by the presiding
officers of the respective houses.

H. J. MALLORY,
Chairman.

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

Mr. Morris moved
That the report of the Committee on Charitable Institutions be referred to General Orders.
Which motion prevailed.

The Committee on Territorial Affairs made the following report:

MR. SPEAKER:

Your Committee on Territorial Affairs have had under consideration

House Bill No. 70,

A bill for an act to permit county commissioners to compromise delinquent taxes,

And recommend that it be amended as follows:

Amend section 1 by striking out the words "Or other real estate" wherever they appear in said section,

Also,

Amend said section 1 by adding the following to said section, "Provided that the full board of said county commissioners shall be present and give their consent before any such action shall be had,"

And as so amended we recommend that the bill do pass.

Also,

House Bill No. 71,

A bill for an act limiting the terms of holding the offices of county treasurer and sheriff,

And recommend that the bill do pass.

Also,

The petition of many honorably discharged soldiers, and recommend that the prayer of the petitioners be granted,

We return herewith

Council Bill No. 11,

And ask that it be referred to the Committee on Judiciary.

JOSEPH ALLIN,
Chairman.

Mr. Swanston moved
That the report be adopted
Which motion prevailed.

The Committee on Counties made the following report:

MR SPEAKER:

Your Committee on Counties have had under consideration

House Bill No. 98,

A bill for an act to define the boundaries of the county of Butte, and recommend that it do pass.

Also,

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.

And recommend that it be amended by striking out in line 12 of Section 4 of said act the words "thirty days," and inserting in lieu thereof the words "once a week for four consecutive weeks." Amend Section 5 by adding after the word "actually," in line 8 of said Section, the words "and necessarily."

Amend Section 6 by adding to said section the following: "Said bonds or any of them shall not be sold until after having been duly advertised at least once a week for four consecutive weeks in one of the leading newspapers published in Bismarck, Territory of Dakota, and for the same length of time at any other point deemed advisable by said board of county commissioners. The proceeds of the sale of said bonds shall be deposited in the treasury of said county, to be paid out by the county treasurer of said county on order of said board of county commissioners. The county treasurer of said county shall give an additional bond to the said board of county commissioners in double the amount of the bonds so issued and sold, and shall receive as compensation for the receiving and disbursing of all funds arising from the sale of said bonds, 1 per centum on the par value of said bonds, and the compensation herein provided for shall be in lieu of all other commissions allowed him by law,"

And as so amended we recommend that the bill do pass.

A. J. GRONNA,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

The Committee on Judiciary beg leave respectfully to report:

That they have had under consideration
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,

And return the same with the recommendation that the bill pass.

Also,

House Bill No. 74,

A bill for an act fixing the liability of railroad corporations for setting fires,

And return the same with the recommendation that the bill pass.

Also,

House Bill No. 96,

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 grain,"

And return the same with the recommendation that the bill pass.

Also,

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,

And return the same with the recommendation that it be amended by inserting after the word "Bismarck" in the second line of Section 2, the words "or Jamestown and," and that when so amended the bill pass.

Also,

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,

And return the same with the recommendation that the bill pass.

All of which is respectfully submitted.

M. M. PRICE,
Chairman.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations having had under consideration

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,

Recommend that the words "thirth-three hundred and twenty-five (\$3,325) dollars, (being the amount of appraisal with 8 per cent. interest from date of same,)" in Section 1 be stricken out, and in lieu thereof the words "two thousand dollars" inserted, and with this amendment the bill do pass.

Also,

House Bill No. 85,

A bill for an act to establish a Territorial Normal School at Milnor, Dakota.

Is herewith returned with the recommendation that it do not pass.

Also,

House Bill No. 95,

A bill for an act providing for the taxation of telegraph lines,

Has been duly considered and your committee recommend that it do pass.

J. W. GREENE,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. McHugh moved

That the House now take a recess for one-half hour, for the purpose of allowing the special committee to whom was referred

House Bill No. 2,

A bill for an act providing for a Constitutional Convention for North Dakota,

An opportunity to consider and report the same,

Which motion prevailed.

The house was again called to order, the Speaker in the chair.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Burnham introduced—

House Bill No. 108,

A bill for an act to amend Chapter 112, Section 114, of the General Laws of 1883, relating to the fees of poundmasters,

Which was read the first time.

Also,

House Bill No. 109.

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. Hunter introduced—

House Bill No. 110,

A Joint Resolution providing for the traveling expenses of the Joint Committee to visit Yankton,

Which was read the first time.

Mr. Patton introduced—

House Bill No. 111,

A bill for an act appropriating funds for the maintenance of the Normal School at Spearfish, Dakota, for the ensuing two years, and for other purposes,

Which was read the first time.

Also,

House Bill No. 112,

A bill for an act to provide funds for the construction and furnishing of a dormitory for the Normal School at Spearfish, Dakota,

Which was read the first time.

Also,

House Bill No. 113,

A Joint Resolution relating to the clerical help employed in the Governor's office,

Which was read the first time.

Mr. Bennett introduced—

House Bill No. 114,

A bill for an act to amend Section 14 of Chapter 67 Session Laws of 1887 relating to county insurance companies,

Which was read the first time.

Mr. Gronna introduced—

House Bill No. 115,

A bill for an act to attach the county of Church to the county of McHenry for Judicial purposes,

Which was read the first time.

Mr. Fletcher introduced—

House Bill No. 116,

A joint resolution relating to the appointment of a joint committee to investigate the management of the Territorial Charitable, Penal and Educational Institutions,

Which was read the first time.

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 was read the first time.

Mr Hunter introduced—

House Bill No. 118,

A bill for an act to amend Section 647 of the Code of Civil Procedure,

Which was read the first time.

Mr. Bixler introduced—

House Bill No. 119,

A bill for an act to authorize foreign executors, administrators and guardians to assign and satisfy judgments and mortgages,

Which was read the first time.

Mr. Aikens introduced—

House Bill No. 120,

A bill for an act to repeal Chapter 99 of the General Laws of 1883, relating to the taxation of railroads,

Which was read the first time.

Mr. Ryan introduced—

House Bill No. 121,

A bill for an act entitled "An act to amend Section 61 of Chapter 28 of the Political Code,"

Which was read the first time.

Mr. Aikens introduced—

House Bill No. 122,

A bill for an act prohibiting the collection of bills by attorneys and counselors in certain cases,

Which was read the first time.

Mr. Palmer introduced—

House Bill No. 60,

A bill for an act to amend Section 35, of Chapter 47, of the General Laws of 1887,

Which was read the first time.

Mr. Bixler introduced—

Substitute for 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,

Which was read the first time.

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.

Mr. Adams moved

To indefinitely postpone the further consideration of the bill,

Which motion prevailed.

The Speaker announced his signature to Joint Resolution No. 36.

SECOND READING OF HOUSE BILLS.

House Bill No. 100,

A bill for an act to amend Sections 7 and 12 of Chapter 63 of the Laws of 1885, entitled "An act establishing Territorial and County Boards of Health,"

Was read the second time and

Referred to the Committee on Public Health.

House Bill No. 101,

A bill for an act to provide for the levy and collection of taxes on the property of express companies, telephone companies and sleeping car companies,

Was read the second time and

Referred to the Committee on Territorial Affairs.

Mr. White moved

To dispense with the reading at length of the bills that they be read by their titles and referred to their appropriate committees,

Which motion prevailed.

House Bill No. 102,

A bill for an act to repeal Chapter thirty-eight (38) of the Session Laws of 1887, being an act entitled "An act authorizing the division of counties and for other purposes."

Was read the second time, and

Referred to the Committee on counties.

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 second time, and

Referred to the Committee on Warehouses, Grain Grading and Dealing.

House Bill No. 104,

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. 105,

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.

House Bill No. 106,

A bill for an act to amend Section Four (4) of Chapter One Hundred and Forty-one (141) of the Session Laws of 1887, entitled "An act to provide for the assessment and taxation of the property of telegraph companies in the Territory of Dakota,"

Was read the second time, and

Referred to the Committee on Judiciary.

House Bill No. 107,

A joint resolution providing for mileage for certain investigating committee and making an appropriation therefor,

Was read the second time and

Referred to the Committee on Appropriations.

Mr. Elliot moved that

House Bill No. 10,

A bill for an act to provide for the inspection of illuminating oils, manufactured from petroleum coal oils.

Be recalled from the Committee of Enrolled and Engrossed Bills and that it be referred to the Committee on Territorial Affairs

Which motion prevailed

THIRD READING OF HOUSE BILLS.

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 placed on its final passage.

The roll being called, there were ayes, 45; nays, none.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Adams, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Lillibridge, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patridge, Patton, Potter, Powell, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, White, Wellman, Wellcome, Mr. Speaker.

Absent and not voting:

Messrs. Baldwin, Parkin and Price.

Mr. Parkin being excused.

So the bill passed and its title was agreed to.

House Bill No. 73,

A bill for an act to provide fuel for the capitol building.

Was read the third time and placed on its final passage.

The roll being called there were ayes, 45; nays, none.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Adams, Bennett, Bergman, Bixler, Burnman, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Lillibridge, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patridge, Patton, Potter, Powell, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, White, Wellman, Wellcome, Mr. Speaker.

Absent and not voting:

Messrs. Baldwin, Parkin and Price.

Mr. Parkin being excused.

So the bill passed, and its title was agreed to.

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,"

Was read the third time and placed on its final passage.

The roll being called there were ayes, 44; nays, 2.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Adams, Baldwin, Bennett, Bergman, Bixler, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Howell, Hunter, Jones, Lampman, Logan, Lillibridge, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patridge, Patton, Potter, Powell, Ramsdell,

Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, White, Wellman, Wellcome, Mr. Speaker.

Those who voted in the negative were:

Messrs. Burnham, Gronna.

Absent and not voting:

Messrs. Parkin and Price.

Mr. Parkin being excused.

So the bill passed, and its title was agreed to.

House Bill No. 42,

A bill for an act to amend Subdivision 11, of Chapter 15, Article 2, Section 1542, of the General Laws of 1881,

Was read the third time.

□ Mr. Potter moved

To recommit the bill to the Committee on Judiciary,

Which motion prevailed.

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 and placed on its final passage.

The roll being called there were ayes, 31; nays, 16.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bixler, Burnham, Clark, Cooke, Douglas, Fletcher, Greene, Gronna, Howell, Jones, Lampman, Logan, Lillibridge, McNeil, Miller, Morris, Palmer, Potter, Powell, Ramsdell, Royer, Ryan, Sheets, Swanston, Turnbull, White, Wellman.

Those who voted in the negative were:

Messrs. Adams, Bennett, Bergman, Elliott, Hunter, Malory, McHugh, Newman, Patridge, Patton, Smith, Trude, Upham, Van Etten, Wellcome, Mr. Speaker.

Absent and not voting:

Messrs. Parkin and Price.

Mr. Parkin being excused.

So the bill passed and its title was agreed to.

House Bill No. 19,

A bill for an act providing for a subdivision of the Seventh Judicial district and fixing the term of court therein.

Was read the third time.

Mr. Fletcher moved

To recommit the bill to the Committee on Judiciary for further action.

Which motion prevailed.

Mr. Patton moved

To suspend the rules, and that
House Bill No. 113.

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

Which motion prevailed, and
House Bill No. 113,

A Joint Resolution relating to the clerical help em-
ployed in the Governor's office,

Was read the second time.

Mr. Aikens moved

That the bill be referred to a special committee of three,
to be appointed by the Speaker for the purpose of amend-
ing a defect in the title,

Which motion prevailed, and

The Speaker appointed Messrs. Aikens, Patton and
Fletcher as such committee.

The following is the report of the special committee:

MR. SPEAKER:

Your special committee to amend and re-title House
Bill No. 113 do respectfully submit the following report:

House Bill No. 113 shall be entitled

A bill for a Joint Resolution relating to the clerical help
employed in the Governor's office.

F. AIKENS,
Chairman.

Mr. Burnham moved

To adopt the report of the committee.

Which motion prevailed.

House Bill No. 113.

A bill for a Joint Resolution relating to the clerical help
employed in the Governor's office,

Was read the third time and placed on its final pas-
sage.

The roll being called, there were ayes, 45; nays, none.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Adams, Baldwin, Bennett, Berg-
man, Bixler, Burnham, Clark, Cooke, Douglas, Elliott,
Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lamp-
man, Logan, Lillibridge, Mallory, McHugh, McNeil, Miller,
Morris, Newman, Palmer, Patridge, Patton, Potter, Powell,
Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude,
Turnbull, Upham, Van Etten, Wellman, Wellcome, Mr.
Speaker.

Absent and not voting:

Messrs. Price and White.

Mr. Parkin being excused.

So the bill passed and its title was agreed to.

Mr. Patton moved

That the rules be suspended and House Bill No. 113 be transmitted to the Council without engrossing.

Which motion prevailed.

Mr. Newman moved

That the rules be suspended and that House Bill No. 86 be read the third time and placed on 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 third time and placed on its final passage.

The roll being called, there were ayes 43; nays none.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Adams, Baldwin, Bennett, Bergman, Bixler, Burnham, Cooke, Douglas, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Lillibridge, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patridge, Patton, Potter, Powell, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellman, Wellcome, Mr. Speaker.

Absent and not voting:

Messrs. Clark, Elliott, Parkin, Price and White.

Mr. Parkin being excused.

So the bill passed and its title was agreed.

Mr. Mallory moved

That the House resolve itself into a Committee of the Whole,

Which motion prevailed, and

The Speaker called Mr. Adams to the chair.

When the Committee rose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration

House Bill No. 86,

A Joint Resolution providing for an investigation into the affairs of the Jamestown Asylum,

And recommend that Section 2 be amended by adding after the word "Bismarck" the words "and Jamestown."

Also to strike out in Section 4 the words "thirty days," and insert in lieu thereof the words "fifteen days,"

And when so amended they recommend the passage of the bill.

Also have considered the report of the Committee on Charitable Institutions in reference to the same subject matter and recommend the adoption of the report.

FRED. ADAMS,
Chairman.

Unanimous consent being given the following report was presented:

MR. SPEAKER:

Your special committee to whom was referred House Bill No. 2,

A bill for an act providing for a constitutional convention for North Dakota,

Have considered the same and recommend that section 3 be amended by striking out the word "Fargo" and inserting in lieu thereof the word "Grafton" also by striking out the word "Cass" and inserting in lieu thereof the word "Walsh" and when so amended they recommend the passage of the bill.

H. J. MALLORY,
Chairman.

Mr. McHugh moved
To adopt the report.

Mr. Adams moved
That the report be laid on the table,

Which motion was lost.

Mr. Wellcome moved
That the bill be re-referred to the special committee.

Which motion was lost.

Mr. Burnham moved
That the bill be referred to Special Orders for consideration at 3 o'clock Saturday, January 26, 1889.

Which motion prevailed.

Mr. Elliott moved
That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

GENERAL ORDERS.

The following bills are in General Orders to be considered January 24th:

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 therefor and to provide for the payment of principal and interest of such bonds,

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,

House Bill No. 70,

A bill for an act to permit county commissioners to compromise delinquent taxes.

JOHN G. HAMILTON,
Chief Clerk.

SEVENTEENTH DAY.

BISMARCK, January 24, 1889.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

The committee to revise and correct the Journal have examined the Journal of January 23, 1889, and recommend the following correction:

On page 20, line 18, strike out the word "White" and insert the word "Adams;" also at the close of the report strike out the name "J. V. White" and insert in lieu the name "F. Adams," and with these corrections we recommend the approval of the Journal.

O. R. VAN ETTEN,
P. S. BENNETT.

Mr. Mallory moved
To adopt the report of the committee
Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:

MR. SPEAKER:

The Judiciary Committee respectfully report as follows:
They have had under consideration

House Bill No. 49,

A bill for an act to correct the Public Statutes of the seventeenth Session of the Legislative Assembly,

And return the same with the recommendation that the bill pass.

House Bill No. 91,

A bill for an act to amend Section 13 of Chapter 26 of the Laws of 1879, entitled "An act to regulate the sale of intoxicating liquors,"

And recommend that the bill be referred to the Committee on Temperance.

Also,

House Bill No. 97.

A bill for an act entitled "An act empowering the Governor to appoint women notaries public."

And recommend that the bill be referred to the Committee on Woman's Suffrage.

Also,

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,

And recommend that the bill pass.

Also,

House Bill No. 105,

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

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 68,

A bill for an act creating and defining a subdivision of the First Judicial District,

And recommend that the bill pass.

Also,

House Bill No. 80,

A bill for an act regulating the salaries of register of deeds and county treasurers,

And recommend that the bill do not pass.

Your committee also recommend the adoption of the following resolution:

Resolved, That the attorney general be and he is hereby requested to furnish, with all convenient speed, for the information of this house, his written opinion, supported by citation of authorities, as to the constitutionality of House Bill No. 22, entitled "A bill for an act to amend an act to provide for the establishment of a Board of Railroad Commissioners etc.," and particularly as to whether or not the powers sought to be conferred on said board by section 17 of said bill are of a judicial nature.

All of which is respectfully submitted.

M. M. PRICE,
Chairman.

Mr. Patridge moved

That the report of the Committee on Judiciary be adopted.

Which motion prevailed.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations have had under consideration

House Bill No. 107,

A Joint Resolution providing for mileage for certain investigating committees and making appropriation therefor,

Beg leave to report that they have carefully examined same and recommend that it pass.

J. M. GREENE,
Chairman.

The Committee on Territorial affairs made the following report:

MR. SPEAKER:

Your Committee on Territorial Affairs have had under consideration

House Bill No. 40,

A bill for an act to amend Section 14, of Chapter 10, Session Laws of 1887, relating to county auditors,

And recommend that it do pass.

JOSEPH ALLIN,
Chairman.

The Committee on Ways and Means made the following report:

MR. SPEAKER:

Your Committee on Ways and Means to whom was referred

Council Bill No. 86.

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

Would beg leave to report and recommend that the bill do pass,

Also,

House Bill No. 23,

A bill for an act to amend Subdivisions 2 and 3 respectively of Section 37 of Chapter 28, Political Code,

And recommend that the same do pass.

Also,

House Bill No. 56,

A bill for an act entitled "An act to amend Section 47 of Chapter 29 of the Political Code,"

And recommend that the same do pass.

Also,

House Bill No. 67,

A bill for an act to amend Section 61 of Chapter 28 of the Political Code,

And recommend the following amendment: By inserting after the word "in" where it occurs in the last line of

Section 1 the words "one of," and recommend that the bill do pass.

CHAS. J. TRUDE,
Chairman.

The Committee on Woman's Suffrage made the following report:

MR. SPEAKER:

The Committee on Woman's Suffrage have had under consideration

House Bill No. 55,

A bill for an act entitled "An act to amend Section 47 of Chapter 27 of the Political Code."

And recommend that the title be amended by striking therefrom the words "section 1486 Compiled Laws of 1887;" also, to strike out from section 1 the words "section 1486, Compiled Laws," and when so amended, the committee recommend the passage of the bill.

O. R. VAN ETTEN,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled bills have examined

House Bill No. 10,

A bill for the inspection of illuminating oil,

Also,

House Bill No. 85,

A bill for an act to establish a Territorial Normal School at Milnor, Dakota,

Also,

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,

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. 98,

A bill for an act to define the boundaries of the county of Butte.

Also,

House Bill No. 74,
 A bill for an act fixing the liability of railroad companies for setting fire,
 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 23,
 A bill for an act to amend subdivision 2 and 3 respectively of Section 37, Chapter 28, Political Code,
 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. 107,
 A Joint Resolution providing for mileage for certain investigating committees and making an appropriation therefor,
 Also,
 House Bill No. 68,
 A bill for an act creating and defining a subdivision of the first Judiciary District,
 Also,
 House Bill No. 80.
 A bill for an act regulating the salaries of register of deeds and county treasurer.
 And find the same correctly engrossed.

D. M. POWELL,
 Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Van Etten 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 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. C. L. BARTON,

And 4,000 others, of Hyde and other counties.

Mr. Baldwin offered the following petition:

To the Honorable Members of the Legislative Assembly of the Territory of Dakota in Council Assembled:

GENTLEMEN:—The memorial of the Grand Forks County Farmer's Mutual Insurance Company respectfully showeth,

That at the annual meeting of the members of said company, held at Grand Forks on Tuesday, January 8th, 1889, according to law, a resolution was duly passed that a memorial be presented to the legislature to enable territory of said company to be extended.

Wherefore your memorialists most respectfully recommend your honorable body to amend section fourteen, chapter 67, of the session laws for 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.

OMER L. STEELE,

President.

DANIEL TYFE,
Secretary.

Grand Forks, Dakota, January 16th, 1889.

Mr. Aikens moved the adoption of the following resolution:

Resolved. That the Territorial Treasurer and Auditor be requested to communicate to this House a statement showing the number of vouchers, claims or demands against the Territory (if any) now on file in their respective offices for which no warrants have been issued, or, if issued, which have not been paid by the Treasurer.

Which resolution was adopted.

INTRODUCTION OF BILLS.

Mr. Patton introduced—

House Bill No. 123,

A bill for an act entitled "An act to amend Chapter 5 of the Session Laws of 1887 of the Territory of Dakota

and being an act regulating the salaries of register of deeds and county treasurers,

Which was read the first time.

Mr. Swanston introduced—

House Bill No. 124,

A bill for an act to amend Section 1 of Chapter 118 of the Session Laws of 1881,

Which was read the first time.

Mr. Bennett introduced—

House Bill No. 125,

A bill for an act to amend Section 24 of Chapter 39, of the Political Code, relating to salaries of county commissioners.

Which was read the first time.

Mr. Patton introduced—

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 charter contains no provision for such board,

Which was read the first time.

Mr. Ryan introduced—

House Bill No. 127.

A bill for an act providing for a subdivision of the Seventh Judicial district of the Territory of Dakota,

Which was read the first time.

Mr. Fletcher introduced—

House Bill No. 128,

A bill for an act to provide for the publication of the laws passed by the Eighteenth Legislative Assembly of the Territory of Dakota,

Which was read the first time.

Mr. Gronna introduced—

House Bill No. 129.

A bill for an act to amend section 1 of chapter 118 of the Laws of 1881,

Which was read the first time.

Mr. Trude introduced—

House Bill 130.

A bill for an act emending section 2, chapter 58, Session Laws of 1887, for the protection of game,

Which was read the first time.

Mr. Hunter introduced (by request)—

House Bill No. 131,
A bill for an act to create certain leins,
Which was read the first time.

Mr. Mallory introduced—

House Bill No. 132,

A bill for an act to prevent trespass by hunters and
others,

Which was read the first time.

Mr. Jones introduced—

House Bill No. 133,

A bill for an act to provide for the rate of interest on
money and to define usury,

Which was read the first time.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER, }
January 23, 1889. }

MR. SPEAKER:

I have the honor to present herewith

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,

Which has passed the Council and your favorable action
thereon is respectfully requested.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
January 24, 1889. }

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 15,

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

Which the Council has passed under a suspension of the
rules.

R. E. WALLACE,
Chief Clerk.

FIRST 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 first time.

THIRD READING OF COUNCIL BILLS.

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,

Was read the third time and placed on its final passage.
The roll being called, there were ayes 48; nays, none.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Adams, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Lillibridge, Mallory, McHugh, McNeil, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Miller, Morris, Newman, Palmer, Patridge, Parkin, Patton, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, White, Wellman, Wellcome, Mr. Speaker.

So the bill passed and its title was agreed to.

SECOND READING OF HOUSE BILLS.

House Bill No. 108,

A bill for an act to amend Chapter 112, Section 114, of the General Laws of 1883, relating to the fees of poundmasters,

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

House Bill No. 109,

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.

House Bill No. 110,

A Joint Resolution providing for the traveling expenses of the Joint Committee to visit Yankton,

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

House Bill No. 111,

A bill for an act appropriating funds for the maintenance of the Normal School at Spearfish Dakota, for the ensuing two years, and for other purposes,

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

House Bill No. 112,

A bill for an act to provide funds for the construction and furnishing of a dormitory for the Normal School at Spearfish, Dakota,

Was read the second time, and

Referred to the Committee on Appropriations.

House Bill No. 114,

A bill for an act to amend Section 14 of Chapter 67, Session Laws of 1887, relating to county insurance companies,

Was read the second time, and

Referred to the Committee on Insurance.

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. 116,

A Joint Resolution relating to the appointment of a joint committee to investigate the management of the Territorial, Charitable, Penal and Educational Institutions,

Was read the second time, and

Referred to the Committee on Territorial Affairs.

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 Towns and Cities.

House Bill No. 118,

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.

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.

House Bill No. 120,

A bill for an act to repeal Chapter 99 of the General Laws of 1883, relating to the taxation of railroads,

Was read the second time, and

Referred to the Committee on Railroads.

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 Territorial Affairs.

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. 60,

A bill for an act to amend Section 36, of Chapter 47, of the General Laws of 1887,

Was read the second time.

Substitute for 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

THIRD READING OF HOUSE BILLS.

House Bill No. 57.

A bill for an act to amend Section 60 of Chapter 47 of the Session Laws of 1887,

Was read the third time.

Mr. Aikens moved

That the bill be recommitted to the Committee on Judiciary.

Which motion prevailed and

The bill was recommended to the Committee on Judiciary.

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,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 41, nays, 5.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Adams, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Gronna, Hunter, Lampman, Logan, Lillibridge, McHugh, McNeil, Miller, Morris, Patridge, Parkin, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Upham, Van Etten, White, Wellman, Wellcome, Mr. Speaker.

Those who voted in the negative were:

Messrs. Howell, Mallory, Newman, Palmer, Turnbull.

Absent and not voting:

Messrs. Greene and Jones.

Mr. Newman, explaining his vote.

So the bill passed and its title was agreed to.

House Bill No. 95,

A bill for an act providing for the taxation of telegraph lines.

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 45; nays, 1.

Those voting in the affirmative were:

Messrs. Aikens, Allen, Adams, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Douglas, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Lillibridge, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patridge, Parkin, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, White, Wellman, Wellcome, Mr. Speaker.

Mr. Cook voting in the negative.

Absent and not voting:

Messrs. Elliott and Mallory.

So the bill passed and its title was agreed to.

House Bill No. 85,

A bill for an act to establish a territorial normal school at Milnor, Dakota, was read the third time.

Mr. Newman moved

That the bill be recommitted to the Committee on Education

Which motion prevailed, and

The bill was recommitted to the Committee on Education.

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."

Was read the third time.

Mr. Adams moved

That the bill be referred to the Committee on Indian Affairs,

Which motion was lost, and

The roll being called on the final passage of the bill, there were ayes, 32; nays, 16.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Clark, Elliott, Greene, Gronna, Hunter, Jones, Lampman, Logan, Lillibridge, Mallory, McHugh, McNeil, Newman, Palmer, Powell, Price, Royer, Sheets, Trude, Turnbull, Upham, Van Etten, White, Wellman, Wellcome, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Burnham, Cooke, Fletcher, Howell, Miller, Morris, Patridge, Parkin, Patton, Potter, Ramsdell, Ryan, Smith, Swanston.

Mr. Van Etten explaining his vote.

So the bill passed and 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 placed on its final passage.

The roll being called there were ayes 45; nays, none.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Adams, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Lillibridge, Mallory, McHugh, McNeil, Miller, Morris, Palmer, Patridge, Parkin, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellman, Wellcome, Mr. Speaker.

Absent and not voting:

Messrs. Fletcher, Newman and White.

So the bill passed and its title was agreed to.

The Speaker announced an informal recess for 5 minutes.

House again called to order the Speaker in the chair.

Mr. White moved

That the House do now resolve itself into a Committee of the Whole for the purpose of considering General Orders.

Which motion prevailed, and
The Speaker called Mr. White to the chair.

When the committee rose the following report was presented:

MR. SPEAKER:

The Committee of the Whole have had under Consideration

House Bill No. 4,

A bill for an act authorizing and empowering organized counties to erect county buildings and to issue bonds for the same.

And recommend that it be made a special order for Monday next.

Also,

House Bill No. 69,

A bill for an act to compensate the owner or owners of certain cattle killed in Oliver County,

And recommend that it be amended by striking out the words "thirty-three hundred and twenty-five dollars," in lines 2 and three, Section 1—and the figures "3.225" in line 3, also the words in brackets [Being the amount of appraisal with eight per cent. interest from date of same] in lines 3 and 4,—and insert in lieu thereof the words "appraised valuation, viz.: \$2,820."

And when so amended that the bill do pass.

Also,

House Bill No. 70,

A bill for an act to permit county commissioners to compromise delinquent taxes,

And recommend that section 1 be amended by striking out the words "or other real estate;" also, to amend section 1 by adding the following to said section: "Provided that the full board of said county commissioners shall be present and give their consent before any such action shall be had."

And when so amended that the bill pass.

J. V. WHITE,
Chairman.

Mr. Parkin moved

As an amendment to the report of the committee that the words "with interest at 7 per cent." be added after the figures "\$2,820."

Which motion prevailed.

Mr. Burnham moved

To adopt the report of the committee.

Which motion prevailed.

Unanimous consent being granted, the following bills were introduced:

Mr. Adams introduced—
House Bill No. 134,

A bill for an act to amend an act entitled "An act providing for certain legal printing and fixing the compensation therefor."

Which was read the first time.

Mr. White introduced—
House Bill No. 135,

A bill for an act to create a Board of Regents for the Territory of Dakota and to define their powers and duties.

Which was read the first time.

Mr. Newman moved

That the rules be suspended and

That the House resolve itself into a Committee of the Whole for the purpose of considering House Bill No. 55,

Which motion was lost.

Mr. Allen moved

That the House do now adjourn.

Which motion prevailed and the House Adjourned.

J. G. HAMILTON,
Chief Clerk.

GENERAL ORDERS.

The following bills are in General Orders to be considered January 25th:

House Bill No. 55,

A bill for an act entitled "An act to amend Section 47 of Chapter 27 of the Political Code, granting women the right of suffrage,

Also,

House Bill No. 67,

A bill for an act to amend Section 61 of Chapter 28 of the Political Code.

J. G. HAMILTON,
Chief Clerk.

EIGHTEENTH DAY.

BISMARCK, January 25, 1889.

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

The Speaker presiding.

Prayer by Rev. D. C. Plannette.

Roll called.

All members present.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

Your committee to revise and correct the Journal have examined the Journal of January 24th, 1889, and recommend the following corrections:

Page 1, line 13, strike out the word "were" and insert the word "word."

On page 8, after line 11, insert the following, "which was read the first time."

On page 10, after line 6, strike out the word "also" and insert the following, "House Bill No. 109;" after line 16, insert the words, "House Bill No. 111."

On page 11, line 32, strike out the word "bills" and insert the word "fees;" after line 39, strike out the words, "and referred to the Committee on Judiciary."

On page 12, line three, strike out the word "and." In line 10, strike out the word "recommit" and insert the word "recommitted." In line 13 strike out the word "recommended" and insert the word "recommitted."

And with these corrections we recommend the approval of the Journal.

R. L. BENNETT,
O. R. VAN ETTEN.

Mr. Patridge moved
The adoption of the report,
Which motion prevailed.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Price 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.

MRS. P. R. MARTIN,
And 43 others.

Which was referred to the Committee on Elections.

Mr. Van Etten 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.

MRS. H. M. BARKER,
And 600 others.

Mr. Patridge presented the following petition:

*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. C. A. SPROUL,

And 135 others of Brookings.

Which was referred to the Committee on Elections.

Also the following:

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.

SANNIE UNDERWOOD,

And 22 others of Rutland.

Which was referred to the Committee on Temperance.

Mr. McNeil presented the following petitions:

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.

MRS. R. M. POLLOCK,

And 200 others of Casselton.

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.

MRS. L. M. NORRIS.

And 265 others.

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.

E. C. B. FRAME,

And 52 others of Buffalo.

Mr. Baldwin 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.

MRS. J. M. SHEAR,

And 177 others of Walsh.

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.

MILISSA J. WILES,
And 700 others.

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 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. J. LAIRD,
And 120 others.

Mr. Elliott 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. W. SPRAGUE,
And 300 others of Lisbon.

Mr. Smith introduced the following petition:

To the Honorable Members of the Eighteenth Legislative Assembly of the Territory of Dakota:

We the undersigned citizens and taxpayers of the district hereinafter described do hereby petition your honorable body to establish an independent school district out of the following part of Garfield township, Traill county, Dakota, to-wit: Sections 17, 18, 16, 7, 8, 6, west $\frac{1}{2}$ of 5 and south $\frac{1}{2}$ of 9, all in township 148, range 53, to include the village of Hattan, according to the plat hereto attached. Said independent district to be known as the Hattan Independent School District.

V. WILDE,
And others.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary presented the following report:

MR. PRESIDENT:

The Committee on Judiciary respectfully report as follows:

They have had under consideration

House Bill No. 104,

An act to authorize the discharge of attachments and lis pendens,

And return the same with a substitute, and recommend the passage of the substitute.

Also,

House Bill No. 42,

A bill for an act to amend Subdivision 11, of Chapter 15, Article 2, Section 1542, of the General Laws of 1881,

And return the same with the recommendation that it be indefinitely postponed.

Also,

House Bill No. 35,

A bill for an act to amend Section 39, Chapter 21, of the Political Code.

And return the same with a substitute and recommend the passage of the substitute.

Also,

House Bill No. 122,

A bill for an act prohibiting the collection of fees by attorneys and counselors in certain cases,

With the recommendation that the bill pass.

Also,

House Bill No. 19,

A bill for an act to give publicity to chattel mortgage sales,

And return the same with amendments, and recommend that the bill when so amended pass.

Also,

House Bill No. 57,

A bill for an act to amend Section 60, of Chapter 47 of the Session Laws of 1887, and return the same with the recommendation that it be referred to the Committee on Education.

All of which is respectfully submitted.

M. M. PRICE,
Chairman.

Mr. Newman moved
To adopt the report

Which motion prevailed.

The Committee on Territories made the following report:

MR. SPEAKER:

Your Committee on Territorial Affairs have had under consideration

House Bill No. 116,

A Joint Resolution for the appointment of a joint committee to investigate the management of the Territorial Charitable, Penal and Educational Institutions,

And recommend its passage.

Also,

House Bill No. 77,

A bill for an act to repeal Chapter 7 of the Session Laws of 1887, being an act to provide for the construction and maintenance of artesian wells and the assessment and collection of taxes therefor,

And recommend that it do pass.

Also,

House Bill No. 53,

A bill for an act entitled "An act to amend Sections 324 and 325 of the Code of Civil Procedure relating to additional exemptions,

And recommend that it do not pass.

JOSEPH ALLIN,
Chairman.

The Committee on Counties made the following report:

MR. SPEAKER:

Your Committee on Counties have had under consideration

House Bill No. 7,

A bill for an act to amend Section 1 and 2 of Chapter 10, Laws of 1887,

And recommend that the bill do pass.

A. J. GRONNA,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Price moved

That the floor be given General Hammond for the purpose of addressing the House on the subject of the Soldiers' Home at Hot Springs,

Which motion prevailed.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council transmitting H. B. No. 1,

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

Mr. Newman moved

To dispense with the reading of the bill at length.

Which motion prevailed.

COUNCIL CHAMBER,
January 25, 1889. }

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 1,

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

Which the Council has amended 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 your concurrence in the same is respectfully requested.

R. E. WALLACE,
Chief Clerk.

Mr Gronna moved
To reconsider 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."

Mr. Aikens moved

That the motion to reconsider be laid on the table.

Ayes and nays demanded and the roll being called,

There were ayes, 18; nays, 29.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Clark, Elliott, Hunter, Logan, Mal-lory, Miller, Newman, Patton, Price, Ramsdell, Sheets, Turnbull, Van Etten, Wellcome, White, Mr. Speaker.

Those voting in the negative were:

Messrs. Adams, Baldwin, Bennett, Bergman, Bixler, Burnman, Cooke, Douglas, Fletcher, Greene, Gronna, Howell, Jones, Lampman, Lillibridge, McHugh, McNeil, Morris, Palmer, Parkin Patridge, Potter, Powell, Ryan, Smith, Swanston, Trude. Upham, Wellman,

Absent and not voting:

Mr. Royer.

So the motion to lay on the table was lost.

Mr. Gronna withdrew his motion to reconsider.

Mr. Adams moved

That House Bill No 90 be recalled from the Council.

Which motion prevailed.

Mr. Adams moved

That all bills, resolutions and memorials demanding woman suffrage be referred to the Judiciary Committee to pass upon the constitutionality of such an act.

Which motion was lost.

The following report was received from the Committee on Engrossed and Enrolled Bills:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills have examined

House Bill No. 40,

A bill for an act to amend Section 14, of Chapter 10, Ses-sion Laws of 1887, relating to county auditors,

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,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

Mr. Aikens moved
 That the House do now resolve itself into a Committee
 of the Whole
 Which motion prevailed and
 The speaker called Mr. Newman to the chair.
 When the committee rose the following report was pre-
 sented.

MR. SPEAKER:

The Committee of the Whole have considered
 House Bill No. 67,
 A bill for an act to amend Section 61 of Chapter 28 of
 the Political Code relating to publication of tax sales,
 And recommend that the further consideration of the
 bill be indefinitely postponed,
 Also,
 House Bill No. 55,
 A bill for an act entitled "An act to amend Section 47 of
 Chapter 27 of the Political Code,"
 And recommend that the bill do not pass.

C. C. NEWMAN,
 Chairman.

Mr. Hunter moved
 That the report be adopted.
 Which motion prevailed.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, }
 January 25, 1889, }

MR. SPEAKER:

I have the honor to return herewith
 House Bill No. 99,
 A Joint Resolution providing for the appointment and
 compensation of minor offices of the Eighteenth Legisla-
 tive Assembly,
 Which the Council has amended by including "janitors"
 among the officers to be paid \$5 per day.
 And your concurrence herewith is respectfully requested.

R. E. WALLACE,
 Chief Clerk.

Mr. Adams moved
 That the rules be suspended and that
 House Bill No. 1,
 A bill for an act authorizing counties to issue bonds to
 provide seed wheat for settlers,

Be taken up and that the amendments made by the Council be concurred in.

Which motion prevailed and the bill together with the amendments was read the first time at length.

The Speaker announced his signature to 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.

House Bill No. 1.

A bill for an act authorizing counties to bond themselves to provide seed wheat to settlers,

Was read the second time.

Mr. Adams moved the following amendments to House Bill No. 1: In line 2, section 14, of printed bill, the word "made" be changed to "May."

In line 6, section 6, of printed bill, the period after the word "bonds" be stricken out, and a comma substituted. That in same line the capital letter in word "in" be changed to small letter.

That in line 4, section 18, the word "any" be substituted for "the." That after the word "thereof" in said section, the words, "and the accrued interest thereon," be added.

Mr. Burnham moved the following amendment to the amendment:

Amend the first section by striking out of the first part of said section the words, "Equal to one third of the vote cast at the last general election in any county."

Mr. Burnham withdrew the motion.

Mr. Adams moved

That a special committee of three be appointed to whom should be referred House Bill No. 1, for the purpose of revising and correcting the same.

Which motion prevailed, and the Speaker appointed Messrs. Adams, Gronna and Wellman as such special committee.

Mr. Elliott moved

That the House concur in the amendments made by the Council to

House Bill No. 99,

A Joint Resolution providing for the appointment and compensation of minor officers of the Eighteenth Legislative Assembly,

Which motion prevailed, and the House concurred.

The Committee on Engrossed and Enrolled Bills presented the following report:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills have examined

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,

And find the same correctly engrossed and enrolled.

Also,

House Bill No. 70,

A bill for an act to permit county commissioners to compromise delinquent taxes.,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER, {
January 25, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
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,

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

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, {
January 25, 1889. }

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 90, as per request of the House.

R. E. WALLACE,
Chief Clerk.

Mr. White moved

That the House take a recess for fifteen minutes,
Which motion prevailed.

House called to order.

Mr. Speaker in the chair.

Mr. Gronna renewed his motion to reconsider House Bill No. 90,

Which motion prevailed.

Mr. Adams moved

That House Bill No. 90 be referred to a special committee consisting of Messrs. Royer, Gronna, Jones, Wellcome and Baldwin.

Which motion prevailed.

The Committee on Engrossed and Enrolled Bills presented the following report:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills have examined

House Bill No. 116,

A Joint Resolution for the appointment of a joint committee to investigate the management of Territorial Institutions,

Also,

House Bill No. 77,

A bill for an act to repeal Chapter 7 of the Session Laws of 1887, being an act entitled "An act to provide for the construction and maintenance of artesian wells and the assessment and collection of taxes therefor,

Also.

House Bill No. 7,

A bill for an act entitled, "An Act to Amend Sections 1 and 2, Chapter 10, Laws of 1887."

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respectfully report:

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 delivered to his Excellency the Governor for his approval at the hour of 3:35 o'clock p. m. January 25, 1889.

D. M. POWELL,
Chairman.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER,
January, 25, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
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 district attorneys in relation thereto,

Which the Council has passed, and your favorable con-
sideration thereof is respectfully requested.

R. E. WALLACE,
Chief Clerk.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Burnham introduced—
House Bill No. 136,

A bill for an act to repeal Chapter 58 of the General Laws
of 1887, entitled "An act for the protection of game."

Which was read the first time,

Mr. Patton introduced—
House Bill No. 137,

A bill for an act to provide for the purchase of books for
the Territorial Library, and for the care and custody of
the same,

Which was read the first time.

Mr. Wellman introduced—
House Bill No. 138,

A bill for an act to amend Section 57 of Chapter 21, of the
Political Code,

Which was read the first time.

Mr. Powell introduced
House Bill No. 139,

A bill for an act prescribing the penalty for the taking of
usury,

Which was read the first time.

FIRST READING OF COUNCIL BILLS.

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,

Was read the first time.

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 district attorneys in relation thereto,

Was read the first time.

SECOND 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 second time, and

Referred to the Committee on Territorial Affairs.

THIRD READING OF COUNCIL BILLS.

Mr. Aikens moved

That the rules be suspended and that

Council Bill No. 2

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

Mr. Newman moved

As an amendment that the bill be referred to the Judiciary Committee,

Which motion was lost, and

The original motion prevailed, and

Council Bill No. 2,

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

Was read the second and third times and placed on its final passage.

The roll being called, there were ayes, 47; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McNeil, Miller, Morris, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Absent and not voting:

Mr. McHugh.

Mr. Burnham explaining his vote.

So the bill passed and its title was agreed to.

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 third time.

Mr. Elliott moved
That the bill be referred to general orders,
Which motion prevailed.

Council Bill No. 86,
Joint Resolution, providing postage stamps for members of the Eighteenth Legislative Assembly.

Was read the third time and placed on its final passage.
The roll being called, there were ayes 26; nays 20.

Those who voted in the affirmative were:

Messrs. Adams, Bennett, Bergman, Bixler, Clark, Douglas, Elliott, Greene, Gronna, Hunter, Lampman, Lillibridge, McHugh, McNeil, Newman, Palmer, Parkin, Patridge, Patton, Powell, Sheets, Trude, Turnbull, Upham, Van Etten, Wellman.

Those who voted in the negative were:

Messrs. Aikens, Allen, Baldwin, Burnham, Cooke, Fletcher, Howell, Jones, Logan, Mallory, Miller, Morris, Potter, Price, Ramsdell, Royer, Ryan, Swanston, White, Mr. Speaker.

Absent and not voting:
Messrs. Smith, Wellcome.

Mr. Welcome being excused.
So the bill passed and its title was agreed to.

Mr. Newman moved
That the House do now adjourn,
Which motion prevailed, and the House
Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

GENERAL ORDERS.

The following bills are in General Orders to be considered
January 26, 1889:

House Bill No. 35,

A bill for an act to amend Section 39, Chapter 21, of the
Political Code,

Also,
 House Bill No. 104,
 A bill for an act to authorize the discharge of attachments and lis pendens,
 Also,
 House Bill No. 19,
 A bill for an act to give publicity to chattel mortgage sales,
 Also,
 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.

JOHN G. HAMILTON,
 Chief Clerk.

NINETEENTH DAY.

BISMARCK, January 26, 1889.

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

The Speaker presiding.

Prayer by Rev. Wood.

Roll called.

All members present, except

Mr. Clark, excused.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

Your Committee to revise and correct the Journal have examined the Journal of January 25, 1889, and find the same correct.

O. R. VAN ETTEN,
 P. S. BENNETT.

Mr. Royer moved to adopt the report,
 Which motion prevailed.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

The following communication was received from the Territorial Auditor:

BISMARCK, Dakota, January 25, 1889.

Hon. H. H. Keith, Speaker House of Representatives:

DEAR SIR:—In reply to a resolution requesting the Auditor to communicate to the House a statement showing the number of vouchers, claims or demands against the Territory now on file in his office, for which warrants have not been issued, I have the honor to report that there are no vouchers, claims or demands now on file in the office of the Auditor against the Territory of Dakota for which warrants have not been issued.

Very Respectfully,

JAMES A. WARD,
Auditor.

The following communication was received from the Territorial Treasurer:

BISMARCK, January 25, 1889.

Hon. H. H. Keith, Speaker:

DEAR SIR:—In reply to that part of yesterday's resolution referring to this office, I have to say that all warrants drawn by the Auditor, are paid by me immediately upon presentation.

Respectfully,

JOHN D. LAWLER,
Treasurer.

Mr. Speaker announced his signature to House Bill No. 99.

REPORTS OF STANDING COMMITTEES.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills have examined:

House Bill No. 122,

A bill for an act prohibiting the collection of fees by attorneys and counselors in certain cases,

Also,

House Bill No. 53,

A bill for an act entitled "An act to amend Sections 324 and 325 of the Code of Civil Procedure relating to additional exemptions,

Also,

House Bill No. 55,

A bill for an act entitled "An act to amend Section 47 of

Chapter 27 of the Political Code," Granting women the right of suffrage,

And find the same correctly engrossed.

Also,

House Bill No. 99,

A Joint Resolution providing for the appointment of minor officers of the Eighteenth Legislative Assembly, and find the same correctly engrossed and enrolled,

D. M. POWELL.

Chairman,

MR. SPEAKER:

The Judiciary Committee respectfully report as follows:

They have had under consideration

House Bill No. 106,

A bill for an act to amend Section Four (4) of Chapter One Hundred and Forty-one (141) of the Session Laws of 1887, entitled "An act to provide for the assessment and taxation of the property of telegraph companies in the Territory of Dakota,"

And return the same with the recommendation that it be referred to the Committee on Ways and Means.

Also,

House Bill No. 118,

A bill for an act to amend Section 647 of the Code of Civil Procedure,

And return the same with the recommendation that it do not pass.

Also,

House Bill No. 119,

A bill for an act to authorize foreign executors, administrators and guardians to assign and satisfy judgments and mortgages,

And return the same with an amendment, and recommend that the bill when so amended pass.

Also,

House Bill No. 63,

A bill for an act fixing the fee for filing and indexing chattel mortgages and for cancelling the same.

And return the same with amendments and recommend that the bill when so amended pass.

All of which is respectfully submitted.

M. M. PRICE,

Chairman.

Mr. Gronna moved that the report of the Committee on Judiciary be adopted.

Which motion prevailed.

The Committee on Warehouses, Grain Grading and Dealing made the following report:

MR. SPEAKER:

Your Committee on Warehouses, Grain Grading and Dealing, have had under consideration

House Bill No. 103,

A bill for an act to regulate the toll of grist mills and the exchange of grain and its products,

And recommend that it do not pass.

D. B. WELLMAN,

Chairman.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations, having had under consideration

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 Session,

Beg leave to report that they recommend the following amendments:

In the title strike out the words "one hundred" and place in lieu thereof the word "fifty."

In the first line of Section 1 and last line of Section 2 in the bill strike out the words "one hundred" and substitute therefor the word "fifty."

And that with these changes the bill do pass.

J. M. GREENE,

Chairman.

REPORTS OF SPECIAL COMMITTEE.

The special Committee to whom was referred House Bill No. 1, made the following report:

MR. SPEAKER:

Your special committee to whom was referred House Bill No. 1 as amended by the Council,

Have carefully examined said bill, and respectfully recommend that the House concur in the Council amendments, that the rules be suspended and the bill, as amended by the Council, be placed upon its third reading and

final passage.

All of which is respectfully submitted.

F. H. ADAMS.
A. J. GRONNA,
D. B. WELLMAN.

Mr. Patridge moved to adopt the report of the special committee,

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 and placed on its final passage.

The roll being called, there were ayes, 44; nays, 2.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Cooke, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Lillibridge, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patridge, Patton, Potter, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellman, Wellcome, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Douglas.

Absent and not voting:

Messrs. Clark, Powell.

Mr. Clark being excused.

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS.

Mr. Morris moved that

House Bill No. 103,

A bill for an act to regulate the toll of grist mills and the exchange of grain and its products.

Be recalled from the Committee on Warehouses and referred to the Committee on Agriculture.

Which motion prevailed.

Mr. Fletcher moved that

House Bill No. 22,

A bill for an act to amend 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, passed at the Sixteenth Legislative Assembly of the territory of Dakota and approved March 6, 1885.

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

Which motion was lost.

Mr. White offered the following amendments to the rules and moved its adoption:

Rule 25 shall read as follows: All bills, memorials and Joint Resolutions on their second reading, shall be read by title and the question be taken on their commitment or engrossment.

Rule 26 shall read as follows: All bills, memorials or Joint Resolutions on their third reading shall be read at length and no amendment shall be in order except by unanimous consent of the house.

Rule 57, All bills, joint resolutions or memorials when reported from the standing or special committees of the House, with amendments or without, shall be referred to general orders and after consideration in general orders and report to the House shall then be engrossed for their third reading.

Mr. Newan moved

That the amendments be referred to the Committee on Rules,

Which motion prevailed.

Mr. White moved

That the Committee on Joint Rules be requested to report forthwith

Which motion prevailed.

The following petition was presented:

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 main-

tenance 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 hold 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 Soldier's 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 frontage 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 fifty 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 three 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 easterly, to the large U. S. Gov. 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

healthy 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 any 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 Pierre Board of Trade.
A. W. JOHNSTON,
Secretary.
W. I. WELLMAN,
W. S. WELLS,
Executive Committee, Board of Trade.
M. G. YARNELL,
E. A. WEST,
JOHN WESTLUND,
A. S. GUTHRIE,
GEO. W. SMITH,
J. C. WILLIAMS,
WM. STOUGH,
H. J. SHUBERT,
S. C. YARNELL,
S. S. CLOUGH.

Mr. Price moved

That the petition be referred to the Committee on Military Affairs.

Which motion was lost, and

The Speaker referred it to the Committee on Appropriations.

The following report from the Committee on Engrossed Bills was presented:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respectfully report, that
House Bill No. 99,

A Joint Resolution providing for the appointment and compensation of minor officers of the Eighteenth Legislative Assembly.

Was delivered to His Excellency, the Governor, for his approval at the hour of 2:25 o'clock p. m., January 26, 1889.

D. M. Powell,
Chairman.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER, }
January 26, 1889. }

MR. SPEAKER:

I have the honor to return herewith
Council Bill No. 6,

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

Also,

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.

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).

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

R. E. WALLACE,
Chief Clerk.

FIRST READING OF COUNCIL BILLS.

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,

Was read the first time.

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 first time.

Council Bill No. 94,

A bill for an act to amend Section 4 of Chapter 121 of Laws of 1887, (Section 220 of the Compiled Laws.)

Was read the first time.

SECOND READING OF COUNCIL BILLS.

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 district attorneys in relation thereto,

Was read the second time, and

Referred to the Committee on Judiciary.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Parkin introduced—

House Bill No. 140,

A bill for an act authorizing the Territorial Auditor to audit a claim of O. H. Beal & Co. against the Territory,

Which was read the first time.

Also,

House Bill No. 141,

A bill for an act authorizing the Territorial Auditor to audit a claim of John P. Hoagland against the Territory,

Which was read the first time.

Mr. Douglas introduced—

House 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. Sheets introduced—

House Bill No. 143,

A bill for an act to regulate the conduct of railroads in reference to the construction of grain elevators alongside of their tracks, and on their rights of way,

Which was read the first time.

Mr. Mallory introduced—

House Bill No. 144,

A bill for an act to amend Section 2, Chapter 51, of the Laws of 1887, entitled "An act providing for certain legal printing and fixing the compensation thereof,"

Which was read the first time.

SECOND READING OF HOUSE BILLS.

Mr. White moved that the reading at length of the bills

be dispensed with, that they be read by their titles and referred to their appropriate committees.

Which motion prevailed.

House Bill No. 123,

A bill for an act entitled "An act to amend Chapter 50 of the Session Laws of 1887 of the Territory of Dakota and being an act regulating the salaries of register of deeds and county treasurers,

Was read the second time and

Referred to the Committee on Territorial Affairs.

House Bill No. 124,

A bill for an act to amend Section 1 of Chapter 118 of the Session Laws of 1881,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 125,

A bill for an act to amend Section 24 of Chapter 39, of the Political Code, relating to salaries of county commissioners,

Was read the second time and

Referred to the Committee on Territorial Affairs.

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 charter contains no provision for such board,

Was read the second time and

Referred to the Committee on Towns and Cities.

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.

Referred to the Committee on Judiciary.

House Bill No. 128,

A bill for an act to provide for the publication of the laws passed by the Eighteenth Legislative Assembly of the Territory of Dakota,

Was read the second time and

Referred to the Committee on Printing.

House Bill No. 129,

A bill for an act to amend Section 1 of Chapter 118 of the Laws of 1881,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill 130.

A bill for an act amending Section 2, Chapter 58, Session Laws of 1887, for the protection of game.

Was read the second time and

Referred to the Special Committee on Game.

House Bill No. 131,

A bill for an act to create certain leins,

Was read the second time and

Referred to the Committee on Agriculture.

House Bill No. 132,

A bill for an act to prevent trespass by hunters and others,

Was read the second time and

Referred to the Special Committee on Game.

House Bill No. 133,

A bill for an act to provide for the rate of interest on money and to define usury,

Was read the second time and

Referred to the Committee on Usury.

House Bill No. 134,

A bill for an act to amend an act entitled "An act providing for certain legal printing and fixing the compensation therefor."

Was read the second time and

Referred to the Committee on Printing.

House Bill No. 135,

A bill for an act to create a Board of Regents for the Territory of Dakota and to define their powers and duties,

Was read the second time and

Referred to the Committee on Appropriations.

House Bill No. 136,

A bill for an act to repeal Chapter 58 of the General Laws of 1887, entitled "An act for the protection of game."

Was read the second time and

Referred to the Special Game Committee.

House Bill No. 137,

A bill for an act to provide for the purchase of books for the Territorial Library, and for the care and custody of the same,

Was read the second time and

Referred to the Committee on Territorial Affairs.

House Bill No. 138,

A bill for an act to amend Section 57 of Chapter 21, of the Political Code,

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

House Bill No. 139,

A bill for an act prescribing the penalty for the taking of usury,

Was read the second time and
Referred to the Special Usury Committee.

THIRD READING OF HOUSE BILLS.

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 third time and placed on its final passage.

The roll being called, there were ayes, 42; nays, 4.

Those voting in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bergman, Bixler, Burnham, Cooke, Douglas, Elliott, Greene, Gronna, Howell, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Morris, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Fletcher, Hunter, Miller, Upham.

Absent and not voting:

Messrs. Bennett, Clark.

Mr. Clark being excused.

So the bill passed and its title was agreed to.

Unanimous consent being given.

Mr. Aikens introduced—

House Bill No. 145,

A Joint Resolution requesting the return by the Governor of Joint Resolution No. 36, for correction,

Which was read the first time.

Mr. White moved

That the rules be suspended and that House Bill 145 be read the second time.

Which motion prevailed, and

House Bill No. 145,

A Joint Resolution requesting the return by the Governor of Joint Resolution No. 36 for correction,

Was read the second time

Mr. Jones moved

That the Rules be suspended and that House Bill No. 145.
be read the third time, and placed on its final passage,

Which motion prevailed, and

House Bill No. 145,

A joint resolution requesting the return by the Governor
of Joint Resolution No. 36.

Was read the third time and placed on its final passage.

The roll being called there were ayes 46; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bergman, Bix-
ler, Burnham, Cooke, Douglas, Elliott, Greene, Gronna,
Howell, Hunter, Jones, Lampman, Logan, Lillibridge, Mal-
lory, McHugh, McNeil, Miller, Morris, Newman, Palmer,
Patridge, Parkin, Patton, Potter, Powell, Price, Ramsdell,
Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull,
Upham, Van Etten, Wellcome, Wellman, Mr. Speaker.

Absent and not voting:

Messrs. Bennett and Clark.

Mr. Clark being excused.

So the bill passed and its title was agreed to.

Mr. Aikens moved

That the rules be suspended and that House Bill No. 145
be transmitted to the Council without being engrossed.

Which motion prevailed.

Unanimous consent being granted,

Mr. White introduced—

House Bill No. 146,

A Joint Memorial to Congress regarding the "Omnibus
Bill" for admission of Dakota,

Which was read the first time.

Mr. Aikens moved

That the rules be suspended and that

House Bill No. 146,

A Joint Memorial to Congress regarding the "Omnibus
Bill" for admission of Dakota,

Be read the second and third times and placed on its
final passage,

Which motion prevailed and

House Bill No. 146.

A Joint Memorial to Congress regarding the "Omnibus
Bill" for the admission of Dakota,

Was read the second and third times and placed on its final passage.

The roll being called, there were ayes 47; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Mr. Clark being excused.

So the bill passed and its title was agreed to.

Mr. Speaker announced his signature to Council Bill No. 93.

MESSAGES FROM THE COUNCIL.

COUNCIL CHAMBER, }
January 26, 1889, }

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 145.

A Joint Resolution requesting the Governor to return
Joint Resolution No. 36,

Which the Council has passed under suspension of the
rules.

Also,

I have the honor to inform the House of Representatives
that the Council has presented a resolution recalling Council
Bill No. 11 from the House for the purpose of amending
the same.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
January 26, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
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 and County Boards of Health and provisions for
the protection of the health of persons and animals.

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

R. E. WALLACE,
Chief Clerk.

THIRD READING OF HOUSE BILLS.

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 third time and placed on its final passage. The roll being called there were ayes, 44, nays, 1.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Parkin, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellman, White, Mr. Speaker.

Mr. Patridge voting in the negative.

Absent and not voting:

Messrs. Clark, Patton, Wellcome.

Mr. Clark being excused.

So the bill passed and its title was agreed to.

Mr. McHugh moved

That the consideration of the Governor's message be postponed till Tuesday next at 3 o'clock p. m.

Which motion was lost.

Mr. McHugh moved

That the House now resolve itself into a Committee of the Whole,

Which motion was lost.

Mr. Newman moved,

That the House do now resolve itself into Committee of the Whole for the purpose of considering the Governor's message,

Which motion prevailed, and

The Speaker called Mr. Powell to the Chair.

When the Committee rose the following report was presented:

MR. SPEAKER:

The Committee of the Whole have had under considera-

tion the message of the Governor and recommend that it be referred as follows, viz.:

- Condition of Territory—Committee on Public Health.
- Finances of the Territory—Committee on Ways and Means.
- Assessment and Taxation—Committee on Ways and Means.
- Redemption of Bonds—Committee on Ways and Means.
- Appropriations—Committee on Appropriations.
- Reports—Committee on Rules.
- Public Institutions—Committee on Charitable Institutions.
- Amending Existing Laws—Legislature.
- Compiled Laws—Special Joint Committee.
- Constitutional Convention Funds—Committee on Appropriations.
- Restoring Citizenship—Committee on Indian Affairs.
- Assistant Counsel—Judiciary Committee.
- County Commissioners—Committee on Counties.
- Stock Companies—Committee on Banking.
- Insurance Companies—Committee on Insurance.
- Railroad Commissioners—Committee on Railroads.
- Unorganized Counties—Committee on Counties.
- Election Laws—Committee on Election and Privileges.
- Caucuses and Primary Elections—Committee on Elections and Privileges.
- County Treasurers—Committee on Counties.
- Public Education—Committee on Education.
- Militia—Committee on Military Affairs.
- Taxation—Committee on Ways and Means.
- Taxation of Railroads—Committee on Railroads.
- Taxation of Railroad Lands—Committee on Railroads.
- Restraining Tax-titles—Judiciary Committee.
- Sales for Unpaid Taxes—Judiciary Committee.
- Pardons—Committee on Indian Affairs.
- Commutation of Sentence—Committee on Indian Affairs.

D. M. POWELL,
Chairman.

Mr. Jones moved
To amend the report by substituting the Judiciary Committee for the Committee on Indian Affairs.

Which motion prevailed.

Mr. Morris moved

To adopt the report of the committee as amended

Which motion prevailed.

Mr. McHugh moved

That the house do now resolve itself into a Committee of the Whole to consider

House Bill No. 2,

A bill for an act providing for a constitutional convention for North Dakota,

Which motion prevailed, and

The Speaker called Mr. Hunter to the chair.

When the Committee rose the following report was presented:

MR. SPEAKER:

The Committee of the Whole have had under consideration

House Bill No. 2,

A bill for an act providing for a Constitutional Convention for North Dakota,

And recommend that it be amended as follows:

Strike out in the first section the words "5th of March, 1889," on page 2, line 5, and insert in lieu thereof the words "the 9th day of April, 1889." In Section 3 in line 2 strike out the words "Fargo" and "Cass" where they occur and insert in lieu thereof the words "Grafton" and "Walsh." In line 3, Section 3, strike out the word "April" and insert the word "May."

Also

That the following be submitted for section 11:

SEC. 11. The Board of County Commissioners of the counties to which the unorganized counties of Pierce and Buford are respectively attached for judicial purposes, shall, at the time named in Section 1 of this act, establish one or more election precincts in said unorganized counties and define the boundaries thereof, establishing polling places, appoint judges of election therefor, and do such other acts as may be necessary to secure a fair election in said counties under the provisions of this act. The judges so appointed shall perform all the duties and shall have all the power and authority of judges of election in said unorganized counties. They shall make returns of the votes cast to the county clerks of said counties to which they are severally attached as aforesaid. The board of canvassers of said counties shall canvass the votes cast in said unorganized counties, and certify the same to the Sec-

retary of the Territory, in the manner and within the time required in Section 1 of this act. The expenses of said election shall be audited and paid by the said counties to which said unorganized counties are attached, and the amounts so paid, and the items thereof, shall be by the county clerks of said counties certified to the Territorial Auditor, who shall draw his warrant on the Territorial Treasurer for the amount so paid if found correct.

That Section 12 shall read as follows:

Sec. 12. The convention shall be composed of one hundred and fourteen delegates, who shall be apportioned among the several counties as follows:

One from each organized county, and one additional for each 600 votes or major fraction thereof cast at the last general election, viz:

Barnes county, four delegates.
Burleigh county, three delegates.
Benson county, two delegates.
Bottineau county, two delegates.
Cass county, nine delegates.
Cavalier county, three delegates.
Dickey county, four delegates.
Eddy County, two delegates.
Emmons county, two delegates.
Foster county, two delegates.
Grand Forks county, eight delegates.
Griggs county, two delegates.
Kidder county, two delegates.
La Moure county, two delegates.
Logan county, one delegate.
Morton county, three delegates.
McHenry county, two delegates.
McLean county, two delegates.
McIntosh county, one delegate.
Mercer county, one delegate.
Nelson county, three delegates.
Oliver county, one delegate.
Pembina county, six delegates.
Richland county, four delegates.
Ransom county, four delegates.
Ramsey county, four delegates.
Rolette county, two delegates.
Stark county, two delegates.
Stutsman county, four delegates.

Steele county, two delegates.
 Sargent county, three delegates.
 Traill county, five delegates.
 Towner county, two delegates.
 Walsh county, seven delegates.
 Wells county, two delegates.
 Ward county, two delegates,
 Pierce county, (unorganized) one delegate.
 Billings county, two delegates.

That Section 13 shall read as follows:

All sessions or meetings of said constitutional convention shall be held at the place designated in Section 3 of this act.

That Section 14 shall read as follows:

SEC. 14. This act shall take effect from and after the 5th day of March, 1889, unless the Congress of the United States shall at its present session pass an enabling act for said North Dakota, in such case this act to be null and void for any purpose.

And when so amended the Committee recommends the passage of the bill.

HARRY HUNTER,
 Chairman.

The Committee on Enrolled and Engrossed Bills presented the following reports:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills have examined

House Bill No. 146,

A Joint Resolution recalling House Bill No. 36 from the Governor,

And find the same correctly engrossed and enrolled.

D. M. POWELL,
 Chairman.

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respectfully report that

House Bill No. 146,

A Joint Resolution recalling House Bill No. 36 from the Governor,

Was presented to His Excellency, the Governor at 4:35

o'clock p. m., and that His Excellency, the Governor refused to receive the same.

D. M. POWELL,
Chairman.

Mr. Jones moved
That the report of the committee be adopted,
Which motion prevailed.

Mr. Jones moved to suspend the rules and
House Bill No. 2,
Providing for a constitutional convention for North Dakota, as amended,
Be read the third time and placed on its final passage.

Mr. Burnham moved
To amend that House bill No. 2 with amendments be printed,

Which motion was lost and
The original motion prevailed and
House Bill No. 1.

A bill for an act providing a Constitutional Convention for North Dakota,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 31; nays, 6.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Baldwin, Bennett, Bergman, Bixler, Cooke, Douglas, Elliott, Fletcher, Greene, Howell, Jones, Lampman, Logan, McHugh, Miller, Morris, Newman, Parkin, Patridge, Patton, Price, Ramsdell, Royer, Smith, Swanston, Trude, Turnbull, Upham, Wellman.

Those who voted in the negative were:

Messrs. Aikens, Burnham, McNeil, Powell, Van Etten, Wellcome.

Absent and not voting:

Messrs. Gronna, Hunter, Lillibridge, Mallory, Palmer, Potter, Ryan, Sheets, White and Mr. Speaker.

Mr. Clark being excused.

So the bill passed and its title was agreed to.

EXECUTIVE COMMUNICATION.

The following message was received from the Governor:

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.

Mr. Aikens moved

That House Bill No. 36 be passed, the objections of the Governor to the contrary notwithstanding.

Which motion prevailed and

House Bill 36 was read at length.

Mr. Adams moved to amend by making House Bill 36 the special order for 3 o'clock Monday.

Which motion was lost, and

House Bill No. 36, together with the message of the Governor vetoing the same was read, and the question being shall the bill pass the objection of the Governor to the contrary notwithstanding.

The roll being called, there were ayes, 44; nays, 2.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Lillibridge, Logan, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Parkin, Smith.

Absent and not voting:

Messrs. Mallory, Clark.

Mr. Clark being excused.

So the bill passed, the Governor's objections to the contrary notwithstanding.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER, }
January 26, 1889. }

MR. SPEAKER:

I have the honor to transmit 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 committee to investigate the condition of the Territorial Hospital for the Insane at Yankton.

Together with the following message of His Excellency, the Governor:

EXECUTIVE OFFICE, }
January 24. }

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.

And to inform you that Council has passed Council Bill No. 22 the objections of the Governor to the contrary notwithstanding.

Very Respectfully,

R. E. WALLACE,
Chief Clerk.

Mr. Aikens moved that
House Bill No. 22,
Providing for a Joint Committee to investigate the affairs
of the Yankton asylum.

Be passed, the objections of the Governor to the contrary
notwithstanding.

Which motion prevailed and
Council Bill No. 22.

A Joint Resolution providing for the appointment of a
Joint Committee to investigate the affairs of the Yankton
Insane Asylum,

Together with the veto message of the Governor,

Was read, and the question being shall the bill pass the
objections of the Governor to the contrary notwithstanding.

The roll being called, there were ayes 40; nays 5.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bergman,
Burnham, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna,
Howell, Hunter, Jones, Lampman, Lillibridge, Logan, Mc-

Hugh, Morris, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Trude, Turnbull, Upham, Van Etten, Wellman. White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, McNeil, Miller, Smith, Wellcome.

Absent and not voting:

Messrs. Bixler, Mallory, Clark.

Mr. Clark being excused.

So the bill passed the Governor's objection to the contrary notwithstanding.

Mr. Elliott moved

That the House do now adjourn.

Which motion prevailed and the House

Adjourned.

J. G. HAMILTON,
Chief Clerk.

TWENTY-FIRST DAY.

BISMARCK, January 28, 1889.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present, except

Messrs. Morris and Upham, excused.

The reading of the Journal of January 26th was dispensed with.

REPORTS OF STANDING COMMITTEES.

The Committee on Engrossed and Enrolled Bills presented the following report:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills have examined

House Bill No. 1,

A bill for an act authorizing counties to issue bonds to procure seed wheat for needy farmers residents thereof,

And find the same correctly engrossed and enrolled.

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,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

The Speaker announced his signature to House Bill No. 1.

The Committee on Judiciary submitted the following report:

MR. SPEAKER:

The Judiciary Committee respectfully report:

That they have had under consideration

House Bill No. 115,

A bill for an act to attach the county of Church to the county of McHenry for Judicial purposes,

And return the same with the recommendation, that the bill pass.

Also,

House Bill No. 124,

A bill for an act to amend Section 1 of Chapter 118 of the Session Laws of 1881,

And return the same, with the recommendation that it be referred to the Committee on Ways and Means.

Also,

House Bill No. 138,

A bill for an act to amend Section 57 of Chapter 21, of the Political Code,

And return the same, with the recommendation that it be referred to the Committee on Ways and Means.

Also,

House Bill No. 129,

A bill for an act to amend Section 1 of Chapter 118 of the Laws of 1881,

And return the same with the recommendation that it be referred to the Committee on Ways and Means,

Also,

House Bill No. 127,

A bill for an act providing for a subdivision of the Seventh Judicial district of the Territory of Dakota,

And return the same with the recommendation that the bill pass.

Also,

House Bill No. 79,

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,"

And return the same with the recommendation that the bill be indefinitely postponed.

All of which is respectfully submitted.

M. M. PRICE,
Chairman.

Mr. Ramsdell moved

The adoption of the report.

Which motion prevailed.

The Committee on Engrossed and Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respectfully report that

House Bill No. 1,

A bill for an act authorizing counties to issue bonds to procure seed wheat for needy farmers residents thereof,

Was delivered to His Excellency the Governor for his approval at the hour of 2 o'clock p. m. January 28, 1889.

D. M. POWELL,
Chairman.

The Committee on Rules submitted the following report:

MR. SPEAKER:

The Committee on Rules beg leave to report that they have had under consideration the resolution offered by Mr. White to amend House Rules 26 and 27 and for the addition of Rule 57, and recommend the adoption of the same.

G. W. RYAN,
Chairman.

Mr. Patton moved

The adoption of the report.

Which motion prevailed.

EXECUTIVE COMMUNICATION.

The following message was received from the Governor:

EXECUTIVE OFFICE, }
January 28, 1889. }

To the Speaker of the House of Representatives:

I have the honor to inform your honorable body that I have approved

House Bill No. 15,

An act providing for an extension of the time for the payment of taxes of 1888,

And the same has been filed in the office of the secretary.

Respectfully,
 LOUIS K. CHURCH,
 Governor.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. McNeil introduced—

House Bill No. 147,

A bill for an act establishing and locating the North Dakota Agricultural College; to provide for issuing of Territorial bonds for the construction of the same, and to authorize the city of Casselton to issue bonds to aid in the construction thereof.

Which was read the first time.

Mr. Miller introduced—

House Bill No. 148,

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,

Which was read the first time.

Mr. Newman introduced—

House Bill No. 149,

A bill for an act providing for the taxation of telegraph and telephone lines,

Which was read the first time.

Mr. Fletcher introduced—

House Bill No. 150,

A bill for an act to prevent any person or persons from obtaining board or lodging under false pretenses,

Which was read the first time.

Mr. Parkin introduced—

House Bill No. 151,

A bill for an act providing for the publication and distribution of Long's Legislative Hand Book,

Which was read the first time.

Mr. Parkin introduced—

House Bill No. 152,

A bill for an act authorizing the Territorial Auditor to audit a claim of Van Houton Bros. & Little against the Territory,

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

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,

Was read the second time,

And referred to the Committee on Judiciary.

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,

Was read the second time,

And referred to the Committee on Territorial Affairs.

Council Bill No. 94,

A bill for an act to amend Section 4 of Chapter 121 of Laws of 1887, (Section 220 of the Compiled Laws.)

Was read the second time and

Referred to the Committee on Public Health.

SECOND READING OF COUNCIL BILLS.

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,"

Was read the second time and

Referred to the Committee on Public Health.

SECOND READING OF HOUSE BILLS.

House Bill No. 140,

A bill for an act authorizing the Territorial Auditor to audit a claim of O. H. Beal & Co. against the Territory,

Was read the second time and

Referred to the Committee on Territorial Affairs.

House Bill No. 141,

A bill for an act authorizing the Territorial Auditor to audit a claim of John P. Hoagland against the Territory,

Was read the second time and

Referred to the Committee on Territorial Affairs.

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. 143,

A bill for an act to regulate the conduct of railroads in reference to the construction of grain elevators alongside of their tracks, and on their rights of way,

Was read the second time and

Referred to the Committee on Warehouses, Grain Grading and Dealing.

House Bill No. 144,

A bill for an act to amend Section 2, Chapter 51, of the Laws of 1887, entitled "An act providing for certain legal printing and fixing the compensation thereof,"

Was read the second time and

Referred to the Committee on Public Printing.

THIRD READING OF HOUSE BILLS.

House Bill No. 40,

A bill for an act to amend Section 14, of Chapter 10, Session Laws of 1887, relating to county auditors,

Which was read the third time.

Mr. Price moved

To postpone further consideration until to-morrow.

Which motion prevailed.

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 placed on its final passage.

The roll being called, there were ayes 45; nays none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Van Etten, Wellcome, Wellman, White.

Mr. Speaker being absent and not voting.
Messrs Morris and Upham being excused.
So the bill passed and its title was agreed to.
House Bill No. 53,

A bill for an act entitled "An act to amend Sections 324 and 325 of the Code of Civil Procedure relating to additional exemptions,

Was read the third time.

Mr. Adams moved

That the further consideration of House Bill No. 53 be indefinitely postponed,

Which motion prevailed.

House Bill No. 55,

A bill for an act entitled "An act to amend Section 47 of Chapter 27 of the Political Code,"

Was read the third time.

Mr. Burnham moved

That House Bill No. 55 be referred to Committee on Woman Suffrage,

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 placed on its final passage.
The roll being called, there were ayes, 45; nays, 1.

Those voting in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Newman, Palmer, Parkin, Patridge, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Mr. Patton, voting in the negative.

Messrs. Morris and Upham being excused.

So the bill passed and its title was agreed to.

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 third time and placed on its final passage.

The roll being called there were ayes 45; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Berg-

man, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Van Etten, Wellcome, White, Mr. Speaker.

Absent and not voting:

Messrs. Morris, Upham, Wellman.

Messrs. Morris and Upham being excused.

So the bill passed and its title was agreed to.

Mr. White, by unanimous consent, introduced the following motion:

That 200 copies of House Bill No. 15 as passed, be immediately printed for the use of the members of the House and Council,

Which motion prevailed.

House Bill No. 68,

A bill for an act creating and defining a subdivision of the Third Judicial District,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 32; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Clark Cooke, Douglas, Fletcher, McHugh, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Van Etten, Wellman, Wellcome, White, Mr. Speaker.

Absent and not voting:

Messrs. Burnham, Elliott, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Lillibridge, Mallory, McNeil, Miller, Morris, Royer, Upham.

Messrs. Morris and Upham, being excused.

So the bill passed and its title was agreed to.

Mr. Price moved

To reconsider the vote by which the consideration of House Bill No. 40, was postponed until to-morrow.

Which motion prevailed.

Mr. Patridge moved

To refer House Bill No. 40 to general orders,

Which motion prevailed.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER, }
January 28, 1889. }

MR. SPEAKER:

I have the honor to again return
Council Bill No. 11,
A for an act bill providing that the counties of Stanley,
Sterling, Nowling and others, be detached from the Seventh
Judicial District and attached to the Fifth Judicial District,
Which the Council did improperly recall.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
January 28, 1889. }

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 50,
A Joint Resolution providing for the furnishing of cer-
tain newspapers to members,

Also.

House Bill No. 66,
A Joint Resolution relative to a provision by the Terri-
torial Auditor of rooms for the committees of the Eigh-
teenth Legislative Assembly and the furnishing, heating
and lighting the same,

Which the Council has passed.

R. E. WALLACE,
Chief Clerk.

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.

Mr. Aikens moved
To recommit the bill to the Committee on Appropria-
tions.

Which motion prevailed.

House Bill No. 70,
A bill for an act to permit county commissioners to com-
promise delinquent taxes,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 38; nays, 2.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Cooke, Douglas, Elliott, Greene, Gionna, Howell, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Newman, Palmer, Parkin, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Van Etten, Wellcome, Wellman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Patridge and Patton.

Absent and not voting:

Messrs. Aikens, Clark, Fletcher, Hunter, McHugh and White.

Messrs. Morris and Upham being excused.

So the bill passed and its title was agreed to.

House Bill No. 74,

A bill for an act fixing the liability of railroad corporations for setting fires.

Was read the third time.

Mr. Aikens moved

That House Bill No. 74 be referred to the Committee on Engrossed and Enrolled Bills.

Which motion prevailed.

House Bill No. 77,

A bill for an act to repeal Chapter 7 of the Session Laws of 1887, being an act entitled "An act to provide for the construction and maintenance of artesian wells and the assessment and collection of taxes therefor,

Was read the third time.

Mr. Price moved

To re'er House Bill No. 77 to general orders.

Which motion prevailed.

House Bill No. 80,

A bill for an act regulating the salaries of register of deeds and county treasurers,

Was read the third time.

Mr. Burham moved

That the further consideration of House Bill No. 80 be indefinitely postponed.

Which motion prevailed.

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 placed on its final passage.

The roll being called, there were ayes, 43; nays, 3.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Burnham, Clarke, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Newman, Parkin, Partridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanson, Trude, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Bixler, Palmer, Turnbull.

Messrs. Morris and Upham being excused.

So the bill passed and its title was agreed to.

House Bill No. 116,

A Joint Resolution for the appointment of a joint committee to enquire into the management of the Territorial institutions,

Was read the third time and placed on its final passage

The roll being called, there were ayes 22; nays, 23.

Those who voted in the affirmative were:

Messrs. Allen, Adams, Bixler, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Lillibridge, McHugh, Miller, Parkin, Powell, Ramsdell, Sheets, Smith, Swanson, Van Etten, White, Wellman, Wellcome.

Those who voted in the negative were:

Messrs. Aikens, Baldwin, Bennett, Bergman, Burnham, Clark, Cooke, Hunter, Jones, Lampman, Logan, Mallory, McNeil, Newman, Palmer, Partridge, Patton, Potter, Price, Royer, Ryan, Trude, Turnbull, Mr. Speaker.

Messrs. Morris and Upham being excused.

So the Joint Resolution was lost.

House Bill No. 122,

A bill for an act prohibiting the collection of fees by attorneys and counselors in certain cases,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 41; nays, 1.

Those who voted in the affirmative were:

Messrs. Aikens, Adams, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Cooke, Douglas, Fletcher, Greene.

Gronna, Howell, Hunter, Jones, Lampman, Logan, Mallory, McHugh, McNeil, Miller, Newman, Palmer, Patridge, Parkin, Patton, Potter, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Van Etten, White, Wellman, Wellcome.

Mr. Speaker voting in the negative.

Absent and not voting:

Messrs. Clark, Elliott, Lillibridge, Morris, Powell, Upham.

Messrs. Morris, and Upham being excused.

So the bill passed and its title was agreed to.

House Bill No. 107,

A Joint Resolution providing for mileage for certain investigating committees and making an appropriation therefor.

Was read the third time.

Mr. Jones moved

That the further consideration of House Bill No. 107 be indefinitely postponed.

Which motion prevailed.

The Committee on Engrossed Bills submitted the following report:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills have examined

House Bill No. 2,

A bill for an act providing for a constitutional convention for North Dakota,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

Mr. Hunter by unanimous consent introduced—

House Bill No. 153,

A bill for an act to establish a system of Public Education, and a Department of Public Instruction for the Territory of Dakota,

Which was read the first time.

Mr. White moved

That the House do now resolve itself into Committee of the Whole for the consideration of general orders.

Which motion prevailed and

Mr. Speaker called Mr. Wellcome to the chair.

When the Committee rose the following report was presented:

MR. SPEAKER:

The Committee of the Whole have had under consideration

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.

And recommend that after the word "lowest" where it appears in Section 4, 6th line of the printed bill, the words "and best" be inserted. Also that the words "thirty days" be stricken out and the words "once a week for four consecutive weeks be substituted in lieu thereof; that Section 5, line 7, be amended by adding after the word "actually" the words "and necessarily."

Amend Section 6 by adding to said section the following: "Said bonds or any of them shall not be sold until after having been duly advertised at least once a week for four consecutive weeks in one of the leading newspapers published in Bismarck, Territory of Dakota, and for the same length of time at any other point deemed advisable by said board of county commissioners. The proceeds of the sale of said bonds shall be deposited in the treasury of said county, to be paid out by the county treasurer of said county on order of said board of county commissioners. The county treasurer of said county shall give an additional bond to the said board of county commissioners in double the amount of the bonds so issued and sold, and shall receive as compensation for the receiving and disbursing of all funds arising from the sale of said bonds, 1 per centum on the par value of said bonds, and the compensation herein provided for shall be in lieu of all other commissions allowed him by law.

That Section 6 be amended by striking out the words "thirty years" and inserting the words "twenty years" in line 5 of the printed bill, and when so amended they recommend the passage of the bill.

And recommend that the following be inserted as Section 12:

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 legal and valid as if the election had been 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 manner 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.

That Section 12 of the bill become Section 13 and change Section 13 to Section 14 and when so amended they recommend the passage of the bill.

Also,

Have considered House Bill No. 19,

A bill for an act to give publicity to chattel mortgage sales,

And recommend that the Committee rise.

JOHN B. WELLCOME,

Chairman.

Mr. Bennett moved

To adopt the report of the Committee,
Which motion prevailed.

Mr. Speaker announced his signature to
Joint Resolution No. 50,

Also,

Council Bill No. 86,

Also,

Council Bill No. 2,

Also,

Council Bill No. 1

Mr. Greene moved to adjourn,

Which motion prevailed and the House
Adjourned.

J. G. HAMILTON,

Chief Clerk.

TWENTY-SECOND DAY.

BISMARCK, January 29, 1889.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present, except

Messrs. McHugh and Upham, excused.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

Your Committee to revise and correct the Journal have examined that of January 26, 1889, and recommend the following corrections:

To insert the word "Wood," after the word "Rev.." on page 1; strike out the words "P. S. Bennett" and insert the words "R. L. Bennett," on page 1; also, insert the words "motions and resolutions," on page 5 just preceding the words, "Mr. Morris moved." Also insert after the words "special committee," on page 12, the words "on game." Also, on page 14, in line 13, after the word "Elliott," insert "Fletcher," and with these corrections they recommend the approval of the Journal.

Also, report that they have examined the Journal of January 28, 1889, and recommend that in the report of the Committee of the Whole the

words "House Bill No. 2" be stricken out, and the words "House Bill No. 4" be inserted in lieu thereof; and with this correction they recommend the approval of the Journal.

R. L. BENNETT,
O. R. VAN ETTEN.

Mr. Patten moved
To adopt the report,
Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The Committee on Engrossed and Enrolled Bills submitted the following reports:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills have examined

House Bill No. 50,

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

And find the same correctly engrossed and enrolled.

Also,

House Bill, No. 66,

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

Also,

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.

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

The Committee on Territorial Affairs submitted the following report:

MR. SPEAKER.

Your Committee on Territorial Affairs respectfully report that they have had under consideration

House Bill No. 123.

A bill for an act entitled "An act to amend Chapter 50 of the Session Laws of 1887 of the Territory of Dakota and being an act regulating the salaries of registers of deeds and county treasurers.

And recommend that it do not pass.

Also,

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,

And recommend that it do pass.

JOSEPH ALLEN,

Chairman.

Mr. Speaker announced his signature to Joint Resolution No. 66.

MOTIONS AND RESOLUTIONS.

Mr. Adams moved

That House Bill No. 19 be taken from general orders and referred for revision to a special committee consisting of Messrs. Aikens, Patridge and Smith.

Which motion was lost.

Mr. Adams moved

That the bill be taken from general orders and referred to Committee on Judiciary.

Which motion prevailed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

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 Legislative 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 committees, 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 objectionable, 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 rolls 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 engraving 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.

Mr. Aikens moved

To defer action on the Governor's message until to-morrow at 3 o'clock, and that the message be referred to its appropriate committee.

Which motion prevailed, and

The Speaker referred said message to the Committee on Judiciary.

Mr. Aikens asked unanimous consent to introduce the following resolution and moved its adoption:

WHEREAS, In the Dakota edition of the St. Paul Globe of date January 26th inst., there appears an article accredited to the correspondent at Bismarck, which in the opin-

ion of this body is justly entitled to censure, inasmuch as it uses unbecoming language concerning the Honorables J. W. Burnham and Edwin McNeil;

Therefore be it Resolved, That we consider such article unbecoming a respectable newspaper, and in violation of the courtesy extended by the rules of this House to newspaper correspondents, and further that a repetition of such conduct will result in the expulsion of such correspondent from this House.

Which Resolution was adopted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Trude introduced—

House Bill No. 154,

A bill for 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 rooms for library, cabinet, dean's office and additional recitation rooms,

Which was read the first time.

Mr. Parkin introduced—

House Bill No 155,

A bill for an act to provide for the publication of the laws passed by the Eighteenth Legislative Assembly in the form of newspaper supplements and for the circulation of the same,

Which was read the first time.

Mr. Miller introduced—

House Bill No. 156,

A bill for an act appropriating funds for the purpose of reimbursing certain persons of the city of Madison, Dakota, for funds furnished by them for the erection of the Normal School dormitory at Madison, Dakota, and for other purposes,

Which was read the first time.

Mr. Trude introduced—

House Bill No. 157,

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,

Which was read the first time.

Mr. Mallory introduced—

House Bill No. 158,

A bill for an act to provide for mechanics lien upon personal property,

Which was read the first time.

Mr. White introduced—

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,

Which was read the first time.

Mr. White introduced—

House Bill No. 160,

A bill for an act exempting all lands used as public highways from taxation,

Which was read the first time.

Mr. Cooke introduced—

House Bill No. 161,

A bill for an act granting to women the right of suffrage at county, town and municipal elections,

Which was read the first time.

Mr. Hunter introduced (by request)—

House Bill No. 162,

- A bill for an act to amend Sections 2, 9 and 12 of Chapter 121 of the General Laws of 1887, entitled "An act to regulate the practice of pharmacy and the licensing of persons to carry on such practices and the sale of poisons in the Territory of Dakota,"

Which was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 147.

A bill for an act establishing and locating the North Dakota Agricultural College; to provide for issuing of Territorial bonds for the construction of the same, and to authorize the city of Casselton to issue bonds to aid in the construction thereof,

Was read the second time and

Referred to the Committee on Appropriations.

House Bill No. 148,

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 second time and

Referred to the Committee on Appropriations.

House Bill No. 149,

A bill for an act providing for the taxation of telegraph and telephone lines,

Was read the second time and

Referred to the Committee on Ways and Means.

House Bill No. 150,

A bill for an act to prevent any person or persons from obtaining board or lodging under false pretenses,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 151,

A bill for an act providing for the publication and distribution of Long's Legislative Hand Book,

Was read the second time and

Referred to the Committee on Public Printing.

House Bill No. 152,

A bill for an act authorizing the Territorial Auditor to audit a claim of Van Houton Bros. & Little against the Territory,

Was read the second time, and

Referred to the Committee on Appropriations.

THIRD READING OF HOUSE BILLS.

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 third time and placed on its final passage.

The roll being called, there were ayes, 43; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, Miller, Morris, Newman, Palmer, Parkin, Patridge, Patton, Potter, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Van Ethen, Wellman, White, Mr. Speaker.

Absent and not voting:

Messrs. McHugh, McNeil, Powell, Wellcome, Upham.

Messrs. McHugh, and Upham being excused.

So the bill passed and its title was agreed to.

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 placed on its final passage.

The roll being called there were ayes 43; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Jones, Lampman, Lillibridge, Logan, Mallory, Miller, Morris, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Van Etten, Wellman, White, Mr. Speaker.

Absent and not voting:

Messrs. Hunter, McHugh, McNeil, Wellcome, Upham.

Messrs. McHugh and Upham being excused.

So the bill passed and its title was agreed to.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled and Engrossed Bills have examined

House Bill No. 35,

A bill for an act to amend Section 39, Chapter 21, of the Political Code,

And the

Substitute for House Bill No. 35,

A bill for an act regulating the issuance and delivery of county warrants,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills, respectfully report that

House Bill No. 66,

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

Also,

House Bill No. 50,

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

Were delivered to His Excellency, the Governor, for his approval at the hour of 2:30 p. m., January 29, 1889.

D. M. POWELL,
Chairman.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER, }
January, 30, 1889. }

MR. SPEAKER:

I have the honor to transmit 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 other acts amendatory thereto,

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

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
January 26, 1889. }

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 36,

A Joint resolution providing for certain public printing, and making appropriation for the same.

Which the Council has passed, the objections of His Excellency the Governor to the contrary notwithstanding.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
January 26, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
Council Bill No. 12,

A bill for an act providing for township organization,

Also,

Council Bill No. 27,

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

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

R. E. WALLACE,
Chief Clerk.

Mr. Bennett (by unanimous consent) introduced—
House Bill No. 163,

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

Which was read the first time.

Also,

House Bill No. 164,

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

Which was read the first time.

Mr. Newman moved

That the House now resolve itself into Committee of the Whole.

Which motion prevailed, and

The Speaker called Mr. Newman to the chair.

When the Committee rose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration

Substitute for House Bill No. 35,

A bill for an act regulating the issuance and delivery of county warrants.

And recommend that the bill be referred back to its appropriate committee by the Speaker.

Also,

House Bill No. 77,

A bill for an act to repeal Chapter 7 of the Session Laws of 1887, being an act entitled "An act to provide for the construction and maintenance of artesian wells and the assessment and collection of taxes therefor,

And recommend that the further consideration of House Bill No. 77 be indefinitely postponed.

Also,

Substitute for House Bill No. 104,

A bill for an act to authorize the discharge of attachments and lis pendens.

And recommend that the bill do pass.

Also,

House Bill No. 123,

A bill for an act entitled "An act to amend Chapter 50, of the Session Laws of 1887, of the Territory of Dakota, and being an act regulating the salaries of Registers of Deeds and County Treasurers,"

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

Council Bill No. 11,

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

And recommend that the bill be referred to the Judiciary Committee.

Also,

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,

And recommend that further consideration of the bill be indefinitely postponed.

C. C. NEWMAN,
Chairman.

Mr. Price moved

That the report of the committee be adopted.

Which motion prevailed.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

EXECUTIVE OFFICE, {
January 26, 1889. }

To the House of Representatives:

I hereby respectfully return

Joint Resolution No. 50,

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

Without my approval.

The provisions of said act are as follows:

"That the Chief Clerks of the House of Representatives and Council are hereby authorized to procure for each member of the House and of the Council six copies of

newspapers, either daily or weekly, as each member may choose, to be furnished them regularly during this session of the Legislature."

It does not appear from this resolution whether or not said newspapers shall be furnished at the expense of the Territory or at the expense of the chief clerks, or whether it was merely intended to request the chief clerks to perform the duty of supplying the said papers at the expense of the members. If it is intended to make a request of the chief clerks to perform such duty as above indicated without expense to the Territory, the resolution does not need the approval of the Executive. If it is intended that the papers should be supplied at the expense of the Territory, I am of the opinion there can be no good reason advanced why I should approve of the same.

Respectfully,
LOUIS K. CHURCH,
Governor.

Mr. Aikens moved

That further action on the Governor's message be deferred until 3 o'clock to-morrow, and that it be referred to its appropriate committee.

Which motion prevailed, and

Mr. Speaker referred the communication to the Ways and Means Committee.

EXECUTIVE OFFICE.
January 29, 1889. }

To the Speaker of the House of Representatives:

I have the honor to inform your honorable body that I have approved

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.

And said bill has been filed in the office of the Secretary.

Respectfully,
LOUIS K. CHURCH,
Governor.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SREAKER:

Your Committee on Enrolled and Engrossed Bills have examined

House Bill No. 74,

A bill for an act fixing the liability of railroad companies for setting fires,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

Mr. Palmer moved

That the House do now adjourn.

Which motion prevailed and the House

Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

TWENTY-THIRD DAY.

BISMARCK, January 30, 1889.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present, except

Messrs. Adams, Gronna, Jones, McNeil, Morris, Parkin, Sheets, Swanston, Upham and Wellman.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

Your Committee to revise and correct the Journal have examined that of January 29, 1889, and recommend that the numbers "158" be substituted in lieu of "58" on page 6 under introduction of bills, and with this correction we recommend the aproval of the Journal.

O. R. VAN ETTEN,
R. L. BENNETT.

Mr. Cooke moved

To adopt the report of the committee.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The Committee on Engrossed and Enrolled bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respectfully report that

House Bill No. 36,

A Joint resolution providing for certain public printing, and making appropriation for the same,

Which has been passed over the Governors veto.

Was delivered to the Secretary of the Territory on January 29, 1889.

D. M. POWELL,
Chairman.

The Appropriation Committee made the following majority report:

MR. SPEAKER:

Your Committee on Appropriation to whom was referred House Bill No. 39,

A bill for an act to establish and maintain a Soldier's Home in the Territory of Dakota, and providing for the issue of the bonds of the Territory therefor,

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

In the 52d line of Section 1 strike out the words, "said Soldier's Home," and in lieu thereof insert the words, "any public building or buildings that may be erected on said granted land." In said section, 55th line, after the words "Soldiers' Home," insert the words, "or public building or buildings." In the 61st line of said section, strike out the word "institution," and in lieu thereof insert the words "building or buildings." Strike out last two words of said section, viz: "Soldiers' Home," and in lieu thereof insert "public institution."

In Section 2, 8th, 9th and 10th lines, strike out the words "so that he is not able to procure for himself a living."

In Section 3, 6th and 7th lines, strike out the words and figures "sixty thousand dollars (\$60,000)" and in lieu thereof insert the words and figures "forty-five thousand dollars (\$45,000)."

In Section 7, 3rd line, strike out the word and figure "six (6)" and in lieu thereof insert the word and figure "five (5)." Same section, 7th, 8th and 9th lines, strike out the

words "immediately after the passage of this act" and insert in lieu thereof "between the 1st and 15th day of May, 1889." Same section, 33d line, strike out the word "April" and insert the word "June." In 37th line of same section strike out the words "president and treasurer," and after the word "secretary" insert the words "who shall receive not to exceed six hundred dollars (\$600) per annum." In 41st line of same section the word and figure "three (3)" and insert in lieu thereof the word and figure "one (1)." In 46th and 47th lines of said section, strike out the words "in addition to their actual cost expenses." In 51st line of same section strike out the word "four" and insert in lieu thereof the word "three."

In Section 8 strike out the word "trustee" wherever it may occur, and insert in lieu thereof the word "commissioner." In fifteenth line of same section strike out the figures "\$5,000" and in lieu thereof insert "\$10,000."

Amend Section 9 to read as follows: "That the said board of commissioners shall employ the architect whose plans and specifications are accepted, to act as a superintendent of construction, who shall receive for such plans and specifications and for superintending construction, such pay as the board shall by agreement determine; which pay shall not exceed an amount equal to five per cent. of the estimated cost of said buildings."

In Section 13, second and third lines, strike out the words "who shall receive not to exceed five (5) dollars per day for his services." In same section, fourth and fifth lines, following the word "commissioners," insert the following: "as provided for in Section 9 of this act." In same section commencing after the word "furnished" in 18th line, strike out the following: "and for the settlement of all disputed questions by arbitration, one to be chosen by the contractor and one by the board, and they two, to choose the third, should they disagree: all three of said arbitrators to be practical mechanics and builders, and said contract shall provide for the power of the commissioners to order changes in the plans and specifications at their discretion." In same section, 26th and 27th lines, strike out the words "or by the arbitrators, if submitted to arbitration;" same section, commencing on 28th line, strike out the following: "In case of change in the plans and specifications after the contract is entered into, the price shall be agreed upon between the contractor and commissioners before the work is commenced on the changes, and in case of disagreement

the price shall be fixed by arbitrators which shall be binding upon both parties. They may also make any other and further provisions in said contract not herein specified, as may seem to the board of commissioners necessary or expedient, provided," and in lieu thereof insert the word "and."

Strike out all of Sections 15 and 16.

In section 17, line 8, after the word "performed" insert the words, "which estimates shall be made upon material and labor in the wall of said building."

In section 19, second line, strike out the word "April" and in lieu thereof insert the word "June."

In same section, 9th line, after the words "shall have" insert the following words: "four regular meetings in each year and not to exceed two special meetings."

That sections 17, 18, 19, 20 and 21 be re-numbered as follows: Section 17 be changed to 15, 18 to 16, 19 to 17, 20 to 18 and 21 to 19. That the last two lines of section 21 of the bill be made a section by themselves, and that said section be numbered 20. And that with these amendments the bill do pass.

SUPPLEMENTARY.

The Department Commander and a committee of the Grand Army of the Republic of Dakota, appeared before your committee and made the statement that there are over 100 old soldiers living in this territory who would avail themselves of a Soldier's Home at once, and that in almost every county in the territory where poor houses have been established there are ex-solders. That the matter of a Soldiers' Home had been thoroughly discussed and considered in the last two Territorial Encampments, which is the legislative body of the Grand Army of the Republic for Dakota, and that a resolution was adopted by a unanimous vote of the 5th annual encampment by the delegates and representatives of over 100 posts of the Grand Army of the Republic of the territory; said resolution being as follows: "That we recommend the Hot Springs of Dakota as the place, provided that the Home shall be guaranteed the free use of the springs."

It was represented to your committee that the Territorial Encampment came to the conclusion that it was essentially and undeniably the best adapted for the purposes in view, especially in consequence of its superiority in climate, healthfulness, beauty of scenery, and above all, the ines-

timable value to sufferers from diseases most common to the old soldiers, of the free baths in the water of the springs, whose medical virtues cannot be surpassed, if they are equaled, by those of any other in the world; and that the old soldiers, by their representatives, feel that their wishes ought to be considered in the establishment of the Home, and that the appropriation asked for is not unreasonable; and your committee therefore favor Hot Springs as the location of such Home, in accordance with the expressed desire of the old soldiers themselves.

But after careful consideration, we recommend that the appropriation asked for be reduced to \$45,000, believing that amount will be sufficient to erect a suitable building to accommodate the 100 old soldiers that would occupy it as soon as completed.

The following minority report of the Appropriation Committee was presented:

MR. SPEAKER:

The undersigned members of your Committee on Appropriations to whom was referred

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.

Have had the same under consideration and recommend that said bill do not pass for the following reasons:

1st. That the old soldiers have not asked for a Home by either resolution or memorial.

2d. That there are no provisions in the bill making it the home of the needy soldier only.

3d. That North Dakota, when a state, has the full benefit of the institution at actual cost of maintenance, thus discriminating against other states, while South Dakota pays the bills.

4th. That the location is not advantageous, being too far from the geographical center of South Dakota.

5th. That it is our opinion that this bill is used as an opening wedge for numerous appropriations for new institutions, which we deem inadvisable at this time.

WILLIAM S. LOGAN.

O. C. POTTER

C. J. MILLER.

D. R. WELLMAN.

JOSEPH ALLEN.

Mr. Wellcome moved

To dispense with the reading of the above report, and that it be made the special order for Monday at 3 o'clock.

Mr. Price moved

To amend by referring the report to general orders.

Which amendment was adopted, and

The original motion as amended prevailed.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

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 the 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 on 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 an absolute 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.

The Committee on Towns and Cities made the following report:

MR. SPEAKER:

Your Committee on Towns and Cities to whom was referred

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 charter contains no provision for such board,

Have had the same under consideration and recommend that said bill pass.

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,"

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

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,

And recommend that the bill do pass.

C. C. NEWMAN.
Chairman.

The Committee on Highways made the following report:

MR. SPEAKER:

Your Committee on Highways 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 Session 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 recommend that said bill do pass.

C. J. MILLER,
Chairman.

The Committee on Insurance made the following report:
MR. SPEAKER:

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 do pass.

Also,

House Bill No. 114,

A bill for an act to amend Section 14 of Chapter 67, Session Laws of 1887, relating to county insurance companies,

And recommend that the bill do pass.

T. A. DOUGLAS,
Chairman.

MR. SPEAKER:

The Committee on Judiciary report and recommend the adoption of the following resolution:

Resolved, That whenever any committee shall recommend any amendment or amendment to any bill, joint resolution or memorial, such amendment shall be proposed upon separate paper or in the report of the committee and no erasures, interlineation or alteration shall be made in the original bill as referred.

Mr. Jones moved

The adoption of the resolution offered by the Committee on Judiciary,

Which motion prevailed and
The resolution was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Morris offered the following resolution:

Resolved, That the Committee on Judiciary be, and is hereby instructed to report back to the House, on or before Saturday next, either with or without recommendation,

House Bill No. 22,

A bill for 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,

And that said bill be made a special order for Saturday next, at 3 o'clock p. m.

And further, that the House invites the representatives of the railroad companies to be present and the House will, while in committee, permit them to address the committee on the merits of the bill, if they desire to be heard on said bill.

The Speaker ruled the resolution out of order, the bill being in the hands of the Committee on Judiciary.

Mr. Morris withdrew the resolution.

Mr. Aikens moved

That House Bill No. 22 be withdrawn from the Committee on Judiciary and referred to the Committee on Railroads,

Which motion prevailed.

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

Resolved, That the auditor of the Territory be and is hereby requested to furnish the House of Representatives with a statement of the Legislative expenses of each session of the Legislature of the Territory since the organization, as fully as can be shown from the records of his office, in excess of the appropriations made for this purpose by Congress, stating separately the expenses of each session and for what purpose.

Mr. Miller moved

That the resolution be laid on the table.

Which motion was lost.

Mr. Aikens moved

To adopt the resolution.

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS

Mr. Potter introduced—

House Bill No. 165,

A bill for an act, authorizing the Territorial Auditor to audit a claim of Jue Sundbock against the Territory,

Which was read the first time.

Mr. Logan introduced—

House Bill No. 166.

A bill for an act to define township and county roads.

Which was read the first time.

Mr. Potter introduced—

House Bill No. 167,

A bill for an act relating to chattel mortgages upon crops and providing for notice of such mortgages,

Which was read the second time.

Mr. Palmer introduced—

House Bill No. 168,

A bill for an act to provide funds for the erection of chemical, mechanical and veterinary laboratories, for repairs and for making other permanent improvements for the Agricultural College of Dakota at Brookings,

Which was read the first time.

Mr. Palmer introduced—

House Bill No. 169,

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.

Mr. Fletcher introduced—

House Bill No. 170,

A bill for an act to procure title to land for cemetery purposes,

Which was read the first time.

Mr. Howell introduced (by request)—

House Bill No. 171,

A Bill for an act to amend Sections one (1), four (4), five (5), ten (10), and twenty-six (26) of Chapter thirty-eight (38) of the Session Laws of 1887 entitled "An act authorizing the division of counties and for other purposes,"

Which was read the first time.

Mr. White introduced—

House Bill No. 172,

A bill for an act to provide funds for the construction, furnishing and heating of a science hall for the University of Dakota at Vermillion,

Which was read the first time.

Mr. Morris introduced—

House Bill No. 173,

A bill for an act to amend Section 86 of the Justices Code,

Which was read the first time.

Mr. White introduced—

House Bill No. 174,

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.

The Committee on Judiciary introduced—

Substitute for House Bill No. 104,

A bill for an act to authorize the discharge of attachments and lis pendens,

Which was read the first time.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER, }
January 29, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith

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 beavers in the Territory of Dakota,"

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

R. E. WALLACE,
Chief Clerk.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 12,

A bill for an act providing for township organization.

Was read the first time,

Council Bill No. 27,

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

Was read the first time,

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 entitled "An act to provide for payment of clerical work in the Executive office, and all other acts amendatory thereto,"

Was read the first time.

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 first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 154,

A bill for 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 rooms for library, cabinet, dean's office and additional recitation rooms,

Was read the second time and

Referred to the Committee on Appropriations.

House Bill No 155,

A bill for an act to provide for the publication of the laws passed by the Eighteenth Legislative Assembly in the form of newspaper supplements and for the circulation of the same,

Was read the second time and

Referred to the Committee on Territorial Affairs.

House Bill No. 156,

A bill for an act appropriating funds for the purpose of reimbursing certain persons of the city of Madison, Dakota, for funds furnished by them for the erection of the Normal School dormitory at Madison, Dakota, and for other purposes,

Was read the second time and

Referred to the Committee on Appropriations.

House Bill No. 157,

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,

Was read the second time and

Referred to the Committee on Appropriations.

House Bill No. 158,

A bill for an act to provide for mechanics lien upon personal property,

Was read the second time and

Referred to the Committee on Judiciary.

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. 160,

A bill for an act exempting all lands used as public highways from taxation,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 161,

A bill for an act granting to women the right of suffrage at county, town and municipal elections,

Was read the second time and

Referred to the Committee on Woman Suffrage.

House Bill No. 162,

A bill for an act to amend Sections 2, 9 and 12 of Chapter 121 of the General Laws of 1887, entitled "An act to regulate the practice of pharmacy and the licensing of persons to carry on such practices and the sale of poisons in the Territory of Dakota,"

Was read the second time and

Referred to the Committee on Public Health.

House Bill No. 163,

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

Was read the second time and

Referred to the Committee on Appropriations.

House Bill No. 164,

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 second time and

Referred to the Committee on Appropriations.

The Committee on Engrossed Bills submitted the following report:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills have examined

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 therefor and to provide for the payment of principal and interest of such bonds,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

THIRD READING OF HOUSE BILLS.

Mr. Wellcome moved

That House Bill No. 74,

A bill for an act fixing the liability of railroad corporations for setting fires be referred to general orders.

Which motion was lost.

Unanimous consent being granted Mr. Allen moved

As an amendment to the motion to strike out in Section one (1), line nine, the word "thirty" and insert in line thereof the word "sixty."

Mr. Newman moved

That House Bill No. 74 be referred to general orders.

Which motion was lost and

The motion to amend of Mr. Allen prevailed.

MESSAGES FROM THE COUNCIL.

The following communications were received from the Council:

COUNCIL CHAMBER, }
January 30, 1889. }

MR. SPEAKER:

I have the honor to transmit 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,

Also,

Council Bill No. 52,

A bill for an act making the taking of usury a misdemeanor,

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

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
January 30, 1889, }

MR. SPEAKER:

I have the honor to return 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 Council has passed, and to inform your honorable body that Mr. President has appointed Messrs. Cameron and Ericson as the members of the joint committee on the part of the Council to investigate the management and condition of the asylum at Jamestown.

R. E. WALLACE,
Chief Clerk.

House Bill No. 74.

A bill for an act fixing the liability of railroad corporations for setting fires,

Was read the third time and placed on its final passage
The roll being called there were ayes 40; nays, 5.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patridge, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Upham Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Patton, Trude, Turnbull, Van Etten, Wellcome.

Absent and not voting:

Messrs. Bergman, Bixler, Parkin.

Messrs. Elliott and Wellcome explaining their votes.

So the bill passed and its title was agreed to.

House Bill No. 4,

A bill for an act authorizing organized counties of Dakota to erect county buildings for court house and jail purposes,

Was read the third time and placed on its final passage.
The roll being called, there were ayes, 45; nays, 1.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clarke, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Parkin, Partridge, Patton, Potter, Powell, Price, Ramsdell, Ryan, Sheets, Smith, Swanson, Trude,

Turnbull, Upham, Van Etten, Wellcome, Wellman, Mr. Speaker.

Mr. White voting in the negative.

Absent and not voting:

Messrs. Adams and Royer.

So the bill passed and its title was agreed to.

Mr. Elliott (by unanimous consent) introduced—

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 first time.

Mr. Elliott moved

That the rules be suspended and that House Bill No. 175 be read the second and third times and placed on its final passage,

Which motion prevailed and

House Bill No. 175,

A bill for an act establishing a term of court in La Moure county, Dak.,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 43; nays, 1.

Those who voted in the affirmative were:

Messrs. Aikens, Adams, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Morris, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Mr. Speaker.

Mr. Wellman, voting in the negative.

Absent and not voting:

Messrs. Miller, Newman, Palmer, White.

So the bill passed and its title was agreed to.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 74,

A bill for an act fixing the liability of railroad corporations for setting fires,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

Mr. Mallory moved

That the House do now resolve itself into a Committee of the Whole for the purpose of considering the Governor's message.

Which motion prevailed, and

The Speaker called Mr. Mallory to the chair.

When the committee rose the following report was presented:

MR. SPEAKER:

The Committee of the Whole have had under consideration,

House Bill No. 99, together with the veto of the Governor, and recommend the passage of the bill, the Governor's objections to the contrary notwithstanding.

Also, have had under consideration the Governor's Message relating to

Joint Resolution No. 50,

And recommend that the Committee on Ways and Means have further time to make report.

H. J. MALLORY,
Chairman.

Mr. Douglas moved to adopt the report.

Which motion prevailed.

House Bill No. 99,

A Joint Resolution providing for the appointment and compensation of minor officers of the Eighteenth Legislative Assembly,

Was then read the third time and placed on its final passage, the objections of the Governor to the contrary notwithstanding.

The roll being called, there were ayes, 47; nays, 1.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, Miller, Morris, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Mr. McNeil voting in the negative.

So the bill passed the objections of the Governor to the contrary notwithstanding.

EXECUTIVE COMMUNICATION.

The following communication was received from His Excellency the Governor.

EXECUTIVE OFFICE, }
January 30, 1889. }

To the House of Representatives:

I herewith respectfully return
House Bill No. 1,

Entitled "An act authorizing counties to issue bonds to procure seed wheat for the needy farmers resident thereof."

Section 1, provides that 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 the county, shall petition the board of county commissioners of such county, asking that said board proceed under the provisions of said act, that said board may at a meeting thereof, duly called for that purpose prior to the 1st of April 1889, issue the bonds of such county to the extent of \$25,000. This section provides that a proportion of a certain class, to-wit.: voters who are actually engaged in the business of farming, equal to one-third of the votes cast at the last general election in any county, shall have power to fix a tax upon the rest of the community, without the entire community having any voice in the matter. I do not think this can be sustained. It is contrary to the provisions of the Organic Act and beyond the power of the Legislature.

Section 6 provides for a special tax upon all property of the county for the purpose of paying the principal and the interest on the bonds, which bonds are issued for a special purpose of benefiting a particular class, yet an indebtedness is fastened upon the entire tax-paying portion of the community, a large portion of whom have nothing whatever to say about the creation of the original obligation.

Under Section 8 it is made necessary for the people who are to be benefited thereby, to have suffered a partial or total loss of crop during the year 1888, making it necessary for the board of county commissioners to sit as a semi-judicial tribunal to determine these questions. This, again, presents the question whether or not the tax-creating power has the authority to provide for the relief of a certain class and make the expense thereof a tax upon the entire community.

The provisions of Section 8 do not require the said board

of county commissioners to keep any record of their proceedings by which to determine the question as to whether or not a party has suffered a total or partial loss of crop in the year 1888. This certainly should have been provided for as a matter of protection to the taxpayers. It is also provided by Section 9 that the person receiving seed wheat shall become indebted to the county in the amount of the purchase price of said wheat furnished; but there is no provision made as to the county being secured for the same; but a provision that it shall be put into the tax levy for 1889 as a tax upon which said seed wheat was sown, to be collected as other taxes.

This provision is contrary to the other provisions of the bill making the whole county liable for the indebtedness. Such incongruity and contradiction in the act would lead to confusion in its construction and, possibly litigation, which would tend to destroy the value of the securities, if issued, and would necessarily be very detrimental to the material interests of the county as well as to the public credit in general.

Said Section 9 further provides that the amount of indebtedness for said wheat shall be included in the taxes as aforesaid, and shall also be a first lien upon the crops of grain raised in the year by the person receiving said grain. It is not within the power of the Legislature to enable the counties which may issue bonds to hold the first lien on growing crops or crops to be grown, in cases where liens thereon have already been created by mortgage or other manner of private contracts. Section 1704 of the Civil Code, being Section 4328 of the Compiled Laws is as follows:

“An agreement may be made to create a lien upon property not yet acquired by the party agreeing to give the lien, or not yet in existence. In such cases 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.”

Consequently all future crops mortgaged at the present time cannot in any way be affected by the provisions of this act.

Section 15 of said act is likewise in conflict with the previous section of the bill.

Section 16 of said act provides that the application provided for in the previous sections shall be filed with the county auditor. If the bill were to

become a law a provision should be made that such applications, or duplicates thereof, should be likewise filed in the office of the register of deeds or of the county clerk, with proper provisions for indexing, so that the same would be a notice to purchasers of property in good faith of liens of the character provided in this bill existed.

Many other reasons can be advanced why this bill should not become a law: For our Government to approve of a policy that is in the direction of supporting its people is contrary to the principles of all government, which do not extend beyond protecting and fostering the interests of society as a whole, and a departure from this principle is not only unwise, but dangerous, save in cases where public disaster has befallen the people, or of dire emergency, in which the whole community, or a large portion thereof, have been affected to the extent of calamity. I cannot concede that an emergency of this kind exists. As Governor for the past two years I know that prosperity (almost universal) has blessed our people. I have made particular inquiry concerning the matter of damage to crops by frost. The territorial auditor visited a portion of the affected country last fall. I have also made inquiry of the matter and from the information received from such inquiry and from the auditor and commissioner of immigration I am satisfied a great injury would accrue to the entire territory were an act like this placed upon the statute books, and thereby, by legislative enactment, herald to the world that a calamity has befallen our people and that grim want and starvation stalks the land; when such, in fact, is not the case. The suffering by last year's frost is confined to a comparatively small space of country and does not in extent amount to one-twentieth part of our territory or affect one-twentieth of our people. An enactment of this kind would cause more injury to Dakota than a dozen frosts covering ten times the space of country affected by last years' failure of crop.

That cases worthy of relief exist, no doubt, is true; but the people of Dakota can well afford to relieve them through private contribution or by action of county authorities when such need is apparent.

The provisions authorizing every board of county commissioners in the Territory to issue \$25,000 of bonds for the purchase of seed wheat, when such board by unanimous vote may so direct, is a power not surrounded by sufficient safeguards. In any event bonds should not be issued

unless the question is first submitted to the people of the county; and, then, the power to decide in favor of such issuance of bonds should not be limited to a bare majority.

I have grave doubts as to the ability to dispose of the bonds. Will eastern capitalists take bonds under the circumstances indicated, even at less than par? If not, the object contemplated is not attained, and irreparable injury for many years to come inures to our financial standing.

A precedent would be created by this act that will open up a field in the future which would cause trouble, and while the Executive cannot lend his approval hereto, it is not from lack of sympathy or lack of desire to relieve the distressed, but public duty compels me to withhold my sanction.

Respectfully,
LOUIS K. CHURCH,
Governor.

Mr. Aikens moved

That immediate action be deferred and that the bill, together with the Governor's Message, be referred to the committee.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER, }
January, 30, 1889. }

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 99,

A Joint Resolution providing for the appointment and compensation of minor officers of the Eighteenth Legislative Assembly,

Which the Council has passed, the objection of the Governor to the contrary notwithstanding.

R. E. WALLACE,
Chief Clerk.

Mr. Allen moved

That the House adjourn
Which motion was lost.

Mr. White moved

That the House do now resolve itself into a Committee of the Whole for the consideration of General Orders.

Which motion prevailed, and

The Speaker called Mr. Patridge to the chair.

When the committee rose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration

House Bill No. 40,

A bill for an act to amend Section 14, of Chapter 10, Session Laws of 1887, relating to county auditors,

And recommend that it do pass.

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."

And recommend that the bill do pass.

Also have had under consideration,

House Bill No. 83,

A bill for an act relating to the payment of premium insurance by the giving of note,

And recommend that the bill do pass.

Also,

House Bill No. 94,

A bill for an act amending Section 36, 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."

And recommend that the bill be amended as follows:

After the word "homestead" where it occurs in line 6 of the printed bill, insert the words "timber culture;" also in line 10, Section 1, after the word "point" strike out the word "to" and insert the word "at;" also to amend by adding to Section 1, "and provided further, That all roads or parts thereof heretofore or hereafter laid out by the township supervisors and not opened to public use within ten (10) years from the time they are laid out, are hereby declared vacant," and that when so amended it do pass.

Also,

House Bill No. 114,

A bill for an act to amend Section 14 of Chapter 67 Session Laws of 1887 relating to county insurance companies,

And recommend that the bill be recommitted to the committee on insurance.

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,

And recommend that the bill pass.

A. L. PATRIDGE,
Chairman.

Mr Gronna moved

That the report of the committee be adopted.

Which motion prevailed.

Mr. Jones moved

That the House do now adjourn.

Which motion prevailed and the House

Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

TWENTY-FOURTH DAY.

BISMARCK, January 31, 1889.

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

The Speaker presiding.

The chaplain being absent, prayer was dispensed with.

Roll called.

All members present, except Mr. Hunter excused.

Mr. Patten moved

To dispense with the reading of the Journal.

Which motion prevailed.

PETITIONS AND COMMUNICATIONS.

The following communications and petitions from the G. A. R. Posts of the territory were read:

HEADQUARTERS JOHN B. KING Post No. 73. }
DEPARTMENT OF DAKOTA G. A. R. }

At a special meeting of the above named Post, held at Mandan, D. T., on the 29th day of January, A. D. 1889, the following preamble and resolutions were unanimously adopted:

WHEREAS, A bill for the location of a Soldiers' Home is now pending before the Legislature of Dakota Territory, now assembled, and

WHEREAS, The expression of soldiers, as being reasonably competent to judge where such Home should be best located, has been called for through the Posts of the G. A. R. Therefore, be it

Resolved, That the John B. King Post, No. 73, Department of Dakota G. A. R., is now, and ever has been, in favor of the location of the Soldiers' Home at Hot Springs, Fall River county, D. T.

Resolved, That we earnestly request our representatives from this, the Twenty-third legislative district, to use their utmost endeavors and influence to secure the location of the proposed Soldiers' Home at Hot Springs, Fall River county, D. T.

M. B. DOYLE,
W. L. GIBSON,
R. J. CARR,
G. H. BARNCARD,
O. V. DAVIS,

Committee on Resolutions.

MT. VERNON, Jan. 28, 1889.

To the Honorable Members of the Legislative Assembly of the Territory of Dakota:

At a special meeting of A. Lincoln Post No. 106, 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 at Hot Springs, Dak.

A. HARADER,
Commander.

Attest: F. D. POWERS, Adjutant.

JAMESTOWN, D. T., January 29, 1889.

At a special meeting of Wm. H. Seward Post No. 65, G. A. R. Dep't 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 Soldier's 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, D. T., to use all honorable efforts to secure the passage of House Bill No. 39, which is in effect to locate the Soldier's Home at Hot Springs, D. T., also that we as North

Dakota veterans ask our representatives to use due legal care that our rights are protected so that in event of the division of the territory our rights to become members of the home will not be questioned.

E. L. CALKINS,
Commander.

H. J. PORTER, Adjutant.

ROSCOE, Dak., January 29, 1889.

*To the Legislative Committee on Locating Soldiers Home,
Bismarck, Dakota:*

Gettysburg Post No. 123, G. A. R., having confidence in the honesty and judgment of the committee, are unanimously in favor of Hot Springs for the location as recommended by your honorable committee.

Respectfully,

ANDREW J. WILSON,

Late Commander Gettysburg Post, 123, Department of
Dakota, G. A. R., Roscoe, Dakota.

ARLINGTON, DAK., Jan. 30, 1889.

General S. F. Hammond—Dear Sir and Comrade:

At a special meeting of De Vine Post No. 68, G. A. R., held 29th inst. it was unanimously resolved that De Vine Post will do all in its power to sustain the action of the Department Encampment and its committee in regard to locating the Soldiers' Home at Hot Springs, and we depreciate any endeavors to influence the changing of location.

THOMAS REED,
Commander.

Official: O. L. FARNHAM, Adjutant.

HEADQUARTERS W. H. FISHER POST No. 134.

G. A. R. DEPARTMENT OF DAKOTA.

ROCHHAM, Dak., Jan. 23, 1889.

MAJOR GEN. HAMMOND, Department Commander: Dear Commander—It is the unanimous wish of every comrade of this Post that the resolutions passed at our Annual Encampment held at Redfield last March, locating a Soldiers' Home at Hot Springs, Dak., should be carried out; and we would earnestly urge our committee to do all in their power to carry out these resolutions. Yours in F. C. & L.,

N. R. SATTERLEE,
Commander.

Attest: F. M. BROWN, Adjutant.

HURON, DAK., Jan. 28, 1889.

At a special meeting of Kilpatrick Post No. 4, G. A. R., held in their hall January 28, 1889, the following resolutions were unanimously adopted, viz:

WHEREAS, At the fourth annual Encampments Department of Dakota, G. A. R., held in the city of Jamestown, Dakota, in March, 1887, a committee was appointed to recommend a location for a Soldiers' Home for Dakota; and,

WHEREAS, Such committee reported to the annual Encampment Department of Dakota, G. A. R., held in Redfield, March, 1888, recommending Hot Springs, Dakota, as the most favorable and suitable place for the location of such a Home as contemplated; and,

WHEREAS, Such report was unanimously adopted by such encampment.

Therefore be it Resolved by the members of Kilpatrick Post No. 4, G. A. R., of Huron, Dak., in special session assembled, that we endorse and earnestly recommend that the action taken in the Department Encampment assembled be and the same is the sense of this post; and,

Be it further Resolved, That we heartily recommend such action by the Dakota Legislature as will carry out the recommendations of the committee and locate the Soldiers' Home at Hot Springs, Dakota.

I hereby certify that the foregoing is a true and correct copy of the preamble and resolutions as passed by this post January 28, 1889.

E. C. WALTON,

Acting Commander, Kilpatrick Post, No. 4, G. A. R.
Attest: A. SHER F. PAY, Adjutant.

HEADQUARTERS RALPH ELY POST NO. 45,
G. A. R., DEPARTMENT OF IOWA,
COLUMBIA, DAK., January 28, 1889. }

Resolved, That Ralph Ely Post as a post in body, do fully support and recommend that the action relating to the Soldiers' Home to be located at the Hot Springs, Dak., is according to the desire and wishes of the Post.

F. H. TOWNSEND, Adjutant.

H. L. HEMAN,
Commander.

HEADQUARTERS GEN. LYON, No. 11,
DEPARTMENT OF DAKOTA, G. A. R.,
CANTON, January 28, 1889. }

Resolved, That as a Post we favor the Hot Springs, Dak..

as the location of the Soldiers' Home, and would ask that it be located there in preference to any other place.

W. S. ARNOLD,
Commander.

D. H. HAWN,
Adjutant pro tem.

HEADQUARTERS ROBERT ANDERSON POST,
G. A. R., DEPARTMENT OF DAKOTA,
ABERDEEN, Dak., Jan. 29, 1889. }

To Gen. S. F. Hammond, Department Commander, Bismark,
Dakota:

DEAR SIR: At a regular meeting of Robert Anderson Post G. A. R., held last evening the following resolution was unanimously adopted:

WHEREAS: There seems to be an effort made to locate the proposed Soldiers' Home at some point other than the Hot Springs: Therefore be it

By the members of Robert Anderson Post in regular meeting assembled; that we deprecate such a move, regarding it as detrimental to the interest and happiness of those old soldiers who will be inmates of such a home; we believe that this rich and prosperous Territory, made so, in a great measure, by the energy, push and bravery of the old soldiers who have become residents, should locate the home where it will make happy the declining years of those who will be compelled to adopt it as their last earthly home; we believe it should be located at the beautiful and health giving Hot Springs of Dakota, and that it should be located without regard to any bonus that may be offered by any other point.

WM. F. DUNN,
Post Commander.

F. W. RAYMOND, Adjutant.

MADISON, Dak., Jan. 29, 1889.

That General Shields Post G. A. R. hereby approves the action of the fifth annual encampment at Redfield, Dak., March, 1888, in choosing Hot Springs, Dak., as the location of the Soldiers' Home; that we as a post of the Grand Army hereby protest against the use of the organization of the G. A. R. as a means of booming any town or real estate speculators; that we protest against the location of the Soldiers' Home at Pierre as being directly in opposition to the expressed wishes of the great

majority of old soldiers of the Territory as made known at our last annual encampment, and we hereby call upon our comrades from every locality to use all honorable means to defeat the schemes of those who would trade upon the misfortunes of our comrades.

The foregoing resolutions were unanimously adopted at a regular meeting of General Shields Post, No. 22, G. A. R., held January 29, 1889.

N. H. DOWNS,
Commander.

C. A. NORTON, Adjutant.

HEADQUARTERS BAKER POST, No. 39,
GRAND ARMY OF THE REPUBLIC,
LAKE PRESTON, Jan. 28, 1889. }

Noticing that Sully Post at Pierre has caused a petition to be circulated and presented to the present Legislature requesting the setting aside of the vote of the Redfield Encampment in March, 1888, to recommend that the Legislature locate a Soldiers' Home at Hot Springs, Dak., therefore, at a special meeting of Baker Post, No. 39, be it

Resolved. That Baker Post unanimously endorse the vote of the Redfield Encampment to have the Legislature locate a Soldiers' Home at Hot Springs, Dak.

S. F. GREENLEAF,
Commander.

C. A. B. FOX, Adjutant.

ASHTON, Dak., January 12, 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 General Upton Post No. 62, 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 at the Hot Springs, D.T.

J. C. DAY,
Commander.

Attest: JOHN S. PERRITON, Adjutant.

JOHN BROWN POST, No. 86, G. A. R.,
DEPARTMENT OF DAKOTA,
CASSLETON, January 28, 1889. }

S. F. Hammond and others of the G. A. R. Legislative Committee, Bismarck, Dak.:

The comrades of this Post are of the unanimous opinion that the action of the Department encampment was wise, and that all loyal comrades should abide the decision made at Redfield in March, 1888. This Post deprecates contrary action on the part of any post, and adopts the following resolution, to be forwarded to those delegated to take the matter in hand:

Resolved, That the action of the Department taken at Redfield, in March, 1888, relative to locating the Soldiers' Home at Hot Springs, Dak., is satisfactory to us, and we believe in maintaining Department instructions.

Special meeting, held January 28, 1889.

H. J. ROWE,
Commander.

J. C. WHITE,
Adjutant.

MITCHELL, DAK., Jan. 21, 1889.

To S. F. Hammond, Bismarck, Dak.:

COMRADE: Ransom Post No. 6 took action last week on legislation for a Soldiers' Home. Resolutions in favor of Hot Springs have been forwarded to Representative Logan of Hanson, Green and Powell of this district. It was an oversight not forwarding a copy to you.

R. T. ROBISON,
Q. M. Ransom Post.

DICKINSON, Dak., Jan. 23, 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 Fort Sumter Post, No. 118, 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 at Hot Springs.

GEO. AULD,
Commander.

Attest: W. H. STARK, Adjutant.

DEPARTMENT OF DAKOTA,
GRAND ARMY OF THE REPUBLIC,
BISMARCK D. T., January 28, 1889. }

S. F. Hammond, Department Commander G. A. R.:

DEAR SIR: Our Post, No. 50, G. A. R., located at Flan-

dreau was not represented at the last Territorial encampment, and I was not knowing to the action then taken regarding a "Soldiers' Home," and without calling a meeting of my Post on receipt of the "Pierre Circular," instructed my adjutant to send in the circular as we wanted a "Home" and one immediately, but in view of the action of the department encampment and the value of the Hot Springs for the old soldiers I am certainly in favor of locating the Soldiers' Home at Hot Springs, Dak.

Yours in F. C. and L.

D. S. WHITE,

Commander Post No. 50, G. A. R.

R. L. McCook Post, No. 74. {

BROOKINGS, Dak., Jan. 21, 1889. }

At a regular meeting of Robt. L. McCook Post No. 74, Department of Dakota, held in their hall Saturday evening, January 19, 1889, the following resolution was unanimously adopted:

Resolved, That we heartily concur in the action taken by the department of Dakota, G. A. R. at their encampment held at Redfield, Dak., in March, 1888, in locating the Soldiers' Home at Hot Springs, Dak., and that we earnestly request the honorable members of both houses of the Legislature to approve the action of our department in this matter.

A. H. WELLMAN,
Post Commander.

VOLGA, DAK., Jan. 19, 1889.

To the Honorable Council and House of Representatives of the Legislative Assembly of the Territory of Dakota:

At a special meeting of E. H. Kennedy Post No. 119, Department of Dakota, Grand Army of the Republic, held at above date, 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 would most respectfully urge the passage of a bill locating the same at Hot Springs.

H. V. HICKS,
Commander.

Attest: THOS. W. BISHOP, Adjutant.

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

At a regular meeting of the Phil H. Sheridan Post No.

72, at Faulkton, Dak., January 12th, 1889, Comrade J. A. Pickler offered the following resolution, which was unanimously adopted, viz:

Resolved, That it is the sense of Phil H. Sheridan Post No. 72, Faulkton, Dak., that the members of the Territorial legislature from this Tenth Legislative District, Councilman Woolhiser and Representatives Cook and Ryan, be and they are hereby requested to support the bill to establish a Soldiers' Home at Hot Springs, and that they do what they may be able to assist Commander Hammond in securing the passage of the bill. On motion, voted that a committee be appointed to transmit the above resolution to the members of this Tenth Legislative District at Bismarck, and J. A. Pickler was appointed said committee.

M. S. McDEARMON,
Commander.

C. H. ELLIS, Adjutant.
By J. A. PICKLER, Committee.

REPORTS OF STANDING COMMITTEES.

The Committee on Territorial Affairs presented the following reports:

MR. SPEAKER.

Your Committee on Territorial Affairs, to whom was referred

House Bill No. 125,

A bill for an act to amend Section 24 of Chapter 39, of the Political Code, relating to salaries of county commissioners,

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

Also,

House Bill No. 48,

A bill for an act to require county treasurers to deposit funds in designated depositories and providing for interest thereon.

And recommend that it do pass.

Also,

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."

And recommend that said bill do not pass.

Also,
House Bill No. 38,

A bill for an act to fix the compensation of the judges of the probate court and to provide a fund to reimburse the county for the same, and to provide for clerks of probate courts,

And recommend that the same do pass with the following amendments:

Amend Section (1) by striking out in line (3) of said Section the following words: In all counties having one thousand inhabitants or less two hundred dollars and also, at the end of line 3 of said section, strike out the word "one" and insert in lieu thereof the word "six;" also in line 4 of said section, strike out the word "two" and insert the word "one;" also in line 8 of said section, insert after the word "infants," the following, "and for the issuance of marriage licenses, and recording marriage certificates."

Amend Section 3 by striking out, in line 2 of said section the word "eight," and insert in lieu thereof the word "ten;" also, strike out after the word "county," in line 6, all of lines 6 and 7 in said Section 3.

Amend Section 6 by adding, after the word "repealed," the following, "except so much as relates to the salaries of the judges of the probate court in counties having a population of less than six thousand inhabitants, which said salaries shall be and remain the same as are now provided by law."

JOSEPH ALLEN,
Chairman.

The Committee on Warehouses, Grain, Grading and Dealing submitted the following report:

MR. SPEAKER:

Your Committee on Warehouses, Grain, Grading and Dealing, to whom was referred
House Bill No. 96,

A bill for an act to amend Section 4 of Chapter 130 of the 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,"

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

Amend Section 1 by inserting after the word "shipped"

in line 4 of said Section, the words: "And whose capacity exceeds fifteen thousand bushels,"

And as so amended that the bill do pass.

Also,

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 alongside of their tracks, and on their rights of way,"

And recommend that it be amended as follows:

Amend the title of said bill by inserting after the word "elevators" the words "or warehouses;" also after the words "alongside of" insert the words "any of;" also after the word "their" and before the word "tracks" insert the word "side."

Amend Section 1 by inserting after the words "operate alongside of" in line 4 of said section the words "any of the sidetracks;" also after the word "elevators" in line 6 of said section the words "or warehouses."

Amend Section 2 by inserting after the word "elevators" in line 2 of said section the words "or warehouses;" also after the word "elevator" wherever it appears in lines 6 and 9 of said section insert the words "or warehouse."

Amend Section 3 by inserting after the word "person" in line 1 of said section the words "or corporation."

Also amend Section 3 by striking out the words "the sum of" wherever it appears in line 4 of said section and insert in lieu thereof the words "a sum not to exceed," and as so amended recommend that the bill do pass.

D. B. WELLMAN,
Chairman.

The Committee on Ways and Means submitted the following report:

MR. SPEAKER:

Your Committee on Ways and Means to whom was referred

House Bill No. 124,

A bill for an act to amend Section 1 of Chapter 118 of the Session Laws of 1881,

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

CHAS. J. TRUDE,
Chairman.

MR. SPEAKER:

Your Committee on Ways and Means to whom was referred

Joint Resolution No. 50,

Relating to the furnishing of newspapers to members of the Legislature,

Together with the Governor's message in relation thereto, beg leave to report that in the judgement of the committee, said resolution being a concurrent resolution only, it should not have been presented to the Governor, either for his approval or disapproval; that a bill or joint resolution making appropriation to satisfy claims arising under the provisions of said concurrent resolution was the proper measure to have been passed and presented for executive consideration.

In view of these facts recommend that said Joint Resolution No. 50 do not pass.

Your committee further recommend that the accompanying bill be substituted for Joint Resolution No. 50, and that the rules be suspended and the bill put upon its first, second and third reading and final passage.

CHAS. J. TRUDE,
Chairman.

Mr. Cooke moved

That the report be adopted,

Which motion prevailed, and

House Bill No. 176,

A bill for an an act to provide newspapers for the members of the Legislature and making an appropriation therefor.

Was read the second and third times and placed on its final passage.

The roll being called, there were ayes, 34; nays, 9.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Baldwin, Bergman, Bixler, Burnham, Clark Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Lampman, Lillibridge, Logan, McHugh, McNeil, Newman, Parkin, Patridge, Patton, Potter, Powell, Ryan, Sheets, Swanston, Trude, Turnbull, Upham, Van Eten, Wellcome, Wellman.

Those who voted in the negative were:

Messrs. Bennett, Mallory, Miller, Morris, Palmer, Price, Ramsdell, Smith, White, Mr. Speaker.

Absent and not voting:

Messrs. Aikens, Hunter, Jones and Royer.

Mr. Hunter being excused.

So the bill passed and its title was agreed to.

The Committee on appropriations submitted the following reports:

MR. SPEAKER:

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 in Oliver county, Dakota, on order of the Governor and Territorial Board of Health,

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

In fourth and fifth lines of Section 1 strike out the words and figures: "\$2,820 with interest at 7 per cent." and in lieu thereof place the figures "\$2,000." In the first line of Section 1, first line of Section 2 and sixth line of Section 2, strike out the words "the owner or owners" and in lieu thereof place the names: "W. J. Ethrington, James B. Ethrington and J. B. Fellows" and that the bill do then pass.

G. M. GREENE,
Chairman.

MR. SPEAKER:

Your Committee on Appropriations to whom was referred House Bill No. 147,

A bill for an act establishing and locating the North Dakota Agricultural College; to provide for issuing of Territorial bonds for the construction of the same, and to authorize the city of Casselton to issue bonds to aid in the construction thereof,

Have had the same under consideration and recommend that said bill be amended by striking out all in said bill that refers to appropriation or Territorial bonds, and that the bill be then referred the Committee on Territorial Affairs.

G. M. GREENE,
Chairman.

Mr. Gronna moved
To adopt the report,
Which motion prevailed.

EXECUTIVE COMMUNICATION.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
 January 31, 1889: }

To the House of Representatives:

In the report of your Judiciary Committee, made to your honorable body, recommending the passage of House Bill No. 99 (over the Governor's veto) Entitled "A Joint Resolution providing for the appointment and compensation of minor officers of the Eighteenth Legislative Assembly," the following language is used: "It is unfortunate for our people that the general government has not been appraised of the fact that we have long since outgrown the necessity of our power to appropriate funds for the proper management of our own affairs."

I deem it proper to call your attention to my printed report (as Governor) to the Department of the Interior in 1888, page 55, where I call attention to this very subject and recommend action thereon.

Respectfully,
 LOUIS K. CHURCH,
 Governor.

The Committee on Engrossed and Enrolled bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respectfully report that

House Bill No. 99,

A Joint Resolution providing for the appointment and compensation of minor officers of the Eighteenth Legislative Assembly,

Which was vetoed by His Excellency, the Governor, and passed by a vote of two-thirds of the members of the House and Council respectively, the Governor's objections to the contrary notwithstanding, was placed on file in the office of the Secretary of the Territory this 30th day of January, 1889.

D. M. POWELL,
 Chairman.

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

Resolved, That the House respectfully request the Attorney General of the Territory to give his opinion, in writing, on the constitutionality of House Bill No. 22, and

that the Public Printer, on the delivery to him by said Attorney General of said opinion, is directed to print two hundred (200) copies for the use of the House,

Which motion prevailed, and

The resolution was adopted.

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

Resolved, That the House, beginning with Monday next, will hold evening sessions for the purpose of considering railroad and usury bills and will continue said sessions until said bills are perfected and passed.

Resolved, That the committees to which all railroad and usury bills have been referred be and hereby are instructed to report said bills back to the House by Monday next.

Mr. Wellcome moved

To strike out the word "Monday" where it occurs in the fore part of the resolution and insert in lieu thereof the word "Thursday."

Which motion prevailed.

Mr. Patridge moved

To lay the resolution on the table.

Ayes and nays demanded.

The roll being called there were ayes, 18; nays, 26.

Those who voted in the affirmative were:

Messrs. Allen, Bixler, Clark, Greene, Howell, Lampman, Lillibridge, Mallory, McHugh, McNeil, Parkin, Patridge, Patton, Powell, Smith, Turnbull, Van Etten, Wellcome.

Those who voted in the negative were:

Messrs. Aikens, Adams, Baldwin, Bennett, Bergman, Cooke, Douglas, Elliott, Gronna, Jones, Logan, Miller, Morris, Newman, Palmer, Potter, Price, Ramsdell, Royer, Ryan, Sheets, Trude, Upham, Wellman, White, Mr. Speaker.

Absent and not voting:

Messrs. Burnham, Fletcher and Hunter.

Mr. Hunter being excused.

So the motion was lost, and the original motion prevailed.

The Speaker announced his signature to

House Bill No. 86.

The following report of the Committee on Enrolled and Engrossed Bills was submitted:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills have examined

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,

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Swanston introduced—

House Bill No. 177,

A bill for an act defining the boundaries of Ramsey county,

Which was read the first time.

Mr. Greene introduced (by request)—

House Bill No. 178,

A Joint Resolution to reimburse Legislative officers for certain expenses,

Which was read the first time.

Also,

House Bill No. 179,

A bill for an act authorizing county commissioners to purchase for the use of their respective counties an artesian well driving outfit,

Which was read the first time.

Mr. Elliott introduced—

House Bill No. 180,

A bill for an act to abolish the office of territorial auditor, and to repeal Chapter 7 of the Political Code,

Which was read the first time.

Also,

House Bill No. 181,

A bill for an act to regulate the duties of railroad corporations in regard to fences and otherwise,

Which was read the first time.

Mr. McNeil introduced--

House Bill No. 182,

A bill for an act to amend Section 45, of Chapter 21, of the Political Code relating to the manner of letting contracts by county boards.

Which was read the first time.

Mr. Swantson moved

To suspend the rules, and that

House Bill No. 177,

A bill for an act defining the boundaries of Ramsey county,

Be read the second time and
Referred to the proper committee,
Which motion prevailed, and

House Bill No. 177,

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

Mr. Jones introduced—

House Bill No. 183,

A Joint Memorial to Congress relating to the opening of that portion of the Fort Randal Military Reservation on the east side of the Missouri river, in the county of Charles Mix, to settlement under the Homestead Law,

Which was read the first time.

FIRST READING OF COUNCIL BILLS.

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 first time.

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 first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 12,

A bill for an act providing for township organization,

Was read the second time and

Referred to the Committee on Towns and Cities.

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 Judiciary.

Council Bill No. 43,

A bill for an act to repeal Chapter 48 of the Special Laws of the 16th Legislative Assembly, being "An act to provide for payment of clerical work in the Executive office," and all other acts amendatory thereto,

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

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 beavers in the Territory of Dakota,"

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

SECOND READING OF HOUSE BILLS.

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 Appropriations.

House Bill No. 166,

A bill for an act to define township and county roads,

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

House Bill No. 167,

A bill for an act relating to chattel mortgages upon crops and providing for notice of such mortgages,

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

House Bill No. 168,

A bill for an act to provide funds for the erection of chemical, mechanical and veterinary laboratories, for repairs and for making other permanent improvements for the Agricultural College of Dakota at Brookings,

Which was read the second time and
Referred to the Committee on Appropriations.

House Bill No. 169,

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 second time and
Referred to the Committee on Appropriations.

House Bill No. 170,

A bill for an act to procure title to land for cemetery purposes,

Was read the second time and
Referred to the Committee on Territorial Affairs.

House Bill No. 171,

A Bill for an act to amend Sections one (1), four (4), five (5), ten (10), and twenty-six (26) of Chapter thirty-eight (38) of the Session Laws of 1887 entitled "An act authorizing the division of counties and for other purposes,"

Was read the second time and

Referred to the Committee on Counties.

House Bill No. 172,

A bill for an act to provide funds for the construction, furnishing and heating of a science hall for the University of Dakota at Vermillion.

Was read the second time and

Referred to the Committee on Appropriations.

House Bill No. 173,

A bill for an act to amend Section 86 of the Justices Code,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 174,

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.

Substitute for House Bill No. 104,

A bill for an act to authorize the discharge of attachments and lis pendens,

Was read the second time and

Not referred.

Mr. Speaker announced an informal recess of five minutes.

The House called to order by the Speaker in the chair.

Mr. Aikens, by unanimous consent, moved

That the rules be suspended and that

House Bill No. 178

Be read the second and third times and placed upon its final passage.

Which motion prevailed, and

House Bill No. 178,

A bill for a Joint Resolution to reimburse Legislature officers for certain expenses,

Was read the second and third times and placed on its final passage.

The roll being called, there were ayes 43; nays none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Morris, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Absent and not voting:

Messrs. Burnham, Clark, Cooke, Hunter, Miller.

Mr. Hunter being excused.

So the bill passed and its title was agreed to.

Mr. Jones moved

To suspend the rules, and that

House Bill No. 183,

A Joint 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,

Be read the second and third times and placed upon its final passage,

Which motion prevailed, and

House Bill No. 183,

A bill for a joint memorial to Congress, relating to the opening of a part of the Fort Randal Military Reservation in Charles Mix county,

Was read the second and third times and placed upon its final passage.

The roll being called, there were ayes 46; nays, 0.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Absent and not voting:

Messrs. Hunter and White. Mr. Hunter being excused.
So the bill passed and its title was agreed to.

The Speaker appointed as the Joint Committee to inspect the condition and affairs of the Jamestown Asylum, Messrs. Mallory, Logan and Baldwin.

CONSIDERATION OF GENERAL ORDERS.

Mr. McHugh moved
 That the House do now resolve itself into Committee of
 the Whole to consider general orders,
 Which motion prevailed and
 The Speaker called Mr. McHugh to the chair.
 The committee rose.

Mr. Aikens moved
 That the House do now adjourn.
 Which motion prevailed and the House
 Apjourned.

JOHN G. HAMILTON,
 Chief Clerk.

TWENTY-FIFTH DAY.

BISMARCK, February 1, 1889.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Bergman and Trude, excused.

The Committee to Revise and Correct the Journal made the following report:

MR. SPEAKER:

The Committee to revise and correct the Journal have examined that of January 30, 1889 and recommend the following corrections: On page 1 after the words "all members present," strike out the words "except Messrs. Adams, Gronna, Jones, McNeil, Morris, Parkin, Sheets, Swanston, Upham and Wellman. On page 9 in House Bill No. 165, strike out the words "Jake Sundbock" and insert the words "John Sundback." On page 16 under House Bill No. 175, after the words "which motion prevailed" insert the following:

House Bill No. 175,
 A bill for an act establishing a term of court in La Moure county, Territory of Dakota,"

Was read the second time.

On page 17 after the title to House Bill No. 99, strike out all preceding the roll call and insert the following:

"House Bill No. 99 with the message of the Governor vetoing the same was read—the bill was reconsidered, and the question being shall the bill pass, the objections of the Governor to the contrary notwithstanding." On page 21 after the words "Mr. Aikens moved" strike out all the words "that immediate action be deferred" etc., and insert the following: "that action be postponed and that the bill with the message of the Governor be referred to the appropriate committee, which motion prevailed, and the Speaker referred the bill and message to the Committee on Judiciary." On page 22, under House Bill No. 94 insert the following: In line 11, Section 1, after the word "point" strike out the word "to."

R. L. BENNETT,
O. R. VAN ETTEN.

Mr. Parkin moved
To adopt the report,
Which motion prevailed.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Bennett 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. J. A. TAYLOR,
And 157 others, of Grand Forks county.

COMMUNICATION FROM THE ATTORNEY GENERAL.

The following communication from the Attorney General was presented by Mr. Fletcher:

OFFICE OF ATTORNEY GENERAL, }
February 1, 1889. }

To the Honorable Speaker and the House of Representatives of the Legislative Assembly:

GENTLEMEN: Your communication upon House Bill No.

22 I have received. In conversation with the committee to whom the bill was referred, I have been informed that you desire my opinion on Section 17, as to whether the provisions of that section, authorizing the Board of Railroad Commissioners to fix a schedule of rates-of-fares, charges, etc., for the railroad companies, is legal under the Organic Act; i. e., to determine whether these powers conferred upon the Railroad Commissioners are of a judicial nature, and being so, without the powers of the Legislature.

It has been held by a number of decisions that a judicial function is a power to hear and determine controversy, or interpret. *Merrill vs. Sherburn* (1. N. H. 199) is one of the leading cases on this subject. The power to fix a charge or rate in no sense includes a controversy; it is an arbitrary administrative power in the nature of a delegated authority from the Legislature.

There are many acts of administrative and executive offices, that look towards the powers of the judiciary, yet are not, and never have been so considered, but are powers necessary to the exercise of the functions of those offices.

This power granted the Board of Railroad Commissioners is the same nature as that granted the boards of county commissioners by Sec. 488, page 839, of *Levissee's Code*, 1885. Speaking of toll rates, that act says: "They may take such tolls only, on their roads, ferries, or bridges, as are fixed by the Board of County Commissioners of the proper county through which it passes," and of the same character as those rates of telephone charges by telephone companies, and water charges by water companies; which exist in many of the territories and states.

If the Legislature has the power to fix a rate of charges by an act, for the services rendered in any line of business, and such power is not in conflict with the provision conferring judicial power upon courts alone, the Legislature has the authority to confer that power by act upon Boards, being a mere delegation.

I am of the opinion there is, by this Section 17 of the bill, in conferring powers upon the Board of Railroad Commissioners to fix rates, nothing in conflict with the provisions of the Organic Act.

The committee to whom this was referred have advised me that there is no other provision of the bill, that they wish my opinion upon, and, therefore, I do not feel at lib-

erty to discuss the entire bill or make any further suggestions.

Respectfully,
T. L. SKINNER,
Attorney General.

Mr. Aiken moved

That the communication of Mr. Skinner be delivered, together with the bill, to the Railroad Committee,

Which motion prevailed.

Mr. Wellcome presented the following petition:

HEADQUARTERS WINFIELD SCOTT POST, No. 37, }
DEPARTMENT OF DAKOTA, G. A. R., }
STEELE, Dak., Jan. 29, 1889. }

At a regular meeting of Winfield Scott Post No. 39, Department of Dakota, G. A. R., I was instructed to request the Representatives of this Legislative Assembly to support House Bill No. 39, locating the Soldiers' Home at Hot Springs, Dakota, in accordance with the unanimous sentiment expressed at the Fifth Annual Encampment, held at Redfield, Dak., in March, 1888.

JOHN W. CARROLL,
Post Commander.

Mr. Powell presented the following resolution:

HEADQUARTERS JOHN A. ROLLINS POST No. 27, }
G. A. R., DEPARTMENT OF DAKOTA, }
PLANKINTON, DAK., Dec. 8, 1888. }

At a regular meeting of said Post the following resolution was adopted:

Resolved, That John A. Rollins Post No. 27, 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 Soldiers' Home at Hot Springs, Dakota.

We do hereby testify that the above resolution was unanimously adopted.

T. C. GRANGER,
Commander.

S. R. DRKE,
Adjutant.

Mr. Gronna presented the following resolutions:

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, D. T., 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, D. T., 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.

E. L. CALKINS,
Commander.

H. J. PORTER, Adjutant.

Mr. Greene presented the following petition;

CHAMBERLAIN, DAK., Jan. 29, 1889.

At a special meeting of McKinzie Post No. 34, G. A. R., held this evening, the following preamble and resolutions were adopted by a unanimous rising vote.

WHEREAS, At the Department Encampment of the G. A. R. of Dakota, held at Redfield in March 1887, it was resolved by that body that the Grand Army favored the erection of a Soldiers' Home; and

WHEREAS, After a full and free discussion of the merits of the several places which new candidates for the location, Hot Springs was unanimously selected as the best place for said location; and

WHEREAS, There is an attempt being made to change said location, and circular letters have been sent out to the several Posts asking for the endorsement of a location other than the one chosen at Redfield:

Therefore, be it Resolved, By McKinzie Post No. 34 that we are opposed to any change in location. That we believe it bad policy for any post in this department to attempt to divert the action of the Legislature from the line of policy laid out at Redfield. That such action smacks largely of insubordination, and the result will be to divide the strength of the Grand Army of Dakota and each faction will be whipped in detail.

Resolved, That we unanimously favor Hot Springs as the

location of a Soldiers' Home, and if it cannot be secured for that place, we favor the defeat of all other places, and that no Home be built at present.

Resolved, That we request the representatives of this district to favor Hot Springs for the location as against any other place in Dakota: that if they find it impossible to secure the location of a Home there, that they oppose all other localities and use their best efforts to defeat any and all bills providing for the location of a Soldiers' Home elsewhere, at this session.

W. V. LUCAS,

And 22 other old soldiers.

I hereby certify the foregoing is a true copy of a document sent this day to Hon. J. M. Greene, member from Brule county, Dak.

PAUL M. KROHN,
Post Commander.

Attest: W. V. LUCAS, Post Adjutant.

Mr. Potter presented the following petition:

HEADQUARTERS SEDGWICK POST No. 26, }
G. A. R., SALEM, Dak. }

To the Honorable Members of the Legislature of Dakota:

We the undersigned, ex-soldiers of the late war, would respectfully request that no bill to locate a Soldiers' Home in the Territory of Dakota, at any point, in this Territory be passed at this term of the Legislature.

Our reasons for so requesting, are as follows:

1. The general government at its own expense, has already established homes that are within reach of all who need their benefits, and our comrades who need the aid of homes of that kind, are so small in number that the establishment of a home at Territorial expense, would be without real warrant or necessity. 2. A false impression as to the class of citizens who are in the Territory, who have been in the late war, would be likely to be created among eastern states. 3. On the eve of the admission to the Union the passage of appropriation bills of that kind would hardly create a favorable impression.

W. PULFORD,

And 12 other ex-soldiers.

Mr. Parkin presented the following resolutions:

HEADQUARTERS, JOHN B. KING POST, No. 73, }
DEPARTMENT OF DAKOTA, G. A. R. }

At a special meeting of the above named Post, held at

Mandan, D. T., on the 29th day of January A. D. 1889, the following preamble and resolutions were unanimously adopted:

WHEREAS, A bill for the location of a Soldier's Home is now pending before the Legislature of Dakota Territory, now assembled, and

WHEREAS, The expression of soldiers, as being reasonably competent to judge where such Home should be best located, has been called for through the Posts of the G. A. R. Therefore, be it

Resolved, That the John B. King Post, No. 73, department of Dakota G. A. R., is now, and ever has been, in favor of the location of the Soldiers' Home at Hot Springs, Fall River county, D. T.

Resolved, That we earnestly request our representatives from this, the 23d, Legislative district to use their utmost endeavors and influence to secure the location of the proposed Soldier's Home at Hot Springs, Fall River county, D. T.

M. B. DOYLE,
W. L. GIBSON,
R. J. CARR,
G. H. BARNCARD,
O. V. DAVIS,

Committee on Resolutions.

Mr. Douglas Presented the following resolution:

To the Legislature of the Territory of Dakota:

On the question of establishing a Soldiers' Home for Dakota, the following preamble and resolutions were unanimously adopted by General Crocker Post No. 70, G. A. R.

WHEREAS, It is proposed to pass a law authorizing the establishment of a Soldiers' Home at Hot Springs, Dak., and

WHEREAS, This is fully in accord with the action of the the last Territorial encampment held at Redfield, Dak., in March, 1888, therefore,

Resolved, By General Crocker Post No. 70, G. A. R., that we most heartily endorse the proposition to establish a Soldiers' Home at Hot Springs, Dak.

2. That we request our district representatives to use all honorable means to secure an appropriations for the establishment and maintenance of a Soldiers' Home at Hot Springs, Dak., in accordance with the action of the Territorial encampment above referred to.

3. That a copy of these resolutions be sent to Hon. Thos. Douglas, representative from Day county, with the request that he present the same to the General Assembly of the Territory of Dakota.

Attest: T. A. BAKER, Adjutant.

J. C. ADAMS,
Commander.

Mr. Gronna presented the following petition:

RUGBY JUNCTION, January 19, 1888.

We, the undersigned citizens and voters of Pierce county, are fully satisfied with the boundary lines of our county, and would respectfully request of your honorable body that the same remain as they are at present.

JOHN SHERMAN,
And 117 others.

Mr. Newman presented the following petition:

HEADQUARTERS, AMBROSE FREEMAN POST No. 111, G. A. R. }
DEPARTMENT OF DAKOTA, }
FORMAN, Dak., January 16, 1889. }

To the Hon. C. C. Newman, Bismarck, Dakota:

We, the undersigned members of Ambrose Freeman Post G. A. R., respectfully petition you that you use your best efforts toward the securing of an appropriation for the establishing of a Soldiers' Home for the invalid soldiers and sailors of Dakota.

A. F. PRICE,
And 18 others.

REPORTS OF STANDING COMMITTEES.

The Committee on Enrolled and Engrossed Bills made the following reports:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

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.

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,

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 1883, entitled "An act to provide for the organization of civil townships and the government of the same."

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. 83,

A bill for an act relating to the payment of premiums for insurance by the giving of notes,

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,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respectfully report that

House Bill No. 86,

A Joint Resolution providing for an investigation into the affairs of the Jamestown Asylum,

Was delivered to His Excellency the Governor for his approval at the hour of 2 o'clock and 20 minutes p. m., February 1st, 1889.

D. M. POWELL,
Chairman.

The Committee on Judiciary submitted the following report:

MR. SPEAKER:

The Committee on Judiciary make the following report:

They have had under consideration

House Bill No. 19.

A bill for an act to give publicity to chattle mortgage sales,

And recommend that all of said bill after the enacting clause be stricken out, and it be amended by inserting the proposed amendments accompanying said bill, and as amended that it do pass.

Also,

Substitute for House Bill No. 35,

A bill for an act regulating the issuance and delivery of county warrants,

And recommend its adoption.

Also,

Substitute for Council Bill No. 11,

A bill for an act to detach the counties of Stanley, Sterling and Nowlin from the Seventh Judicial District and to attach them to the Fifth District and to Hughes county for judicial purposes and also to detach the counties of Pratt and Presho from said Seventh District and to attach them to the Second Judicial District and to Brule county for judicial purposes.

And recommend the passage of the substitute bill and the indefinite postponement of the original.

Also,

House Bill No. 150,

A bill for an act to prevent any person or persons from obtaining board or lodging under false pretenses,

And recommend that it do not pass.

Also,

House Bill No. 158,

A bill for an act to provide for mechanics liens upon personal property,

And recommend that it do not pass.

Also,

House Bill No. 160,

A bill for an act exempting all lands used as public highways from taxation,

And recommend that it do not pass.

Also,

House Bill No. 1,

A bill for an act to provide seed wheat, etc.,

Which was by this Committee referred to a sub-committee consisting of Mr. Speaker and Messrs. Adams and Newman in whose possession the bill now is.

Also,

House Bill No. 22,

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," etc.,

Which is hereby returned to the House to be referred to the Committee on Railroads agreeably to the resolution thereof.

All of which is respectfully submitted.

M. M. PRICE,
Chairman.

Mr. Smith moved
To adopt the report.
Which motion prevailed.

The Committee on Insurance made the following report:

MR. SPEAKER:

Your Committee on Insurance, to whom was referred House Bill No. 114,

A bill for an act to amend Section 14 of Chapter 67, Session Laws of 1887,

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

The title of the bill shall read as follows:

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,"

And when so amended we recommend that said bill do pass.

T. A. DOUGLASS,
Chairman.

The Committee on Counties submitted the following report:

MR. SPEAKER:

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.

Also,

House Bill No. 177,

A bill for an act to define the boundaries of Ramsey county,

And recommend that the bill do pass.

Also,

House Bill No. 171,

A bill for an act to amend Sections one (1), four (4), five (5), ten (10) and twenty-six (26) of Chapter 38 of the Laws of 1887 entitled "An act authorizing the division of counties and for other purposes,"

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

A. J. GRONNA,
Chairman.

The Committee on Territorial Affairs submitted the following report:

MR. SPEAKER:

Your Committee on Territorial Affairs, to whom was referred

House Bill No. 121.

A bill for an act entitled, "An act to amend Section 61 of Chapter 28 of the Political Code,"

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

Amend the title by inserting after the words "Political Code" the following: "Relating to the sale of real property for taxes," and as so amended, they recommend that the bill do pass.

JOSEPH ALLEN,
Chairman.

REPORT OF SPECIAL COMMITTEE.

MR. SPEAKER:

Your special committee on Usury to whom was referred House Bills Nos. 32, 43, 18, 26, 133 and 139, Relating to usury,

Have had the same under consideration, and return the same without recommendation.

J. H. FLETCHER,
Chairman.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER, }
January 31, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith Council Bill No. 20,

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

Also,

Council Bill No. 56,

A bill for an act to provide for the destruction of noxious weeds,

Also,

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,"

Also,

Council Bill No. 85,

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

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

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
February 1, 1889, }

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 73,

A bill for an act to provide fuel for the Capitol building,

Which the Council has passed.

R. E. WALLACE,
Chief Clerk.

Mr. Smith moved

To reconsider the vote on the resolution offered yesterday by Mr. Morris.

Mr. Jones moved

To lay the motion to reconsider on the table.

Which motion was lost and

The ayes and nays demanded on the motion to reconsider.

The roll being called there were ayes, 26; nays, 20.

Those who voted in the affirmative were:

Messrs. Allen, Baldwin, Bennett, Bixler, Burnham, Clark, Douglas, Fletcher, Greene, Gronna, Howell, Hunter, Lampman, Logan, McHugh, McNeil, Miller, Parkin, Patridge, Patton, Powell, Ramsdell, Smith, Turnbull, Van Etten, Wellcome.

Those who voted in the negative were:

Messrs. Adams, Aikens, Cooke, Elliott, Jones, Lillibridge, Morris, Newman, Palmer, Potter, Price, Royer, Ryan, Sheets, Swanston, Upham, Wellman, White, Mr. Speaker.

Absent and not voting:

Messrs. Bergman and Trude excused.

So the motion was carried.

Mr. Cook presented the following resolution:

Resolved, That it is the desire of the House, so far as it rests in its power, to correct the grievances complained of by the farmers of this Territory; and that we may be fully informed as to all their grievances, be it

Resolved, That the Hon. H. L. Loucks, President of the Territorial Farmers' Alliance, is hereby respectfully invited to address this House, at 8 o'clock p. m., February 11, 1889, in this hall, on the subject of "Needed Legislation."

Mr. Jones moved

To adopt the resolution.

Mr. Palmer moved

As a substitute, to postpone indefinitely the adoption of the resolution.

Ayes and Nays being demanded on the amendment of Mr. Palmer, and

The roll being called, there were ayes, 22; nays, 24.

Those who voted in the affirmative were:

Messrs. Allen, Elliott, Fletcher, Greene, Gronna, Hunter, Lampman, Lillibridge, Mallory, McHugh, Miller, Newman, Palmer, Parkin, Potter, Powell, Sheets, Smith, Turnbull, Van Etten, Wellcome, White.

Those who voted in the negative were:

Messrs. Adams, Aikens, Baldwin, Bennett, Bixler, Burnham, Clark, Cooke, Douglas, Howell, Jones, Logan, McNeil, Morris, Patridge, Patton, Price, Ramsdell, Royer, Ryan, Swanston, Upham, Wellman, Mr. Speaker.

Absent and not voting:

Messrs. Bergman and Trude excused.

So the substitute motion of Pr. Palmer was lost.

Mr. Morris moved

The previous question.

Which motion prevailed.

Ayes and nays demanded on the original motion.

The roll being called, there were ayes, 23; nays, 23.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bennett, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Howell, Jones, Lampman, Logan, McHugh, McNeil, Morris, Price, Royer, Ryan, Swanston, Upham, Wellman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Allen, Baldwin, Fletcher, Greene, Gronna, Hunter, Lillibridge, Mallory, Miller, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Ramsdell, Smith, Sheets, Turnbull, Van Etten, Wellcome, White.

Messrs. Bergman and Trude being excused.

Messrs. Elliott, Potter, Sheets and Turnbull explaining their votes.

So the motion to adopt the resolution was lost.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

Substitute for House Bill No. 104,

A bill for an act to authorize the discharge of attachments and lis pendens,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

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

WHEREAS, The House with much regret learned yesterday for the first time from the statements of some of the members of the Railroad and Usury Committees, made on the floor of the House, that important legislation had been delayed and that they are overworked because of the number of committees they have been appointed to serve upon, and

WHEREAS, it is the sense of the House that important legislation should not be delayed and that none of its members should have their health impaired by having imposed upon them more than their just proportion of Legislative labor, therefore be it

Resolved, That the members of the Railroad and Usury Committees be and they are hereby excused by the House until next Thursday from service on all committees except the Railroad and Usury Committees.

Ayes and nays demanded.

The roll being called, there were ayes 12; nays 33.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Clark, Cooke, Jones, McHugh, Morris, Newman, Price, Swanston, Turnbull, Upham.

Those who voted in the negative were:

Messrs. Allen, Baldwin, Bennett, Bixler, Burnham, Douglas, Fletcher, Greere, Grouna, Howell, Hunter, Lampman, Lillibridge, Logan, Mallory, McNeil, Miller, Palmer, Parkin, Patridge, Patton, Potter, Powell, Ramsdell, Royer, Ryan, Sheets, Smith, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Absent and not voting:

Messrs. Bergman, Elliott and Trude.

Messrs. Bergman and Trude being excused.

Messrs. Fletcher and Lampman explaining their votes.

So the motion to adopt the resolution was lost.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 73,

A bill for an act to provide fuel for the capitol building.

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

The Speaker announced his signature to House Bill No. 73.

Mr. Aikens moved

That the House resolve itself into a Committee of the Whole for the purpose of considering

House Bill No. 39,

A bill for an act to establish and maintain a Soldiers' Home in the Territory of Dakota and provide for the issue of the bonds of the Territory therefor,

Which motion prevailed, and

Mr. Speaker called Mr. Jones to the chair.

When the committee rose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole 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 the bonds of the Territory therefor,

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

In the 52d line of Section 1 strike out the words, "said Soldiers' Home," and in lieu thereof insert the words, "any

public building or buildings that may be erected on said granted land." In said section, 55th line, after the words "Soldiers' Home," insert the words, "or public building or buildings." In the 61st line of said section, strike out the word "institution," and in lieu thereof insert the words "building or buildings." Strike out last two words of said section, viz: "Soldiers' Home," and in lieu thereof insert "public institution."

In Section 2, 8th, 9th and 10th lines, strike out the words "so that he is not able to procure for himself a living."

In Section 4, 6th and 7th lines, strike out the words and figures "sixty thousand dollars (\$60,000)" and in lieu thereof insert the words and figures "forty-five thousand dollars (\$45,000)."

And the Committee rose, reported progress and asked leave to sit again.

J. G. JONES,
Chairman.

Mr. Aikens moved
To adopt the report.
Which motion prevailed.

Mr. Lillibridge moved
That the House adjourn,
Which motion prevailed and the House
Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

TWENTY-SIXTH DAY.

BISMARCK, February 2, 1889.

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

- The Speaker presiding.
- Prayer by the Chaplain.
- Roll called.

All members present, except Messrs. Bergman, Burnham, Parkin and Wellman, who were excused.

Mr. Patton moved

That the reading of the Journal be dispensed with.
Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The Committee on Territorial Affairs submitted the following report:

MR. SPEAKER:

Your Committee on Territorial Affairs, to whom was referred

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,

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

JOSEPH ALLEN,
Chairman.

The Committee on Public Health submitted the following report:

MR. SPEAKER:

Your Committee on Public Health have 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,

And recommend that the bill do pass,

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 infectious diseases among domestic animals,"

And recommend that the bill do pass.

Also,

House Bill No. 100,

A bill for an act to amend Sections 7 and 12 of Chapter 63 of the Laws of 1885, entitled "An act establishing Territorial and county Boards of Health, and providing for the protection of the Health of persons and animals,

And recommend the following amendments:

After the word "resident" in line 7, Section 1, of the original bill, insert the word "physicians," and also add at the end of said Section the following: "Provided there are not two resident physicians of any county, the Judge of Probate shall act on said Board of Health."

And with these amendments your Committee recommend that the bill do pass.

D. F. ROYER,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Fletcher offered the following Resolution and moved its adoption:

Resolved, That the Territorial Veterinary Surgeon be requested to furnish for the information of this House a statement showing the names of the persons to whom he has issued warrants on the "Cattle Indemnity Fund," the amount of each and for what purpose issued.

Which resolution was adopted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Newman introduced—

House Bill No. 185,

A bill for an act providing for the taxation of railroad companies,

Which was read the first time.

Mr. Adams introduced, (by request—

House Bill No. 186,

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

Which was read the first time.

Mr. Patridge introduced, (by request)—

House Bill No. 187,

A bill adding to the absolute exemptions the wages of common laborers to the amount of \$100,

Which was read the first time.

Mr. Bennett introduced—

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 treasurers and register of deeds for Grand Forks county, D. T.

Which was read the first time.

Mr. Patridge introduced—

House Bill No. 188,

A bill to amend Section 708 of the Political Code relating to county plats for the use of the Territorial Auditor,
Which was read the first time.

Mr. Trude introduced—

House Bill No. 189,

A bill for an act amending Section 1, Chapter 10, of the Session Laws of 1887,
Which was read the first time.

Mr. Potter introduced—

House Bill No. 190,

A bill for an act to provide for permanent and necessary improvements, and for building a girls' dormitory at the Dakota School for Deaf Mutes, at Sioux Falls, and for other purposes,
Which was read the first time.

Also,

Also,

House Bill No. 191,

A bill for an act appropriating money for the support and maintenance of the School of Deaf Mutes, at Sioux Falls, for the ensuing two years,
Which was read the first time.

Also,

House Bill No. 192,

A bill for an act making an appropriation for the maintenance of the Territorial Penitentiary at Sioux Falls, Dakota, for the ensuing two years,
Which was read the first time.

Also,

House Bill No. 193,

A bill for an act to provide funds for permanent and necessary improvements at the Dakota Penitentiary at Sioux Falls,

Which was read the first time.

Mr. Jones introduced—

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 was read the first time.

Mr. White introduced—

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,
Which was read the first time.

Mr. Swanston introduced—

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,
Which was read the first time.

Mr. Price introduced—

House Bill No. 197,

A bill for an act to provide for the erection and maintenance of partition fences, and for other purposes,
Which was read the first time.

Mr. Mallory introduced—

House Bill No. 198,

A bill for an act to repeal Section 4 of Chapter 49 of the Laws of 1879, the same being Section 54 of Chapter 28 of the Political Code,
Which was read the first time.

Messrs. Aikens moved

To suspend the rules and that

House Bill No. 186,

A bill for an act authorizing counties to issue bonds to procure seed wheat for needy farmers resident thereof,
Be read the second and third times and placed upon its final passage,

Which 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 thereof,
Was read the second and third times and placed on its final passage.

The roll being called, there were ayes 41; nays none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Clark, Cooke, Douglas, Elliott, Gletcher, Greene, Gronna, Howell, Hunter, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patridge, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, White, Mr. Speaker.

Absent and not voting:

Messrs. Bergman, Bixler, Burnham, Jones, Parkin, Patton and Wellman.

Messrs. Bixler, Burnham, Parkin and Wellman being excused.

So the bill passed and its title was agreed to.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER, }
February 2, 1889. }

Mr. SPEAKER:

I have the honor to return herewith
House Bill No. 20,

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

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 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,"

Which the Council has passed.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
February 2, 1889. }

Mr. SPEAKER:

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

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

Also,
Council Bill No. 8,

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

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

R. E. WALLACE,
Chief Clerk.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respectfully report that

House Bill No. 73,

A bill for an act to provide fuel for the capitol building, Was delivered to His Excellency, the Governor, for his approval at the hour of 2:10 p. m., February 2, 1889.

D. M. POWELL,
Chairman.

Mr. Adams moved

That the rules be suspended and that

House Bill No. 186 be transmitted to the Council without being engrossed,

Which motion prevailed.

Mr. McHugh moved

That the House do now resolve itself into a Committee of the Whole for the purpose of considering

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,

Which motion prevailed and

The Speaker called Mr. Jones to the chair.

When the Committee rose the following report was presented:

MR. SPEAKER:

The Committee of the Whole have had under consideration

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,

Commencing at the fifth section thereof, and recommend that sections 5, 6 and 7, as amended by the Committee on Appropriations, be adopted; that section 8 be amended as follows: In line 9 insert after the word "trustee" the words, "except as herein provided;" that sections 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 be adopted as amended by the Committee on Appropriations.

Also, in Section 20, strike out the words "or children."

Also, insert the words "United States." in line 4, and "who served in the war of the rebellion of 1861 and 1865." Also, that section be amended as follows: Strike out the words

“being deemed of immediate importance.” Also, the word “enforced,” and insert in lieu thereof the word “force.”

Also recommend that House Bill No. 39, as amended, be given its third reading and placed on its final passage.

J. G. JONES,
Chairman.

Mr. Jones moved
To amend the report of the committee by adding that House Bill No. 39 be engrossed as amended before being placed on its final passage.
Which motion prevailed.

Mr. McNeil moved
That the House do now adjourn.
Which motion was lost, and
• The Speaker announced an informal recess of five minutes.

House called to order the Speaker in the chair.

Mr. McHugh moved
That the House do now adjourn.
Which motion prevailed and the House Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

TWENTY-EIGHTH DAY.

BISMARCK, February 4, 1889.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Bergman, Morris, Parkin and Wellman.

Messrs. Bergman, Parkin and Wellman being excused.

The Committee to revise and correct the Journal made the following report:

MR. SPEAKER.

Your Committee to revise and correct the Journal have examined that of January 31, 1889, and recommend the following correction: On page 13 in lines 21 and 36 strike out the letter "G," and insert the letter "J."

Also examined the Journal of February 1, 1889, and recommend that on page 14 line 32 strike out the letters "Pr" and insert the letters "Mr."

Also have examined the Journal of February 2, 1889, and recommend the following correction on page 6 line 13 strike out the word "Council" and insert the word "House" and with these corrections recommend the approved of the Journals.

O. R. VAN ETTEN.

R. L. BENNETT.

Mr. Mallory moved
To adopt the report of the Committee,
Which motion prevailed.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Price presented the following communication:

To the Legislature of the Territory of Dakota:

The people of West Dakota respectfully petition your Honorable Body to use all necessary and proper means to secure from Congress and the War Department of the United States the maintenance of Fort Abraham Lincoln as a Post, its enlargement and proper appropriations for its improvement, for the following reasons:

First. Fort A. Lincoln is so situated as to afford protection to the large belt of country lying between the Fort Berthold reservation on the north and the great Sioux reservation on the south against any Indian outbreak occurring upon either of said reservations.

Second. Settlers living at a distance from the towns and closely populated districts would be kept in constant state of alarm with reservations on both sides of them and Indians continually traveling back and forth and for the same reason intending settlers from the east would be deterred from seeking new homes in this locality.

Third. The cost of maintaining troops at Fort A. Lincoln has been found to be less than at any other western post, owing to the comparative cheapness of wood, coal, hay and provisions.

Fourth. The remains of soldiers formerly buried at Fort

Abercrombie and other points have recently been removed to this Post.

Fifth. The historic recollections connected with the name of our "Martyred President" and which cluster around Fort Lincoln as the point from which Gen. Custer started upon his last raid, should be perpetuated in this way.

The foregoing petition was unanimously adopted and agreed to at a mass convention of the people at West Dakota held at Mandan, Dak., Jan. 28, 1889.

E. C. RICE,
Chairman.

Referred to Committee on Military Affairs.

The following communication was received from the territorial veterinary surgeon:

BISMARCK, February 4, 1889.

To the Honorable Speaker and the House of Representatives:

GENTLEMEN: Herewith I beg to submit statement of all monies expended and drawn from the stock indemnity fund, as per request contained in resolution introduced by Hon. J. H. Fletcher, February 2d. All vouchers for the same are on file in the office of the Territorial Auditor.

Any further information appertaining to my department will be cheerfully furnished.

Respectfully,

C. JNO. ALLOWAY,
Territorial Veterinary Surgeon.

DISBURSEMENTS.—STOCK INDEMNITY FUND.

April, 1887,	Burying and disinfecting		
	Burleigh and Grant Co's	\$ 65	50
	Postage and Telegrams...	2	50
	Blank books, etc.....	6	15
	Printing, paid Grand Forks		
	Plaindealer.....	15	75
	Printing, paid Grand Forks		
	Herald	13	00
	Deputy Geo. Eastman....	130	00
	Deputy W. C. Langdon...	10	00—\$ 252 90
May, 1887,	Burying, disinfecting, etc.	46	00
	Stationery	9	25
	Printing, Grand Forks		
	Plaindealer.....	38	00

	Deputy George Eastman..	120 00	
	Deputy John Ely	20 00	
	Deputy W. D. Langdon...	98 10—	331 35
June, 1887,	Burying, disinfected, etc.	16 50	
	Printing, Grand Forks Plaindealer.....	24 75	
	Printing, Grand Forks Her- ald	9 75	
	Printing, Bismarck Tri- bund.....	6 00	
	Deputy Blackwood (R)...	84 12	
	Deputy Munn.....	67 60	
	Deputy Collins	21 60	
	Deputy Eastman.....	130 00	
	Deputy Langdon.....	152 40	
	Deputy James Reid.....	30 00—	542 72
July, 1887	Deputy Geo. Going.....	240 00	
	Deputy Langdon.....	146 50	
	Deputy Munn.....	47 75	
	Deputy Collins	60 55	
	Deputy Blackwood.....	183 50	
	Burying and disinfecting in Bismarck.....	159 00	
	Telegraphing and station- ery.....	26 58—	863 55
Aug. 1887	Burying, disinfecting, etc., and printing and tele- graphing.....	70 77	
	Deputy Collins.....	293 55	
	Deputy Munn.....	104 00	
	Deputy Blackwood.....	179 80	
	Deputy Cross.....	135 00—	783 12
Sept. 1887.	Burying, disinfecting etc., and postage and tele- graphing.....	93 31	
	Deputy Munn.....	141 40	
	Deputy Blackwood.....	168 72	
	Deputy Ely.....	103 50	
	Deputy Langdon.....	166 90	
	Deputy Cross.....	130 00—	803 83
Oct. 1887	Burying, disinfecting, etc., and postage and tele- graphing.....	58 97	

	Deputy Munn.....	58 60	
	Deputy Cross.....	130 00	
	Deputy Collins.....	242 07	
	Deputy Blackwood.....	196 57	
	Deputy Reid.....	125 00—	811 11
Nov. 1887.	Incidentals, burying, post- age and telegraphing...	52 05	
	Deputy Ely.....	93 60	
	Deputy Cross.....	130 00	
	Deputy Blackwood.....	174 85	
	Deputy Munn.....	39 00—	489 50
Dec. 1887.	Incidentals, etc.....	36 70	
	Deputy Blackwood.....	178 73	
	Deputy Munn.....	8 00	
	Deputy Cross.....	135 00	
	Deputy Ely.....	41 00—	399 52
Jan. 1888.	Incidentals.....	45 87	
	Deputy Blackwood.....	172 71	
	Deputy Cross.....	130 00—	348 58
Feb. 1888.	Incidentals.....	46 45	
	Deputy Cross.....	125 00	
	Deputy Blackwood.....	174 15—	345 60
March 1888.	Incidentals.....	39 45	
	Deputy Cross.....	135 00	
	Deputy Blackwood.....	278 85—	383 30
April, 1888.	Incidentals.....	29 25	
	Deputy Blackwood.....	178 74	
	Deputy Cross.....	125 00—	332 99
May, 1888.	Incidentals.....	27 65	
	Deputy Blackwood.....	175 14	
	Deputy Cross.....	135 00—	337 79
June, 1888.	Incidentals.....	56 25	
	Deputy Blackwood.....	172 76	
	Deputy Cross.....	130 00—	359 01
July, 1888.	Incidentals.....	35 95	
	Deputy Blackwood.....	174 48	
	Deputy Cross.....	130 00—	340 43
Aug. 1888.	Incidentals.....	64 50	
	Deputy Cross.....	204 75—	269 75
	Grand Total.....		<u>\$7,994 53</u>

Which was referred to the Committee on Public Health.
The following communication was received from the Territorial Auditor:

BISMARCK, Dak., Jan. 31, 1889.

Hon. H. H. Keith, Speaker, House of Representatives:

DEAR SIR: In response to the request of the House for a statement of the Legislative expenses of each session of the Legislature of the Territory since its organization, in excess of the congressional appropriation, the enclosed statement is herewith presented.

JAMES A. WARD,
Auditor.

THIRTEENTH LEGISLATIVE ASSEMBLY—1889.

Clerks	\$ 220 00
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FOUTEENTH LEGISLATIVE ASSEMBLY—1881.

Clerks and other employes	1,218 00
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FIFTEENTH LEGISLATIVE ASSEMBLY—1883.

Clerks and other employes	\$2,885 40	
Printing	1,591 00	4,476 40

SIXTEENTH LEGISLATIVE ASSEMBLY—1885.

Clerks and other employes	8,411 00	
Printing	9,712 40	
Heating Capitol, etc	1,805 08	19,928 48

SEVENTEENTH LEGISLATIVE ASSEMBLY—1887.

Clerks and other employes	9,762 03	
Printing, etc	10,043 10	
Heating Capitol, etc	2,707 07	23,512 20

Total	\$49,455 00
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Mr. Aikens 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 so 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 expense of the Territory, but we especially do not believe it policy and for the best interest of 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 30 others of Union county.

Mr. Hunter presented the following petition:

REDFIELD, DAK., Feb., 2, 1889.

Hon. H. F. Hunter, Bismarck, Dak.:

At a meeting of Redfield Farmers Alliance held to-day, the following resolution was unanimously adopted:

WHEREAS, Taxation is becoming a burden to the farmers of this Territory, therefore

Resolved, That the Alliance ask the Legislature of Dakota now assembled, to enact a law whereby every farmer shall be taxed according to the amount invested in his real estate and the holder of the mortgage shall pay his share of the tax, thereby making taxation equal.

B. E. CAMPBELL, Secretary.

P. J. RUNSER,
President.

EXECUTIVE COMMUNICATION.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
February 2, 1889. }

To the Speaker of the House of Representatives:

I have the honor to inform your honorable body that I have approved

House Bill No. 73,

Entitled "An act to provide fuel for the capitol building,"

And the sail bill has been filed in the office of the Secretary.

Respectfully,
 LOUIS K. CHURCH,
 Governor.

Mr. Greene presented the following petitions:

MITCHELL, Dak., Jan. 21, 1889.

At a regular meeting of Ransom Post No. 6, Grand Army of the Republic, at which there was a full attendance, the following resolutions were unanimously adopted, and the same were ordered forwarded to our representatives at Bismarck, Dakota, and the committee named below, were appointed for such purpose:

WHEREAS, Nearly every northern state has, by Legislative action, enacted a bill for establishing and maintaining within their borders, a Soldiers' Home, and

WHEREAS, Within the borders of Dakota, there are many thousands of brave defenders of the union, among whom are hundreds that are largely dependent upon the public for assistance, and for whom immediate action should be taken, to provide for their declining years; therefore

Resolved, by Ransom Post No. 6, Grand Army of the Republic, in regular meeting assembled, that our representatives be respectfully but earnestly requested to use their influence to the extent of their ability in aiding a measure now before the Legislature, known as House Bill No. 39, for the building and maintaining of a Soldiers' Home;

Resolved, That we emphasize the action of the Department of Dakota Grand Army of the Republic, taken at its Fifth Annual Encampment at Redfield, Dak., in March, 1888, in its recommendation of Hot Springs, Dak., as the place for its location, and

Resolved, That our members be requested to use their influence, and vote for the location of the Home at that place;

Resolved, That the necessity for prompt action in this matter is imperative, and that we respectfully petition both the Legislative bodies to favorably consider and pass the measure known as "House Bill No. 39," entitled "A Bill for an Act to Establish, Locate and Build a Soldiers' Home

in the Territory of Dakota, and Provide the Necessary Funds Therefor."

Respectfully,

GEO. A. SILSBY,
R. T. ROBINSON,
A. M. ROCHER,
Committee.

REPORTS OF STANDING COMMITTEES.

The Committee on Enrolled and Engrossed bills made the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed bills have examined

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."

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. 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,"

And find the same correctly engrossed and enrolled.

Also,

House Bill No. 39,

A bill for an act to establish and maintain a Soldiers' Home in the Territory of Dakota and provide for the issue of the bonds of the Territory therefor,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

The Committee on Judiciary submitted the following report:

MR. SPEAKER:

The Committee on Judiciary report that they have had under consideration

House Bill No. 31,

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,

And return the same with the recommendation that the bill do not 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 of the same,

And return the same with the recommendation that the bill do not pass.

All of which is respectfully submitted.

M. M. PRICE,
Chairman.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER, }
February 4, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
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,

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

R. E. WALLACE,
Chief Clerk.

MOTIONS AND RESOLUTIONS.

Mr. Jones introduced the following resolution:

Resolved, That the Committee on Territorial Affairs be and is hereby instructed to prepare and report at once a bill fixing the number of officers that each of the Territorial institutions shall have, and the annual salary of each, and the monthly compensation that the officers of said institutions shall pay their subordinate officers and employes.

Mr. Swanston offered the following resolution:

Resolved, That House Bill No. 177 reported from the

Committee on Counties without amendments and with the recommendation that the bill do pass, be recalled from General Orders and placed in the third reading of House bills.

Mr. Wellcome moved
To adopt the resolution.
Which motion prevailed.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER, }
February, 2, 1889. }

MR. SPEAKER:

I have the honor to return 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 Council has passed under a suspension of the
rules.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
February 4, 1889, }

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 2,
A bill for an act providing for a constitutional conven-
tion for North Dakota,
Which the Council has passed under suspension of the
rules.

R. E. WALLACE,
Chief Clerk.

The Committee on Enrolled and Engrossed bills submit-
ted the following report:

MR. SPEAKER:

Your Committee on Enrolled and Engrossed bills report
that

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,"
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. 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,

Were delivered to His Excellency, the Governor, for his approval, at the hour of 2:30 o'clock, p. m., February 4, 1889.

D. M. POWELL,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

The Committee on Judiciary introduced—

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 Districts,

Which was read the first time.

Mr. Patridge introduced—

House Bill No. 200,

A bill to provide county surveyors and chairman of township board of supervisors, with the laws of the territory,

Which was read the first time.

Mr. Baldwin introduced—

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,

Which was read the first time.

Mr. Mallory introduced—

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 was read the first time.

Mr. Lillibridge introduced—

House Bill No. 203,

A bill for an act to provide for the sinking of artesian wells and construction of waterways,
Which was read the first time.

Mr. Smith introduced—
House Bill No. 204,

A bill for an act to establish the independent School District of Hatton, Traill county, Dakota,
Which was read the first time.

The Committee on Judiciary introduced—
Substitute for House Bill No. 35,

A bill for an act regulating the issuance and delivery of county warrants,
Which was read the first time.

Mr. Adams introduced—
House Bill No. 205.

A bill for an act to re-enact Section 677 of the Code of Civil Procedure of the Territory of Dakota, relating to damages for injuries to persons and property,

Which was read the first time.

Mr Douglas introduced—
House Bill No. 206,

A bill for an act establishing the South Dakota Imbecile school at Webster, Dakota,
Which was read the first time.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 20,

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

Was read the first time.

Council Bill No. 56,

A bill for an act to provide for the destruction of noxious weeds,

Was read the first time.

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 first time.

Council Bill No. 85,

A bill for an act in relation to fees of register of deeds

for cancelling and discharging of record chattel mortgages,
Was read the first time.

Council Bill No. 183,

A bill for an act to amend the Joint Resolution approved January 28, 1889 authorizing the Secretary of the Territory of Dakota to furnish laws to the members of the Eighteenth Legislative Assembly,

Was read the first time.

Mr. Allen moved

To suspend the rules and that Council Bill No. 183 be read the second and third times and placed on 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 placed on its final passage,

The roll being called, there were ayes 39; nays none.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Bennett, Bixler, Clark, Cooke, Douglas, Elliott, Greene, Gronna, Howell, Hunter, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Mr. Speaker.

Absent and not voting:

Messrs. Aikens, Baldwin, Bergman, Burnham, Fletcher, Jones, Parkin, Wellman, White.

Messrs. Bergman, Parkin and Wellman being excused.

So the bill passed and its title was agreed to.

Mr. Howell moved

To suspend the rules and that Council Bill No. 20 be read the second and third times and placed on its final passage.

Which motion prevailed, and

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,

Was read the second and third times and placed on its final passage.

The roll being called, there were ayes 44; nays, none.
 Those who voted in the affirmative were:
 Messrs. Adams, Aikens, Allen, Baldwin, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, White, Mr. Speaker.
 Absent and not voting:
 Messrs. Bennett, Bergman, Parkin, Wellman.
 Messrs. Bergman, Parkin, Wellman, being excused.
 So the bill passed and its title was agreed to.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 52,
 A bill for an act making the taking of usury a misdemeanor,
 Was read the second time and
 Referred to the Special Committee on Usury.
 Council Bill No. 162,
 Substitute for Council Bill No. 63,
 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, etc.
 Was read the second time and
 Referred to the Committee on Territorial Affairs.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER, }
 February 1, 1889. }

MR. SPEAKER:

I have the honor to return herewith
 House Bill No. 145,
 A bill for a Joint Memorial to Congress regarding the Omnibus Bill for admission of Dakota,
 Which the Council has amended to read as follows:
 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 sec-

tions, 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 constitution, 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.

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.

Your favorable concurrence thereto is respectfully requested.

R. E. WALLACE,
Chief Clerk.

Mr. Partridge moved

That the House concur in the Council amendment to House Bill No. 145,

Which motion prevailed.

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 driving outfit,

Was read the second time.

Mr. Gronna moved

That House Bill No. 179 be referred to a special committee consisting of Messrs. Howell, Jones and Morris,

Which motion prevailed.

House Bill No. 180,

A bill for an act to abolish the office of Territorial Auditor, and to repeal Chapter 7 of the Political Code,

Was read the second time and
Referred to the Committee on Territorial Affairs.

House Bill No. 181,

A bill for an act to regulate the duties of railroad corporations in regard to fences and otherwise,

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

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. 153,

A bill for an act to establish a system of public education and a department of public instruction for the Territory of Dakota,

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

Substitute for House Bill No. 35,

A bill for an act to amend Section 39 of Chapter 21 of the Political Code,

Was read the second time and placed in general orders.

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, Dakota,"

Was read the second time and
Referred to the Committee on Territorial Affairs.

House Bill No. 190,

A bill for an act to provide for permanent and necessary improvements, and for building a girls' dormitory at the Dakota School for Deaf Mutes, at Sioux Falls, and for other purposes,

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

THIRD READING OF HOUSE BILLS.

House Bill No. 177,

A bill for an act defining the boundaries of Ramsey county,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 42; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Howell, Hunter, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Morris, Palmer, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, White, Mr. Speaker.

Absent and not voting:

Messrs. Bergman, Gronna, Jones, Newman, Parkin and Wellman,

Messrs. Bergman, Parkin and Wellman being excused.

So the bill passed and its title was agreed to.

Mr. Price moved

To suspend the rules and that,

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,

Be read the third time by its title and placed on its final passage.

Which motion prevailed.

Mr. Lillibridge moved

A call of the House, and all members were found present except Messrs. Bergman, Parkin and Wellman, excused.

Mr Adams announced that his vote was paired on House Bill No. 39.

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 then read the third time and placed on its final passage.

The roll being called there were ayes 33; nays, 10.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bixler, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Lampman, Mallory, McHugh, McNeil, Newman, Palmer, Patton, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Trude, Upham Wellcome, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Burnham, Jones, Lillibridge, Logan, Miller, Morris, Patridge, Smith, Turnbull, Van Etten.

Absent and not voting:

Messrs. Bergman, Parkin and Wellman, being excused.
Messrs. Adams, Allen, Gronna, Mallory, Patridge and Van Etten explaining their votes.

Messrs. Adams paired with Parkin and Bergman with Potter.

So the bill passed and its title was agreed to.

Mr. Fletcher moved

The following amendment 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:

Strike out in line 5, Section 2 of printed bill the word "two" where it occurs and insert the word "one" in lieu thereof and in line 7, Section 2, page 1, strike out the word "three" and insert the word "five."

Which amendment was adopted.

Mr. Mallory moved

That the further consideration of House Bill No. 40 be indefinitely postponed.

Which motion was lost, and

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 placed on its final passage.

The roll being called, there were ayes, 27; nays, 15.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Baldwin, Bennett, Bixler, Burnham, Clark, Cooke, Elliott, Fletcher, Gronna, Lampman, Lillibridge, McHugh, McNeil, Newman, Patton, Powell, Price, Ramsdell, Swanston, Trude, Upham, Van Etten, Wellcome, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Douglas, Howell, Hunter, Jones, Logan, Mallory, Miller, Morris, Palmer, Patridge, Potter, Royer, Ryan, Sheets, Smith, Turnbull.

Absent and not voting:

Messrs. Aikens, Bergman, Greene, Parkin, Wellman.

Messrs. Bergman, Parkin and Wellman being excused.

So the bill passed and its title was agreed to.

House Bill No. 41,

A bill for an act entitled "An act to empower incorpo-

rated towns in the Territory of Dakota to levy road and poll tax."

Was read the third time and placed on its final passage. The roll being called there were ayes, 37; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Bennett, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Gronna, Howell, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McNeil, Morris, Miller, Palmer, Patridge, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Trude, Turnbull, Upham, Van Etten, White, Mr. Speaker.

Absent and not voting:

Messrs. Bergman, Baldwin, Bixler, Greene, McHugh, Newman, Parkin, Patton, Swanston, Wellcome, Wellman.

Messrs. Bergman, Parkin and Wellman being excused.

So the bill passed and its title was agreed to.

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 placed on its final passage.

The roll being called there were ayes, 37; nays, 3.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Bennett, Burnham, Clarke, Cooke, Douglas, Elliott, Fletcher, Gronna, Howell, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Morris, Palmer, Partridge, Potter, Powell, Ramsdell, Royer, Ryan, Sheets, Smith, Swanson, Trude, Upham, Van Etten, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Bixler, Price, Turnbull.

Absent and not voting,

Messrs. Baldwin, Bergman, Greene, Newman, Parkin, Patton, Wellcome, Wellman.

Messrs. Bergman, Parkin and Wellman being excused.

So the bill passed and its title was agreed to.

House Bill No. 94,

A bill for an act amending Section 36, 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 third time and placed on its final passage.

The roll being called there were ayes, 34; nays, 6.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bixler, Burnham, Cooke, Douglas, Fletcher, Greene, Gronna, Howell, Hunter, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Palmer, Patridge, Potter, Powell, Ramsdell, Ryan, Sheets, Trude, Turnbull, Upham, Van Etten, Wellcome, White. Mr. Speaker.

Those who voted in the negative were:

Messrs. Clark, Jones, Morris, Price, Royer, Smith.

Absent and not voting:

Messrs. Adams, Bergman, Elliott, Newman, Parkin, Patton, Swanston, Wellman.

Messrs. Bergman, Parkin and Wellman being excused.

So the bill passed and its title was agreed to.

Substitute for House Bill No. 104,

A bill for an act to authorize the discharge of attachments and lis pendens,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 39; nays, none.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bixler, Burnham, Clark, Cooke, Elliott, Fletcher, Greene, Howell, Hunter, Jones, Lampman, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Patridge, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, White Mr. Speaker.

Absent and not voting:

Messrs. Adams, Bergman, Douglas, Gronna, Lillibridge, Palmer, Parkin, Patton, Wellman.

Messrs. Bergman, Parkin and Wellman being excused.

So the bill passed and 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 inhabitants,

Was read the third time and placed on its final passage.

The roll being called, there were ayes 24; nays 15.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bixler, Douglas, Fletcher, Howell, Hunter, Lampman, Lillibridge, Logan, McNeil, Newman, Patridge, Potter, Powell, Price, Ramsdell, Royer, Ryan, Smith, Van Etten, Wellcome.

Those who voted in the negative were:

Messrs. Bennett, Burnham, Clark, Cooke, Greene, Jones,

Mallory, McHugh, Morris, Palmer, Patton, Swanston, Trude, Turnbull, Mr. Speaker.

Absent and not voting:

Messrs. Bergman, Elliott, Gronna, Parkin, Sheets, Upham, Wellman and White.

Messrs. Bergman, Parkin and Wellman being excused.

Mr. Aikens changed his vote to aye and gave notice of his intention to move to reconsider the vote by which House Bill No. 117 passed to-morrow.

So the bill passed and its title was agreed to.

Mr. Fletcher moved

To reconsider the vote by which House Bill No. 117 had just passed the House and to lay that motion on the table.

Which motion prevailed.

Mr. Speaker announced an informal recess for five minutes.

House called to order, Mr. Speaker presiding.

Mr. Howell moved

That the report made by the Territorial Veterinary Surgeon be recalled from the Committee on Public Health and referred to a Special Committee.

Which motion prevailed and

The Speaker appointed as such Committee: Messrs. Howell, McHugh and Potter.

EXECUTIVE COMMUNICATION.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
February 4, 1889. }

To the Speaker of the House of Representatives:

I have the honor to inform your honorable body that I have approved

House Bill No. 20,
Entitled "An act to amend Section 6 of Chapter 121 of the Laws of 1887,"

Also,

House Bill No. 52,
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."

And the said bills have been filed in the office of the Secretary.

Respectfully,
 LOUIS K. CHURCH,
 Governor.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 186,

A bill for an act authorizing counties to issue bonds to procure seed wheat for needy farmers residents thereof,

Also,

House Bill No. 2,

A bill for an act providing for a constitutional convention for North Dakota,

And find the same correctly engrossed and enrolled.

D. M. POWELL,
 Chairman.

Mr. Bennett moved

That the House do now resolve itself into a Committee of the Whole for the purpose of considering General Orders.

Which motion prevailed and

The Speaker called Mr. McHugh to the chair.

When the committee rose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration

House Bill No. 38,

A bill for an act to fix the compensation of the judges of the probate court and to provide a fund to reimburse the county for the same, and to provide for clerks of probate courts,

Together with the report of the Committee on Territorial Affairs, and recommend that the bill do not pass.

Also,

House Bill No. 48,

A bill for an act to require county treasurers to deposit funds in designated depositories and providing for interest thereon.

And recommend that the bill do pass.

Also,

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,

And recommend that the amendment of the committee who reported this bill be amended by substituting the words "one hundred dollars" in lieu of "fifty dollars," and with this amendment that the bill do pass.

Also,

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 examiners' districts,

And recommend that the same do pass.

Also,

House Bill No. 69,

A bill for an act to compensate the owners of certain cattle killed in Oliver county, Dakota, on order of the Governor and Territorial Board of Health,

And recommend that the bill be amended as follows:

Strike out \$2,000 and insert \$2,508.80 in lieu thereof,

And when so amended that the bill do pass.

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 infectious diseases among domestic animals,"

And recommend that the bill do pass.

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,"

And recommend that the bill be recommitted for amendment to the Committee on Public Health.

Also,

House Bill No. 96,

A bill for an act to amend Section 4 of Chapter 130 of the 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 Commissioners in relation thereto."

And recommend that the bill be recommitted to the Committee on Railroads for amendment.

Also,

House Bill No. 100,

A bill for an act to amend Sections 7 and 12 of Chapter 63 of the Laws of 1885, entitled "An act establishing Territorial and county Boards of Health, and providing for the protection of the health of persons and animals,"

And recommend that the bill be recommitted for amendments to the Committee on Public Health.

Also,

House Bill No. 114,

A bill for an act to amend Section 14 of Chapter 67 Session Laws of 1887 relating to county insurance companies.

And recommend that the bill be recommitted to the Committee on Insurance for amendments.

Also,

House Bill No. 119,

A bill for an act to authorize foreign executors, administrators and guardians to assign and satisfy judgments and mortgages,

And recommend that said bill be amended by inserting after the word "appointment" where it occurs in section 1 of said act the words "and existing authority," and when so amended that the bill do pass.

Also,

House Bill No. 121.

A bill for an act entitled, "An act to amend Section 61 of Chapter 28 of the Political Code,"

And recommend that the bill do pass.

P. McHUGH,
Chairman.

Mr. Gronna moved

To adopt the report of the Committee.

Which motion prevailed.

The following report was submitted by the Committee of the Whole of February 1:

MR. SPEAKER:

The Committee of the Whole have had under consideration

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.

And recommend the passage of the bill.

Also,

House Bill No. 63,

A bill for an act fixing the fee for filing and indexing chattel mortgages and for canceling the same,

And recommended that it be recommitted for amendment to the Committee on Judiciary.

Also,

House Bill No. 39.

An act to establish and maintain a Soldiers' Home in the Territory of Dakota and providing for the issuing of the bonds of the Territory, therefor

Together with the majority and minority reports of the Committee on Appropriations, and respectfully report that they have partially considered the bill and reports, and have made progress therein, and ask leave to sit again.

P. McHUGH,
Chairman.

Mr. Burnham moved

To adopt the report.

Which motion prevailed.

Mr. Wellcome moved

That the House do now adjourn,

Which motion prevailed and the House

Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

TWENTY-NINTH DAY.

BISMARCK, February 5, 1889.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Parkin and Wellman, excused.

The following report was submitted by the Committee to correct and revise the Journal:

MR. SPEAKER:

The Committee to revise and correct the Journal have examined that of February 4th and recommend that it be corrected as follows:

On page 7 in the 21st and 22d lines strike out the word "message" and insert in lieu thereof the word "communication."

Also on page 9 at the bottom of the page strike out the letters "E. C." and insert in lieu "M. M."

On page 13, line 24, strike out the letters "fot" and insert the word "for."

On page 14, line 25, insert after the word "the" the words "second and."

On page 17, line 8, insert the letter "r" before the word "and."

On page 22, line 3, strike out the word "Patton" and insert the word "Potter."

On page 25, line 16, strike out the word "to" and insert the word "by" and with these corrections we recommend that the Journal be adopted.

R. L. BENNETT.
O. R. VAN ETTEN.

REPORTS OF STANDING COMMITTEES.

The Committee on Enrolled and Engrossed Bills submitted the following report:

Mr. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 40,

A bill for an act to amend Section 14 of Chapter 10, Session Laws of 1887, relating to county auditors,

And find the same correctly engrossed.

Also,

House Bill No. 145,

A Joint Memorial to Congress regarding the Omnibus Bill for admission of Dakota,

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

The Committee on Judiciary submitted the following report:

MR. SPEAKER:

The Committee on Judiciary respectfully report that they have had under consideration

House Bill No. 173,

A bill for an act to amend Section 86 of the Justices Code,
And return the same with the recommendation that the bill pass,

Also,

House Bill No. 63,

A bill for an act fixing the fee for filing and indexing chattle mortgages and for cancelling the same,

And return the same with the recommendation that the bill pass,

Also,

Council Bill No. 27,

A bill for an act to amend Section 165 of the Code of Civil Procedure,

And return the same with the recommendation that it be returned to the Council with the request that it be corrected and engrossed; it not appearing from such bill or amendment proposed what the Council intended to pass.

All of which is respectfully submitted.

M. M. PRICE,
Chairman.

Mr. Royer moved

To adopt the report of the Committee on Judiciary,
Which motion prevailed.

The Committee on Education submitted the following report:

MR. SPEAKER:

Your Committee on Education to whom was referred

House Bill No. 11,

A bill for an act to locate and establish a Territorial Normal school,

Also,

House Bill No. 85,

A bill for an act to establish a Territorial Normal school at Milnor, Dakota,

Respectfully beg leave to report that they have had the same under consideration and return the same with the

recommendation that they be referred to a Committee of the Whole consisting of the members of North Dakota.

IRA S. LAMPMAN,
Chairman.

Mr. Mallory moved
To adopt the report.
Which motion prevailed.

The Committee on Public Printing submitted the following report:

MR. SPEAKER:

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.

Also,

House Bill No. 144,

A bill for an act to amend Section 2, Chapter 51 of the Laws of 1887, entitled "An act providing for certain legal printing, and fixing the compensation thereof,"

And recommend that it do not pass.

All of which is respectfully submitted.

F. H. ADAMS,
Chairman.

REPORT OF SPECIAL COMMITTEE.

The Special Committee on Rules submitted the following report,

MR. SPEAKER:

Your Committee on Joint Rules beg leave to report that they met with the Council Committee on such Rules, and the Joint Committee appointed for that purpose, recommend that the Joint Rules as laid down in Long's Legislative Handbook be adopted.

C. C. NEWMAN,
Chairman House Committee.

Mr. Ryan moved
To adopt the report of the Committee.
Which motion prevailed.

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

Resolved, That the Attorney General be requested to furnish in writing to this House his opinion as to whether any act passed by this Legislature having for its object the imposition of a penalty for the taking of usury would be applicable to banks organized under the National Banking Law doing business in this Territory;

And if such an act should apply to banks incorporated under the laws of the Territory, and to private persons, and not to national banking associations, would it be contrary to the provisions of the Act of Congress approved July 30, 1886, prohibiting special legislation, or the provisions of any other fundamental law of which this Legislature is bound to take cognizance,

Which resolution was adopted.

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

WHEREAS, It is now settled that Dakota is to be divided and both North and South Dakota admitted into the Union as states in the near future, and whereas, both sections of Dakota now have sufficient Educational, Charitable and Penal Institutions to meet the immediate wants of each section; and

WHEREAS, The providing for new institutions will subject this Legislature to the just charge of extravagance in providing for unnecessary institutions;

Therefore, Be it Resolved, That it is the sense of this House that the welfare of the people of North and South Dakota will be best promoted by deferring these questions until division and statehood are accomplished facts.

Mr. Newman moved

To lay the resolution on the table.

Which motion was lost.

Ayes and nays demanded on the motion to adopt.

The roll being called, there were ayes 22; nays 23.

Those who voted in the affirmative were:

Messrs. Adams, Bergman, Bixler, Burnham, Cooke, Greene, Jones, Lillibridge, Logan, Mallory, Miller, Morris, Patridge, Potter, Powell, Price, Ramsdell, Royer, Smith, Swanston, Upham, Van Etten

Those who voted in the negative were:

Messrs. Aikens, Allen, Bennett, Clark, Douglas, Elliott, Fletcher, Gronna, Howell, Hunter, Lampman, McHugh, McNeil, Newman, Palmer, Patton, Ryan, Sheets, Trude, Turnbull, Wellcome, White, Mr. Speaker.

Absent and not voting:

Messrs. Baldwin, Parkin, Wellman.

Messrs. Parkin and Wellman being excused.

Messrs. Cooke and Douglas explaining their votes.

So the resolution was lost.

Mr. Speaker announced his signature to House Bill No. 145.

Mr. Aikens moved

That the vote by which the Morris resolution was lost be reconsidered.

Mr. Newman moved

To lay the motion to reconsider on the table.

Ayes and nays demanded on the motion to lay on the table, and

The roll being called, there were ayes, 23; nays, 21.

Those who voted in the affirmative were:

Messrs. Allen, Baldwin, Bennett, Bergman, Bixler, Clark, Elliott, Fletcher, Gronna, Howell, Hunter, Lampman, McHugh, McNeil, Newman, Palmer, Patton, Powell, Ramsdell, Sheets, Trude, Turnbull, White.

Those who voted in the negative were:

Messrs. Adams, Aikens, Burnham, Cooke, Douglas, Jones, Lillibridge, Logan, Mallory, Miller, Morris, Patridge, Potter, Price, Ryan, Smith, Swanston, Upham, Van Etten, Wellcome, Mr. Speaker.

Absent and not voting:

Messrs. Greene, Parkin and Wellman.

Messrs. Parkin and Wellman being excused.

So the motion to reconsider was laid on the table.

The Committee on Enrolled and Engrossed bills submit the following report:

MR. SPEAKER.

Your Committee on Engrossed and Enrolled Bills, respectfully report that

House Bill No. 145,

A bill for a Joint Memorial to Congress regarding the Omnibus Bill for admission of Dakota,

Was delivered to the President of the Council for transmission of the same to the President of the United States, the Chairman of the Senate Committee on Territories and Hon. C. K. Davis, United States Senator from Minnesota, on the 5th day of February, 1889.

D. M. POWELL,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Mallory introduced—

House Bill No. 207,

A bill for an act to encourage the organization and maintenance of county or local agricultural societies in the Territory of Dakota,

Which was read the first time.

Mr. Allen introduced—

House Bill No. 208,

A bill for an act appropriating funds for the maintenance of the Dakota Hospital for the Insane near Yankton,

Which was read the first time.

Mr. Gronna introduced—

House Bill No. 209,

A bill for an act entitled "An act amending Sections 324, 325 and 333 of the Code of Civil Procedure, in relation to additional and alternative exemptions,

Which was read the first time.

Mr. Morris introduced—

House Bill No. 210,

A bill for a Joint Memorial to the Congress of the United States.

Which was read the first time.

Mr. Morris moved

To suspend the rules and that

Joint Memorial No. 210,

Be read the second and third times and placed on its final passage,

Which motion prevailed and

House Bill No. 210,

A bill for a Joint Memorial to the Congress of the United States.

Was read the second and third times and placed on its final passage,

The roll being called, there were ayes 46; nays none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston,

Trude, Turnbull, Upham, Van Etten, Wellcome, White,
Mr. Speaker.

Messrs. Parkin and Wellman being excused.
So the bill passed and its title was agreed to.

Mr. Baldwin introduced—

House Bill No. 211,

A bill for an act providing for a lien upon grain for the
threshing of the same,

Which was read the first time.

Mr. Jones introduced—

Joint Resolution No. 212,

Extending the thanks of the people of Dakota to Hon. P.
F. McClure, etc.,

Which was read the first time.

Mr. Jones moved

To suspend the rules and that

Joint Resolution No. 212,

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

Which motion prevailed.

Mr. Jones moved

To suspend the rules and that

Joint Resolution No. 212,

Be read the second and third times by its title.

Which motion prevailed and

Joint Resolution No. 212,

Extending the thanks of the people of Dakota to Hon. P.
F. McClure, etc.,

Was read the second and third times and placed on its
final passage.

The roll being called, there were ayes 42; nays 2.

Those who voted in the affirmative were:

Messrs. Aikens, Baldwin, Bennett, Bergman, Burnham,
Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna,
Howell, Hunter, Jones, Lampman, Lillibridge, Logan, Mal-
lory, McHugh, McNeil, Miller, Morris, Newman, Palmer,
Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer,
Ryan, Sheets, Smith, Trude, Turnbull, Upham, Van Etten,
Wellcome, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Allen, Swanston.

Absent and not voting:

Messrs. Adams, Bixler, Parkin, Wellman,

Messrs. Parkin and Wellman being excused.
So the Joint Resolution passed and its title was agreed to

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER, }
February 5, 1889. }

MR. SPEAKER:

I have the honor to return 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 Council has passed under suspension of the
rules.

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 Council has amended by striking out the
word "weekly" in Section 1, and insert in lieu thereof the
words "their equivalent in weeklies."

Your concurrence thereto is respectfully requested.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
February 5, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 100,

A bill for an act to amend Chapter 112. Session Laws of
1883,

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 Bo-
hemian Presbyterian Church of Dakota,"

Also,

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,"

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 of Chapter 72 of the Laws of 1887 relating to the sale of intoxicating liquors,

Also,

Council Bill No. 169,

A bill for an act amending Section 3 of Chapter 50 of the Political Code,

Which have passed the Council, and your favorable consideration is requested.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
February 5, 1889. }

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 177.

A bill for an act defining the boundaries of Ramsey county,

Which the Council has passed.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
February 4, 1889, }

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 8,

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

Which the Council has amended as follows:

SEC. 4. This act shall take effect and be in force from and after May 1, 1889.

Also,

Substitute for House Bill No 12,

A bill for an act amending Section 2, Chapter 116, of Session Laws of 1887, relating to the office of notaries public,

Which the Council has amended as follows:

In line 18, of written bill, strike out the word "three" and insert the word "two," and that the title be amended to read "For an act amending Section 2, Chapter 116 of Session Laws of 1887, relating to notaries public."

And your concurrence therein is respectfully requested.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
February, 5, 1889. }

MR. SPEAKER:

I have the honor to inform you that the President of the Council has appointed Messrs. Hughes, Washabaugh and Crawford as members on the part of the Council of the Joint Committee to examine and report upon the Compiled Laws.

R. E. WALLACE,
Chief Clerk.

Mr. Gronna moved
That the House concur in the Council amendments to
House Bill No. 176,
Which motion prevailed.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 169,
A bill for an act amending Section 3, Chapter 50. of the
Political Code,
Was read the first time.

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, Session
Laws 1883,
Was read the first time.

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,"
Was read the first time.

Council Bill No. 119,
A Bill for an act amending Section 7 of Article 16 of
Chapter 73 of the Acts of the Seventeenth Legislative As-
sembly, relating to the incorporation of cities,
Was read the first time.

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 first time.

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 first time.

Mr. Burnham moved

That the House concur in the amendments made by the Council to House Bill No. 8,

Which motion prevailed,

Mr. Fletcher moved

That the House concur in the amendments made by the Council to House Bill No. 12,

Which motion prevailed,

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

Your Committee on Enrolled and Engrossed bills respectfully report that

House Bill No. 2,

A bill for an act to provide for a Constitutional Convention for North Dakota,

Also,

House Bill No. 186,

A bill for an act authorizing counties to issue bonds to procure seed wheat for needy farmers resident thereof,

Were delivered to His Excellency, the Governor, for his approval at the hour of 2:15 o'clock p. m., February 5th, 1889.

D. M. POWELL,
Chairman.

The Speaker announced an informal recess of five minutes.

House called to order the Speaker in the chair.

The Committee on Enrolled and Engrossed bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed bills have examined

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."

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 infectious diseases among domestic animals,"

Also,

House Bill No. 69,

A bill for an act to compensate the owners of certain cattle killed in Oliver county, Dakota, on order of the Governor and Territorial Board of Health,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

SECOND READING OF COUNCIL BILLS.

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,"

Was read the second time and

Referred to Special Committee on Games.

Council Bill No. 56,

A bill for an act to provide for the destruction of noxious weeds, and that notice be given to the owner of the land on which said weeds are found,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 85,

A bill for an act in relation to fees of registers of deeds for cancelling and discharging of record chattel mortgages.

Was read the second time and

Referred to the Committee on Judiciary.

SECOND READING OF HOUSE BILLS.

Substitute for House Bill No. 35,

A bill for an act to amend Section 39. of Chapter 21, of the Political Code,

Was read the second time.

Mr. Powell (by unanimous consent) introduced—
House Bill No. 213,

A bill for an act providing for the protection and regulation of primary elections,
Which was read the first time.

House Bill No. 187,

A bill for an act adding to the absolute exemptions the wages of common laborers to the amount of \$100,
Was read the second time, and
Referred to the Committee on Territorial Affairs.

House Bill No. 188,

A bill to amend Section 708 of the Political Code relating to county plats for the use of the Territorial Auditor,
Was read the 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 second time and
Referred to the Committee on Territorial Affairs.

House Bill No. 191,

A bill for an act appropriating money for the 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.

House Bill No. 185,

A bill for an act providing for the taxation of railroad companies,

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

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. 193,

A bill for an act to provide funds for permanent and necessary improvements at the Dakota Penitentiary at Sioux Falls,

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

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 Territorial Affairs.

House Bill No. 198,

A bill for an act to repeal Section 4 of Chapter 49 of the Laws of 1879, the same being Section 54 of Chapter 28 of the Political Code,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 197,

A bill for an act to provide for the erection and maintenance of partition fences, and for other purposes.

Was read the second time and

Referred to the Committee on Territorial Affairs.

House Bill No. 192,

A bill for an act making an appropriation 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.

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,

Was read the second time and

Referred to the Committee on Judiciary.

The Committee on Judiciary introduced—

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 Districts,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 200,

A bill for an act to provide county surveyors and chairman of township board of supervisors, with the laws of the territory,

Was read the second time 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 second time and
Referred to the Committee on Territorial Affairs.

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 Education.

House Bill No. 203,

A bill for an act to provide for the sinking of artesian wells and construction of waterways,

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

House Bill No. 204,

A bill for an act to establish the independent School District of Hatton, Traill county, Dakota,

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

House Bill No. 205.

A bill for an act to re-enact Section 677 of the Code of Civil Procedure of the Territory of Dakota, relating to damages for injuries to persons and property,

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

Substitute for House Bill No. 35,

A bill for an act regulating the issuance and delivery of county warrants,

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

House Bill No. 206,

A bill for an act establishing the South Dakota Imbecile school at Webster, Dakota,

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

THIRD 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 third time.

Mr. Miller requested that portions of the report of Henry W. Coe, relating to the killing of cattle mentioned in House Bill No. 69, be read.

Mr. Adams moved the previous question.

Which motion prevailed.

Mr. Burnham moved

To reconsider the vote whereby the previous question was carried.

Which motion prevailed and

The vote was reconsidered.

Mr. Miller moved

That the clerk read such portions as are marked in the report of Henry W. Coe.

Which motion prevailed and

The report was read and

House Bill No. 69,

Being placed on its final passage.

The roll being called there were ayes 29; nays, 16.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Bergman, Bixler, Burnham, Clark, Cooke, Elliott, Fletcher, Howell, Hunter, Jones, Lampman, Lillibridge, McHugh, McNeil, Morris, Newman, Patridge, Powell, Price, Ramsdell, Ryan, Sheets, Smith, Turnbull, Upham, Van Etten, Wellcome.

Those who voted in the negative were:

Messrs. Aikens, Baldwin, Bennett, Greene, Gronna, Logan, Mallory, Miller, Palmer, Patton, Potter, Royer, Swanston, Trude, White, Mr. Speaker.

Messrs. Parkin and Wellman being excused.

Messrs. Aikens and Swanston explaining their votes.

So the bill passed and its title was agreed to.

Mr. Elliott moved

That House Bill No. 72 be made Special Order for Friday at 3 o'clock p. m.

Which motion was lost.

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 third time and placed on its final passage.

The roll being called, there were ayes 25; nays, 20.

Those who voted in the affirmative were:

Messrs. Allen, Baldwin, Bennett, Bergman, Bixler, Clark, Gronna, Hunter Jones, Logan, Mallory, McHugh, McNeil, Morris, Patton, Potter, Powell, Price, Royer, Ryan, Swanston, Trude, Upham, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Burnham, Cooke, Douglas, Elliott, Fletcher, Greene, Howell, Lampman, Lillibridge, Miller, Newman, Palmer, Patridge, Ramsdell, Sheets, Smith, Turnbull, Van Etten, Wellcome.

Absent and not voting:

Messrs. Aikens, Parkin, Wellman, who were excused.

So the bill passed and its title was agreed to.

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 examining districts."

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 25; nays, 19.

Those who voted in the affirmative were:

Messrs. Adams, Baldwin, Bergman, Bixler, Clark, Cooke, Greene, Gronna, Hunter, Jones, Logan, McHugh, Palmer, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Swanston, Trude, Upham, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Allen, Bennett, Burnham, Douglas, Elliott, Fletcher, Howell, Lampman, Lillibridge, Mallory, McNeil, Miller, Newman, Patridge, Sheets, Smith, Turnbull, Van Etten, Wellcome.

Absent and not voting:

Messrs. Aikens, Parkin, Morris, Wellman.

Messrs. Aikens, Parkin and Wellman being excused.

So the bill passed and its title was agreed to.

Mr. Fletcher moved

That the House do now resolve itself into Committee of the Whole,

Which motion prevailed, and

Mr. President called Mr. McHugh to the chair.

When the Committee rose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration

House Bill No. 124,

A bill for an act to amend Section 1 of Chapter 118 of the Session Laws of 1881,

And recommend that the bill be recommitted to the Committee on Judiciary for amendment,

Also,

House Bill No. 125,

A bill for an act to amend Section 24 of Chapter 39, of the Political Code, relating to salaries of county commissioners,

And recommend that the bill do not pass.

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 alongside of their tracks, and on their rights of way,"

And recommend that the bill be recommitted to the Committee on Railroads.

Also,

House Bill No. 150,

A bill for an act to prevent any person or persons from obtaining board or lodging under false pretenses,

And recommend that the bill be recommitted to some appropriate committee.

Also,

House Bill No. 158,

A bill for an act to provide for mechanics liens upon personal property,

And recommend that House Bill No. 158 be indefinitely postponed.

Also,

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,

And recommend that the bill be amended as follows:

After the word "commissioners" in Line 5, of Section 1, add the words "and by them charged to the said townships so supplied,"

And that as amended the bill do pass.

Also,

House Bill No. 160,

A bill for an act exempting all lands used as public highways from taxation,

And recommend that the same be indefinitely postponed,

Also,

House Bill No. 171,

A Bill for an act to amend Sections one (1), four (4), five (5), ten (10), and twenty-six (26) of Chapter thirty-eight (38) of the Session Laws of 1887 entitled "An act authorizing the division of counties and for other purposes,"

And recommend that the bill be recommitted to the Committee on Counties.

P. M. McHUGH,
Chairman.

When the committee rose, the speaker being absent,

Mr. McNeil moved

That Mr. Burnham be elected Speaker pro tem..

Which motion prevailed, and

Mr. Burnham took the chair.

Mr. Morris moved

To adopt the report of the committee,

Which motion prevailed.

Mr. Speaker announced his signature to House Bill No. 183.

Mr. Jones moved

That the House do now adjourn.

Which motion was lost.

Mr. Newman moved

That the House do now adjourn.

Which motion was lost.

Mr. Jones moved to suspend the rules and that
House Bill No. 133,

A bill for an act to provide for the rate of interest on money and to define usury,

Be taken up, given its third reading, and placed on its final passage,

Which motion was lost.

Mr. Lampman moved

That the House do now adjourn.

Which motion prevailed and the House

Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

THIRTIETH DAY.

BISMARCK, February 6, 1889.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present.

The reading of the Journal was dispensed with.

The Speaker announced his signature to House Bill No. 177.

REPORTS OF STANDING COMMITTEES.

The Committee on Enrolled and Engrossed bills submitted the following report:

MR. SPEAKER:

Your Committee on Enrolled and Engrossed bills have examined

House Bill No. 119,

A bill for an act to authorize foreign executors, administrators and guardians to assign and satisfy judgments and mortgages,

And find the same correctly engrossed.

Also,

House Bill No. 121,

A bill for an act entitled, "An act to amend Section 61 of Chapter 28, of the Political Code,"

And find the same correctly engrossed.

Also,

House Bill No. 177,

A bill for an act defining the boundaries of Ramsey county,

And find the same correctly engrossed and enrolled.

Also,

Joint Resolution No. 212,

Extending the thanks of the people of Dakota to Hon. P. F. McClure, etc.,

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. 47,

A bill for an act appropriating the sum of \$100 to pay for rental of committee rooms during the Seventeenth Legislative Assembly,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

The Committee on Public Health submitted the following report:

MR. SPEAKER:

Your Committee on Public Health to whom was referred: 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,"

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

D. F. ROYER,
Chairman.

The Committee on Ways and Means submitted the following report:

MR. SPEAKER:

Your Committee on Ways and Means 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 same under consideration and recommend that said bill do not pass.

CHAS. J. TRUDE,
Chairman.

MR. SPEAKER:

Your Committee on Ways and Means to whom was referred

House Bill No. 129,

A bill for an act to amend Section one (1) of Chapter 118 of the Laws of 1881,

Have had the same under consideration and recommend that said bill do pass,

Also,

House Bill No. 138,

A bill for an act to amend Section 57 of Chapter 21 of the Political Code,

And recommend it do not pass.

CHARLES J. TRUDE,
Chairman.

The Committee on Judiciary submitted the following report:

MR. SPEAKER:

The Committee on Judiciary respectfully report that they have had under consideration,

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 land sold for taxes,

And return the same with the recommendation that the bill be referred to the Committee on Ways and Means.

Also,

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.

And return the same with proposed amendments attached thereto, and recommend that the bill, with the proposed amendments, be referred to the Committee on Counties,

All of which is respectfully submitted.

M. M. PRICE,
Chairman.

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

The Committee on Territorial Affairs submitted the following report:

MR. SPEAKER:

Your Committee on Territorial Affairs to whom was referred

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."

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

By adding after Section 1 of said bill the following: "Except so much thereof as relates to the depositing of county funds by the county treasurer in a national bank or banks in said county," and as so amended that the bill do pass.

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,

And recommend that it do pass.

Also,

House Bill No. 187,

A bill adding to the absolute exemptions, the wages of common laborers, to the amount of \$100,

And recommend that further action on the bill be indefinitely postponed.

JOSEPH ALLEN,
Chairman,

Mr. Miller moved

The adoption of the report.

Which motion prevailed.

The Committee on Woman's Suffrage submitted the following report:

MR. SPEAKER:

Your Committee on Woman Suffrage to whom was referred

House Bill No. 161,

A bill for an act granting to women the right of suffrage at county and town and municipal elections,

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

O. R. VAN ETTEN,
Chairman.

The committee on Education submitted the following report,

MR. SPEAKER:

Your committee to whom was referred
House Bill No. 204,

A bill for an act to establish the independent school district of Hatton, Traill county, Dakota Territory,

Are of the opinion that the same would be unconstitutional and therefore recommend that it do not pass.

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,

And respectfully beg leave to report the same back with the recommendation that it do pass.

IRA S. LAMPMAN,
Chairman.

The Special Committee on Usury submitted the following report:

MR. SPEAKER:

Your Committee on Usury to whom was referred

House Bill No. 52,

A bill for an act making the taking of usury a misdemeanor,

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

J. H. FLETCHER,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Potter offered the following resolution:

To the Honorable Members of the Legislature of Dakota:

We, the undersigned ex-soldiers of the late war, would respectfully request that no bill to locate a Soldiers' Home in the Territory of Dakota, at any point in this Territory, be passed at this term of the Legislature. Our reasons for so requesting are as follows:

1. The General Government, at its own expense, has

already established Homes that are within reach of all who need their benefits, and our comrades who need the aid of Homes of that kind, are so small in number that the establishment of a Home at Territorial expense, would be without real warrant or necessity.

2. A false impression as to the class who are in the Territory, who have been in the late war, would be likely to be created among eastern states.

3. On the eve of the admission to the Union the passing of appropriation bills of that kind, would hardly create a favorable impression.

Respectfully submitted.

M. A. BUTTERFIELD,
And 7 others.

Also the following petition:

GEN. S. R. CURTIS Post No. 110, }
DEPARTMENT OF DAKOTA. }
BRIDGEWATER, Feb. 2, 1889. }

At a regular meeting it was unanimously voted that our Representative be instructed to use all honorable means to oppose locating a Soldiers' Home at the present time; but if such is to be located, our preference would be Pierre.

J. H. THORNTON.
Commander.

Z. H. HAPGOOD, Acting Adjutant.

Mr. Logan offered the following communication:

ALEXANDRIA, D. T., January 26, 1889.

At a special meeting of Ben. Harrison Post No. 36, G. A. R., the matter of building a Soldiers' Home at Hot Springs, D. T., was considered as follows:

WHEREAS, A bill having been introduced in the Legislature of the Territory of Dakota for the establishing and building of a Soldiers' Home at Hot Springs, D. T.,

Be it Resolved, By the members of Ben. Harrison Post No. 36, G. A. R., that we are not in sympathy with the move, and that we are opposed to the building and establishing of said Home at the present time, for the following reasons, to-wit:

1. In view of the near approach of statehood it is better to defer the building of a Soldiers' Home until Dakota is a state.

2. The necessity for building a Soldiers' Home in Dakota at the present time is uncalled for.

3. A Soldiers' Home should be more centrally located.

Resolved, That a copy of these resolutions be sent to our member of the Legislature at Bismarck, D. T.

S. F. RUSSELL,
Chairman.

JOHN A. BROWN, Adjutant.

Mr. Parkin presented the following resolution:

HEADQUARTERS GOVERNOR'S
GUARD, Co. "A," 1st INFANTRY, 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 encampment of the militia, and also advised the diminution of the force to only five hundred (500) men; therefore,

Be it Resolved, By Company "A" 1st Infantry, 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 Hons. Alexander Hughes and H. S. Parkin, members from this district, and they be requested to present same to the Legislature.

T. J. FLAVIN.

H. W. VAN HOUTEN,
Secretary Pro tem.

Mr. Ramsdell presented the following petition:

To the Hon. Wm. Ramsdell and Members of the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of Moody county do hereby petition and ask that you and the members of the Legislative Assembly of Dakota do conform your actions in harmony with the preamble and resolution to which we have affixed our signatures.

WHEREAS, We, as a portion of the constituency of the

present Legislative Assembly of Dakota do watch with interest the deliberations of that honorable body, and

WHEREAS, Our system of farm economy is to use make-shifts and pay as we go, learning from most observation that to mortgage for what we can get along without is productive of failures, and

WHEREAS, There has been certain bills introduced in this legislature asking the issuing of Territorial bonds for certain improvements which is virtually to mortgage our own private property which we are trying not do by a rigid system of industry and economy, and

WHEREAS, An inspection of the last report of the Territorial Auditor gives us to believe that by a closer system of managing our public institutions there can be sufficient funds from the three mill tax allowed to meet all the needed requirements of the Territory in a manner becoming to its age and development, therefore, be it

Resolved, That we ask our honorable representatives to use their utmost endeavors to give us no bonds for any purpose whatever within their power to prevent.

By order of the Farmers Legislative Mass Convention, a copy of this petition to be sent to each division of the House, to the Governor and offered to the press in general, without the signatures, for publication.

G. A. PERLEY,
Cor. Sec., Flandreau, D. T.

Mr. Ryan 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 63 others, residents of Faulk county.

Mr. Parkin 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.

S. E. KEPLER,
And 49 others.

Which was referred to the Special Committee on game.

EXECUTIVE COMMUNICATION.

The following communication was received from the Governor:

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.

Mr. Aikens moved
That immediate action on
House Bill No. 6

Be postponed and that the bill together with the objections of the Governor be referred to the appropriate committee.

Which motion prevailed, and
The same was referred to the Judiciary Committee.

The following communication was received from the Governor:

EXECUTIVE OFFICE,
BISMARCK, Dakota,
February 6, 1889. }

To the House of Representatives:

As your honorable body has passed a resolution requesting certain information from the Territorial Veterinarian in reference to the expenses of his office, I deem it proper that you should be placed in possession of anything that may relate thereto so far as the Executive is concerned, and I respectfully submit to you the copies of letters from this office to the Veterinarian in reference to the employment of deputies and the expenses of his office.

Respectfully,

LOUIS K. CHURCH,
Governor.

TERRITORY OF DAKOTA,
EXECUTIVE OFFICE,
BISMARCK, Aug. 25, 1888. }

Dr. C. J. Alloway, Grand Forks, Dakota.

DEAR SIR: I desire to call your attention to the matter of the employment of deputies under the Veterinarian Law. The Law allows you to employ a certain number of deputies with the approval of the Governor at not exceeding \$5 a day. The salary expenses of the Veterinarian Department are considerable, and I write you in the interest of having, if possible, the expense account cut down to the lowest possible point consistent with reason and the good of your department. It seems to me that \$5 per day the year around is rather a large salary and I think the allowance should not exceed \$3. I am inclined to approve of your appointment of deputies especially when located at a certain or fixed place like at your office at Grand Forks or at the shipping station (at a less rate). I think your deputy located at Grand Forks, if allowed \$75 a month, it would be ample and fair compensation, as his duties, as I understand from you, are largely clerical in their nature and are necessarily not very arduous. As he acts in the capacity of a clerk to you, would this not be reasonable?

Respectfully,

L. K. CHURCH.

TERRITORY OF DAKOTA,
EXECUTIVE OFFICE,
BISMARCK, Aug. 27, 1888. }

Dr. C. J. Alloway, Grand Forks, Dakota.

DEAR SIR: Yours of August 16th at hand in reference to the assessment of stock. I would have answered your letter before, but I have been absent from the Territory for about three weeks. I wrote you on Saturday last in reference to curtailing the ex-

penses of your department. I did so after consultation with Mr. Ward. I am of the opinion, as I said in your letter at that time, that the compensation of \$5.00 per day is too much and hereafter I must request that all deputies at present acting and those hereafter appointed receive a compensation, not to exceed \$3.00 per day and the deputy at your office, that his compensation be limited to \$75.00 per month. I am further of the opinion that the auditor should not allow anything for office rent. The matter of holding your office at Grand Forks is for your own convenience. The Territorial Capitol is at Bismarck and the law necessarily contemplates that office room is furnished at the Capitol for all Territorial officials.

Respectfully,

L. K. CHURCH,
TERRITORY OF DAKOTA,
EXECUTIVE OFFICE,
BISMARCK, Oct. 1, 1888. }

Dr. C. J. Alloway, Grand Forks, Dakota:

Dear Sir: I think it will be advisable to discontinue employment of all deputy veterinarians, save one at Transfer in Minnesota, and one at your office, from this date. It seems to me a deputy can be employed as needed, and a continuous employment is not necessary for other than the two above mentioned. All consent for employment of deputies, save the two above mentioned, I revoke.

Respectfully,

LOUIS K. CHURCH,
Governor.

Mr. Speaker referred the above communication to a Special Committee consisting of Messrs. Howell, McHugh and Potter.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Clark introduced—

House Bill No. 214,

A bill for an act providing for fees of sheriffs and other officers for transporting persons to the reform school for juvenile offenders.

Which was read the first time.

Mr. Patridge introduced—

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,"

Which was read the first time.

Mr. Bixler introduced—

House Bill No. 216,

A bill for an act to declare certain promises contained in any note, bond or mortgage to be against public policy and void,

Which was read the first time.

Mr. Hunter introduced—

House Bill No. 217,

A bill for an act to repeal Chapter fifty-two (52) of the Session Laws of 1883, entitled "An act providing compensation for publishing tax sale and to amend Section sixty-one (61) of Chapter twenty-eight (28) of the Political Code relating to revenue,"

Which was read the first time.

Mr. White introduced—

House Bill No. 218,

A bill for an act to repeal Section 401 of Chapter 35 of the Penal Code,

Which was read the first time.

Mr. Wellcome introduced—

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,

Which was read the first time.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER, }
February 6, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 73,

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

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

And to return herewith

Council Bill No. 27,

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

Which I hope your Committee on Judiciary will now be able to understand

R. E. WALLACE,
Chief Clerk.

FIRST READING OF COUNCIL BILLS.

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 first time.

Council Bill No. 27,

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

Was read the first time.

SECOND READING OF COUNCIL BILLS.

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 Ways and Means.

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 second time and

Referred to the Committee on Counties.

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,"

Was read the second time and

Referred to the Committee on Charitable Institutions.

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 Towns and Cities.

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.

SECOND READING OF HOUSE BILLS.

House Bill No. 207,

A bill for an act to encourage the organization and maintenance of county or local agricultural societies in the Territory of Dakota,

Was read the second time and

Referred to the Committee on Agriculture.

House Bill No. 208,

A bill for an act appropriating funds for the maintenance of the Dakota Hospital for the Insane near Yankton,

Was read the second time and

Referred to the Committee on Appropriations.

House Bill No. 209,

A bill for an act entitled "An act amending Sections 324, 325 and 333 of the Code of Civil Procedure, in relation to additional and alternative exemptions,

Was read the second time and

Referred to the Committee on Territorial Affairs.

House Bill No. 211,

A bill for an act providing for a lien upon grain for the threshing of the same,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 213.

A bill for an act providing for the protection and regulation of primary elections,

Was read the second time and

Referred to the Committee on Elections.

House Bill No. 203,

A bill for an act to provide for the sinking of artesian wells and construction of waterways,

Was read the second time and

Referred to the Committee on Artesian Wells.

The Committee on Enrolled and Engrossed Bills submitted the following report:

Mr. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 38,

A bill for an act to fix the compensation of the judges of the probate court and to provide a fund to reimburse the county for the same, and to provide for clerks of probate courts,

And find the same correctly engrossed,

D. M. POWELL,
Chairman.

THIRD READING OF HOUSE BILLS.

Substitute for House Bill No. 35,

A bill for an act to amend Section 39 of Chapter 21 of the Political Code,

Was read the third time.

EXECUTIVE COMMUNICATION.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
February 6, 1889. }

To the House of Representatives:

I herewith respectfully return House Bill No. 186 entitled "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 objections urged against Section 1 of House Bill No. 1 have been remedied in the present bill, but aside from this, the objections in my veto to House Bill No. 1 apply with few exceptions.

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 Territorial and county taxes. This prohibition I believe would prevent several counties (which have suffered by loss of crop) from taking advantage of the proposed law.

I do not deem it necessary to again urge upon your attention 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 those objections urged upon the grounds of public policy in my former veto are not overcome 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 property not yet acquired by the party agreeing to give the lien, or not yet 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.

Mr. Adams moved

That the House do now consider
House Bill No. 186.

A bill for an act, entitled "An act authorizing counties to issue bonds to procure seed wheat for needy farmers resident thereof.

Together with the objections of the Governor, and that the House do now pass the same, the governor's objections to the contrary notwithstanding.

Which motion prevailed, and
House Bill No. 186,

A Bill for an act, entitled "An act authorizing counties to issue bonds to procure seed wheat for needy farmers resident thereof, together with the message of the Governor, was read, and

The question being shall the bill pass, the objections of the Governor to the contrary notwithstanding,

The roll being called there were ayes, 45; nays, 3.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clarke, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Lillibridge, Logan, McHugh, Miller, Morris, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanson, Trude, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Mallory, McNeil, Turnbull.

So the bill passed the objections of the Governor to the contrary notwithstanding.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
February, 6, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
A request from the Council that the House will return
Council Bill No. 108 to the Council for the purpose
of amendment.

R. E. WALLACE,
Chief Clerk.

Mr. Lampman moved
That the request be granted.
Which motion prevailed.

The Committee on Enrolled and Engrossed Bills sub-
mitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed bills have
examined

House Bill No. 176,

A bill for an an act to provide newspapers for the mem-
bers of the Legislature and making an appropriation there-
for,

Also,

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,

Also,

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.

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

Mr. Speaker announced his signature to House Bills Nos.
8, 12 and 176.

Mr. McHugh moved

That the further consideration of Substitute for House
Bill No. 35 be indefinitely postponed.

Ayes and nays demanded on the motion to postpone.

The roll being called there were ayes, 29; nays, 17.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Bergman, Bixler, Clark, Cooke, Elliott, Fletcher, Hunter, Jones, Lillibridge, Logan, McHugh, Miller, Morris, Palmer, Patton, Powell, Price, Royer, Ryan, Sheets, Swanston, Trude, Turnbull, Upham, Van Etten, Wellman, White.

Those who voted in the negative were:

Messrs. Adams, Bennett, Burnham, Douglas, Gronna, Howell, Lampman, Mallory, McNeil, Newman, Parkin, Patridge, Potter, Ramsdell, Smith, Wellcome, Mr. Speaker.

Absent and not voting:

Messrs. Baldwin and Greene.

So the motion to postpone prevailed.

Mr. Speaker announced his signature to Council Bill No.

20.

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.

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 28; nays, 13.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Bixler, Burnham, Clark, Douglas, Elliott, Greene, Howell, Hunter, Lampman, Lillibridge, McHugh, McNeil, Morris, Newman, Parkin, Patridge, Patton, Price, Royer, Sheets, Smith, Trude, Van Etten, Wellcome, Mr. Speaker.

Those who voted in the negative were:

Messrs. Bennett, Bergman, Cooke, Jones, Logan, Miller, Palmer, Ramsdell, Ryan, Swanston, Turnbull, Wellman, White.

Absent and not voting:

Messrs. Baldwin, Ftcher, Gronna, Mallory, Potter, Powell, and Upham.

Mr. Logan explaining his vote.

So the bill passed and its title was agreed to.

COMMUNICATION FROM THE ATTORNEY GENERAL.

The following communication was received from the Attorney General:

BISMARCK, February 6, 1889.

To the Honorable Speaker and House of Representatives of the Eighteenth Session:

Your resolution embraces two questions, to-wit:

1st. Can the Legislature pass an act imposing a penalty upon a national bank for taking usurious interest contrary to the usury laws of the Territory?

2nd. If a usury act was passed, and it should not be applicable to National banks, would it be special legislation, and without the powers of the Legislature?

In regard to the first proposition: National banks are the special creatures of Congress, created and regulated by Congressional enactments. By Section 5198 Rev. St. U. S., 1888, a penalty is fixed that shall be incurred by National banks as a consequence of taking usurious interest. This being fixed by the laws of Congress, takes National banks out of and from under the power of the Territorial Legislature, so far as imposing any penalty upon said banks, or breach of any usury law of the Territory.

The question has been fully settled and determined by the United States Supreme Court in the case of Farmers' and Mechanics' National Bank vs. Dearing, 91 U. S. p. 29, which case is well supported by the cases cited by the court rendering the decision.

As to the second proposition: If a law be enacted general, in and by its verbiage—that is, by its terms applying to any and all persons or corporations, imposing a penalty for the taking of usurious interest, and defining what shall be considered usurious interest. That law, though it would not be applicable to National banks, would not be special legislation, because it would apply generally to all persons and corporations within the Territory of Dakota, subject to the laws of the Legislature of Dakota, over which the Legislature has authority and power to legislate.

Very Respectfully submitted,

T. L. SKINNER,
Attorney General.

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 third time and placed on its final passage:

The roll being called, there were ayes, 38; nays, 4.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Lillibridge,

Logan, McHugh, McNeil, Miller, Morris, Palmer, Parkin, Patridge, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Van Etten, Wellcome. Wellman.

Those who voted in the negative were:

Messrs. Adams, Clark, Patton, White.

Messrs. Mallory, Newman, Potter, Powell, Upham, and Mr. Speaker not voting.

So the bill passed and its title was agreed to.

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 placed on its final passage.

The roll being called there were ayes, 34; nays, 9.

Those who voted in the affirmative were:

Messrs. Allen, Baldwin, Bennett, Bergman, Bixler, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Mallory, McHugh, McNeil, Miller, Morris, Palmer, Parkin, Patridge, Potter, Powell, Ramsdell, Ryan, Sheets, Swanston, Trude, Turnbull, Van Etten, Wellman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Aikens, Burnham, Clark, Patton, Price, Ramsdell, Smith, Wellcome.

Messrs. Lillibridge, Newman, Royer, Upham and White not voting.

Mr. Burnham explaining his vote.

So the bill passed and its title was agreed to.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respectfully report that

House Bill No. 177.

A bill for an act defining the boundaries of the county of Ramsey,

Also,

House Bill No. 8,

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

Also,

House Bill No. 176,

A bill for an act to provide newspapers for the members of the Legislature, and making an appropriation therefor,

Also.

Substitute for House Bill No. 12,

A bill for an act amending Section 2, Chapter 116 of Session Laws of 1887, relating to the office of Notaries Public, Were delivered to his Excellency, the Governor for his approval at the hour of 3:30 o'clock p. m., February 6, 1889.

D. M. POWELL,
Chairman.

MR. SPEAKER:

Your Committee on Enrolled and Engrossed Bills respectfully report that

House Bill No. 183,

A Memorial to Congress relating to the opening of that portion of the Fort Randal Military Reservation on the east side of the Missouri river, in the county of Charles Mix, to settlement under the Homestead Law,

Has been signed by the Speaker of the House and President of the Council and the Chief Clerks of each and has been placed on file in the office of the Secretary of the Territory February 6, 1889.

D. M. POWELL,
Chairman.

House Bill No. 126,

A bill for an act to provide a board for the equalization of taxes for all townships and villages in the Territory of Dakota whose charters contain no provisions for such board,

Was read the third time and placed on its final passage,

The roll being called, there were ayes 40; nays 3.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Baldwin, Bennett, Bixler, Burnham, Clark, Cooke, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Potter, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Douglas, Patridge, Patton,

Messrs. Aikens, Bergman, Parkin, Powell and Upham not voting.

So the bill passed and its title was agreed to.

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 placed on its final passage.

The roll being called, there were ayes 42; nays none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Douglas, Elliott, Fletcher, Greere, Gronna, Howell, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Parkin, Patridge, Patton, Potter, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Trude, Turnbull, Van Etten, Wellcome, Wellman, Mr. Speaker.

Messrs. Cooke, Hunter, Powell, Swanston, Upham and White not voting.

So the bill passed and its title was agreed to.

EXECUTIVE COMMUNICATION.

The following communication was received from the Governor:

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 members of the Legislature and making appropriation therefor,"

I am unable to approve this bill making an appropriation for a purchase for the members of both houses of six copies of newspapers, either daily, or their equivalent in weeklies, as each member may choose. It would amount to the purchase of 432 newspapers 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 Assembly." 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.

House Bill No. 38.

A bill for an act to fix the compensation of the judge of

probate court and to provide a fund to reimburse the county for the same and to provide for clerks of probate court,

Was read the third time.

Mr. Mallory moved

That the further consideration of House Bill No. 38 be indefinitely postponed.

Mr. Burnham moved

As a substitute that the bill be referred to the Committee of the Whole.

Which motion prevailed.

Mr. Speaker announced an informal recess of five minutes.

Mr. Speaker in the chair.

Mr. Gronna moved

That the House do now consider

House Bill No. 176,

A bill for and act to provide newspapers for the members of the Legislature and making an appropriation therefor, Together with the objections of the Governor,

Which motion prevailed and

House Bill No. 176,

A bill for an act to provide for newspapers for the members of the Legislature and making an appropriation therefor, together with the message of the Governor, was read, and

The question being shall the bill pass, the objections of the Governor to the contrary notwithstanding,

The roll being called there were ayes, 36; nays, 11.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bergman, Bixler, Burnham, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Lillibridge, Logan, McHugh, Newman, Palmer, Parkin, Patridge, Patton, Price, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman.

Those who voted in the negative were:

Messrs. Bennett, Clark, Cooke, Mallory, McNeil, Miller, Morris, Potter, Ramsdell, White, Mr. Speaker.

Mr. Powell being absent and not voting:

So the bill passed, the objections of the Governor to the contrary notwithstanding.

Mr. Aikens moved

That the vote by which House Bill No. 176 was just passed be reconsidered.

Which motion prevailed.

Mr. Aikens moved

That immediate action on House Bill No. 176, together with the Governor's objections to the same, be postponed,

Which motion prevailed, and

House Bill No. 176,

Together with the Governor's veto, were referred to the Committee on Ways and Means.

Mr. Bennett (by unanimous consent) introduced the following resolution:

Resolved, That the Territorial Treasurer be and is hereby requested to furnish for the information of this House a detailed statement of the expenses of each annual encampment of the Territorial militia; said statement to show the amounts expended and for what purposes.

Mr. Jones moved

The adoption of the resolution.

Which motion prevailed.

Mr. White moved

That the House do now resolve itself into Committee of the Whole to consider General Orders.

Which motion prevailed, and

Mr. Speaker called Mr. Van Etten to the chair.

When the Committee rose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration

House Bill No. 19,

A bill for an act to give publicity to chattle mortgage sales,

Together with the report of the Committee on Judiciary and recommend that the bill be amended in accordance with the amendment of the Judiciary Committee, and by adding at the closing of Section 5 of the amendment offered by the Judiciary Committee, "The sale shall not take place for a week following the date of publication" and that further action be deferred until the bill as amended be printed.

Also,

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 recommend that the bill do pass.

Also,

House Bill No. 31,

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,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 173,

A bill for an act to amend Section 86 of the Justices Code
And recommend that it do pass.

O. R. VAN ETTEN,
Chairman.

Mr. Bennett moved

To adopt the report of the Committee.

Which motion prevailed.

Mr. McNeil moved

That the House do now adjourn.

Which motion prevailed and the House

Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

THIRTY-FIRST DAY.

BISMARCK, February 7, 1889.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Mr. Morris, he being excused.

The committee to revise and correct the Journal submitted the following report:

MR. SPEAKER:

The committee to revise and correct the Journal have examined the Journal of February 5, 1889, and recommend the following corrections: On page 11 after the second line insert the following: "A bill for an act to provide newspapers for the members of the Legislature and making an appropriation therefor."

Also on the same page after House Bill No. 12 insert the following: "A bill for an act amending Section 2, Chapter 116 of the Session Laws of 1887 relating to the office of notaries public."

Also on page 13, sixth line, insert the following after the word "Committee" "on Game."

Also, on page 17, strike out line 38 and add the word "excused" to line 39.

On page 18, line 11, strike out the word "Aiken" and insert the word "Allen."

Strike out lines 16 and 17 and insert the following:

"Absent and not voting, Mr. Morris.

Messrs. Aikens, Parkin and Wellman being excused."

On page 18, strike out the letter "m" in line 36.

In line 39 strike out the words "Mr. Jones" and insert "Mr. McNeil."

In line 43, strike out the words "Mr. McHugh" and insert the words "Mr. Morris."

And with these corrections recommend the approval of the Journal.

R. L. BENNETT,
O. R. VAN ETTEN.

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

REPORTS OF STANDING COMMITTEES.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 210,

A Memorial to Congress.

Also,

House Bill No. 48,

A bill for an act to require county treasurers to deposit funds in designated depositories and providing for interest thereon,

Also,

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. 125,

A bill for an act to amend Section 24 of Chapter 39, of the Political Code, relating to salaries of county commissioners,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

The Committee on Judiciary submitted the following report:

MR. PRESIDENT:

The Committee on Judiciary respectfully report that they have had under consideration

House Bill No. 205,

A bill for an act to re-enact Section 677 of the Code of Civil Procedure of the Territory of Dakota, relating to damages for injuries to persons and property,

And return the same with the recommendation that the bill pass.

The Committee have also had under consideration
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,"

And the veto message of His Excellency, the Governor, accompanying the same, and the Committee are unable to agree with the Executive as to the propriety of the Law. The suggestions regarding the necessity of amendments to the law, confirm us in the opinion that in the absence of something improving the same the law should be repealed. This will not prevent any person from introducing, or this Assembly from passing any just and equitable measure looking to the improvement of our jury system. It is a dangerous policy in legislation that laws admittedly de-

fective should be kept in force, depending upon the passage of curative and amendatory acts.

The committee further disagree with the Executive regarding the construction of Section 4, of said act, respecting the discretion of the court. Taken in connection with the whole law, it is our opinion, and has been the holding of every district judge before whom the question has been raised, that such judge has no discretion, but must in every case grant the order upon application.

The suggestions regarding what should be enacted the committee do not deem it necessary to discuss, having only under consideration the law sought to be repealed. That law we consider fatally defective in that it is unfair, arbitrary, and only in the interest of the richer classes of individuals or corporations who can take advantage of what the Executive deplors, regarding talesmen, to-wit: leaving it to the power of the sheriff to pack juries. Certainly if a sheriff can work such havoc in selecting a limited number of persons to fill an exhausted panel, he can do more where he has the absolute right to make up the whole list.

Therefore the committee recommend that House Bill No. 6 be passed, the objections of the Governor to the contrary notwithstanding.

All of which is respectfully submitted.

M. M. PRICE.
Chairman.

Mr. Patridge moved

To adopt the report of the Committee on Judiciary,

Which motion prevailed, and

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 the Governor to the contrary notwithstanding.

Mr. Aikens moved

A call of the House,

Which motion prevailed and

A call of the House was ordered.

All members present except:

Messrs. Jones, Morris and Wellcome; Mr. Morris being excused.

Mr. Aikens moved

That further proceedings under the call of the House be dispensed with,

Which motion was lost.

Mr. Adams moved

That further proceedings under the call of the House be dispensed with.

Which motion prevailed, and

The question being

Shall the House pass House Bill No. 6, the objections of the Governor to the contrary notwithstanding, and

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.'"

Was read, together with the objections of the Governor, and placed on its final passage.

The roll being called there were ayes, 46; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clarke, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Absent and not voting:

Messrs. Jones, and Morris,

Mr. Morris being excused,

So the bill passed, the objections of the Governor to the contrary notwithstanding.

EXECUTIVE COMMUNICATION.

The following communication was received from the Governor:

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

(formerly 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 record 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 fee 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 salary 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 of 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, who, very properly, made provision for this office.

Respectfully,

LOUIS K. CHURCH,
Governor.

Mr. Newman moved

That further action on House Bill No. 12,

Together with the objections of the Governor be deferred, and that House Bill No. 12, together with the objections of the Governor be referred to the proper committee,

Which motion prevailed and

House Bill No. 12,

Together with the objections of the Governor,

Was referred to the Committee on Judiciary.

Mr. Elliott moved

That a committee of five be appointed to be known as the "Veto Committee," to whom the "veto messages" of the Governor shall be referred and that they be excused from all other duties of the House.

The Committee on Ways and Means submitted the following report:

MR. SPEAKER:

Your Committee on Ways and Means, to whom was referred

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 land sold for taxes,

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

In Section 1 strike out the word "three" in line 12 and inserting in lieu thereof the word "two," and by striking out the word "twelve," in line 19, and inserting in lieu thereof the word "fifteen,"

And as so amended recommend the bill do pass.

CHAS. J. TRUDE.

Chairman.

The Committee on Ways and Means also submitted the following report:

MR. SPEAKER:

Your Committee on Ways and Means to which
House Bill No. 176,

Together with the objections of the Governor was referred, respectfully report: That the Executive is mistaken in his figures as it would cost only \$648 for the entire session to get the "Bismarck Tribune" which contains the Journals of both houses, to-wit: \$1.50 per copy or \$9 for six copies to each member and not \$1,296 as stated.

No appropriation is more appreciated by the people as it gives the information which constituents most desire.

The Executive uses this remarkable language: "I can see no more reason for an appropriation of this kind than could be given for appropriations made for any other private purpose of the members." This is remarkable for the reason that the Executive, but a few days ago, approved a bill which appropriated \$10 to each member for postage. This change of heart or base is peculiar.

And we, your committee, are of the opinion that his Excellency, the Governor, knowingly misrepresented the amount of the cost the bill would entail upon the Territory and by so doing treated the members of the Legislature unjustly and unfairly. Therefore, we your committee, recommend that the bill do pass the Governor's objections to the contrary notwithstanding.

CHARLES J. TRUDE,
Chairman.

Mr. Patton moved

To adopt the report of the Committee on Ways and Means.

Which motion prevailed, and

The question being shall House Bill No. 176 be passed, the objections of the Governor to the contrary notwithstanding,

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, together with the objections of the Governor, and placed on its final passage.

The roll being called, there were ayes 46; nays, 1.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lamp-

man, Lillibridge, Logan, Mallory, McHugh, Miller, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, White, Mr. Speaker.

Mr. McNeil voting in the negative.

Mr. Morris being absent and excused.

So the bill passed, the objections of the Governor to the contrary notwithstanding.

The Committee on Appropriations submitted the following report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred

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 entitled "An act to provide for payment of clerical work in the Executive office, and all other acts amendatory thereto,"

Have had the same under consideration and recommend that said bill do pass,

Also,

House Bill No. 165,

A bill for an act, authorizing the Territorial Auditor to audit a claim of John Sundback against the Territory,

And recommend that it do pass.

G. M. GREENE,
Chairman.

The Committee on Elections submitted the following report:

MR. SPEAKER:

Your Committee on Elections and Privileges having under consideration

House Bill No. 14,

beg leave to make the following report:

We recommend that the following be substituted for Section two (2) of the original bill:

SEC. 2. That any person convicted of a violation of any provisions of this act shall be punished by fine not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail not more than thirty days or by both such fine and imprisonment in the discretion of the court.

We also recommend that Section 2 of the original bill be numbered Section 3, and that Section 3 of the original bill be numbered Section 4.

And with these amendments we recommend that the bill do pass.

Also,

House Bill No. 213,

And recommend that it do not pass.

All of which we respectfully submit,

P. P. PALMER,
Chairman.

The Committee on Insurance submitted the following report:

MR. SPEAKER:

Your Committee on Insurance to whom was referred House Bill No. 114,

A bill for an act to amend Section 14 of Chapter 67 Session Laws of 1887 relating to county insurance companies.

Have had the same under consideration and recommend that the bill herewith transmitted be substituted for said bill and that said substitute bill be passed.

T. A. DOUGLASS,
Chairman.

REPORT OF SPECIAL COMMITTEE.

The Special Committee to whom was referred the report of the Territorial Veterinarian submitted the following report:

MR. SPEAKER:

Your Special Committee to whom was referred the report of the Territorial Veterinary Surgeon for examination beg leave to make the following report:

We would respectfully ask to be empowered with full authority to send for the necessary books and papers, and to summon witnesses for the thorough investigation of the subject matter referred to said committee.

S. P. HOWELL,
Chairman.

Mr. Gronna moved
To adopt the report.
Which motion prevailed.

MOTIONS AND RESOLUTIONS.

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

Resolved, That the Treasurer of the Territory is hereby requested to furnish the House with a statement of the amount of taxes paid into the Territorial Treasury in the counties of South Dakota and in the counties of North Dakota, respectively, during the past four years.

Which resolution was adopted.

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

Be it Resolved by the House of Representatives:

That the Special Committee appointed by the Speaker of the House in accordance with a resolution thereof to inquire into the accounts of the Territorial Veterinarian be and it is hereby authorized to send for persons and papers, to issue subpoenas and compel the attendance of witnesses and the production of papers. And is further directed to make full report of their proceedings and findings, together with all testimony taken to this House before the close of this session.

Which resolution was adopted.

Mr. Adams moved that
House Bill No. 19,

A bill for an act to give publicity to chattel mortgage sales,

Be referred to General Orders.

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Burnham introduced—

House Bill No. 220,

A bill for a Joint Resolution recalling House Bill No. 8 from the Governor.

Which was read the first time.

Mr. Burnham moved

That the rules be suspended and that House Bill No. 220 be read the second and third times and placed on its final passage.

Which motion prevailed, and

House Bill No. 220,

A bill for a Joint Resolution recalling House Bill No. 8 from the Governor,

Was read the second and third times and placed on its final passage,

The roll being called, there were ayes 45; nays none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Lillibridge, Logan, McHugh, McNeil, Miller, Newman, Palmer, Parkin, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Absent and not voting:

Messrs. Mallory, Morris, Patridge,

So the bill passed and its title was agreed to.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed bills have examined

House Bill No. 173,

A bill for an act to amend Section 86 of the Justices' Code,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER, }
February 7, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 135,

A bill for an act regulating criminal prosecutions in justices' court,

Also,

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,

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

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
February 7, 1889. }

MR. SPEAKER:

I have the honor to return 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 Council has passed.

Also,

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,

Which the Council has indefinitely postponed.

R. E. WALLACE,
Chief Clerk.

Mr. Patton introduced—

House Bill No. 221,

A bill for an act to create and establish the County of
Meade and for other purposes,

Which was read the first time.

Mr. Hunter introduced—

House Bill No. 222,

A bill for an act entitled "An act to provide for the pub-
lication of the proceedings of village boards and city coun-
cils in cases where no provision by law is now made for
such publication,

Which was read the first time.

Mr. Baldwin introduced—

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 time.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 135,

A bill for an act regulating criminal prosecutions in
justices courts,

Was read the first time.

Council Bill No. 185,

A bill for an act authorizing boards of county commis-

sioners to defray certain expenses incurred in surpressing frauds in county affairs.

Was read the first time.

SECOND READING OF COUNCIL BILLS.

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 Judiciary.

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.

SECOND READING OF HOUSE BILLS.

House Bill No. 214,

A bill for an act providing for fees of 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 Penal Institutions.

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,"

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 216,

A bill for an act to declare certain promises contained in any note, bond or mortgage to be against public policy and void,

Was read the second time and

Referred to Special Committee on Usury.

House Bill No. 217,

A bill for an act to repeal Chapter fifty-two (52) of the Session Laws of 1883, entitled "An act providing compensation for publishing tax sale and to amend Section sixty-one (61) of Chapter twenty-eight (28) of the Political Code relating to revenue,"

Was read the second time and

Referred to Committee on Ways and Means.

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. 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 second time and

Referred to the Committee on Public Printing.

THIRD READING OF COUNCIL BILLS.

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 and placed on its final passage.

The roll being called there were ayes 45; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Trude, Turnbull, Upham, Wellcome, Wellman, White, Mr. Speaker.

Absent and not voting:

Messrs. Morris, Smith, Van Etten.

Mr. Morris being excused.

So the bill passed and its title was agreed to.

THIRD READING OF HOUSE BILLS.

Mr. Patton moved

That the further consideration of House Bill No. 125 be indefinitely postponed,

Which motion prevailed.

House Bill No. 159,

A bill for an act to make it the duty of the county audi-

tor or clerk to supply civil townships with necessary books and blanks,

Was read the third time and placed on its final passage.

The roll being called, there were ayes 44; nays 3.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Bergman, Hunter, Miller.

Mr. Morris being excused.

So the bill passed and its title was agreed to.

EXECUTIVE COMMUNICATION.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
February 7, 1889. }

To the Speaker of the House of Representatives:

I have the honor to inform your honorable body that I have approved

House Bill No. 177,

A bill for an act defining the boundaries of Ramsey county,

And the said bill has been filed in the office of the Secretary.

Respectfully,
LOUIS K. CHURCH,
Governor.

House Bill No. 173,

A bill for an act to amend Section 86 of the Justice's Code,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 44; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Jones, Lampman, Lilli-

bridge, Logan, Mallory, McHugh, McNeil, Miller, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, VanEtten, Wellman, White, Mr. Speaker.

Absent and not voting:

Messrs. Hunter, Morris, Newman, Wellcome.

Mr. Morris being excused.

So the bill passed and its title was agreed to.

Mr. McHugh moved

That the further consideration of

House Bill No. 48,

A bill for an act to require county treasurers to deposit funds in designated depositories and providing for interest thereon.

Be dispensed with and that the same

Be recommitted to the proper committee for amendment.

Which motion prevailed, and

House Bill No. 48 was recommitted to the committee on Territorial Affairs.

Mr. Speaker announced an informal recess for 10 minutes.

Mr. Speaker in the chair.

Mr. Speaker appointed Mr. Lampman as chairman of the North Dakota committee to consider House Bills Nos. 11 and 85.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
February, 7, 1889. }

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 220,

A Joint Resolution recalling House Bill No. 8 from the Governor,

Which the Council has passed under suspension of the rules.

R. E. WALLACE,
Chief Clerk.

Mr. Patridge moved

That the House do now resolve itself into the Committee of the Whole to consider General Orders.

Which motion prevailed, and
 The Speaker called Mr. Elliott to the chair.
 When the Committee arose the following report was presented:

MR. SPEAKER:

The Committee of the Whole have had under consideration

House Bill No. 144,

A bill for an act to amend Section 2, Chapter 51 of the Laws of 1887, entitled "An act providing for certain legal printing, and fixing the compensation thereof,"

And recommend that the bill do pass.

Also,

House Bill No. 142,

A bill for an act defining the class of newspapers in which legal notices shall be published,

And recommend that the same do pass.

Also,

House Bill No. 161,

A bill for an act granting to women the right of suffrage at county, town and municipal elections,

And report progress and ask leave to sit again.

T. M. ELLIOTT,
 Chairman.

Mr. McNeil moved
 To adopt the report.
 Which motion prevailed.

Mr. McNeil moved
 That the House do now adjourn.
 Which motion prevailed and the House
 Adjourned.

JOHN G. HAMILTON,
 Chief Clerk.

THIRTY-SECOND DAY.

BISMARCK, February 8, 1889.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present.

The committee to revise and correct the Journal submitted the following report:

MR. SPEAKER:

Your Committee to revise and correct the Journal have examined that of February 6th and recommend the following corrections:

On page 12 in the 31st line strike out the word "Patten" and insert the word "Potter." On page 17 in line 15 strike out the figures "86" and insert in lieu thereof "186." Also, on same page, in line 19, after the word "objection" insert the letter "s." Same page, in line 23, strike out the figures "86" and insert in lieu thereof the figures "186." Also, on same page, strike out the 27th line and insert the following: "Was read, together with the objections of the Governor, and the question being shall the bill pass, the objections of the Governor to the contrary notwithstanding."

On page 24 in line 27 strike out the following: "The third time and placed on its final passage" and insert in lieu thereof the following: "Together with the message from the Governor, and the question being shall the bill pass the objections of the Governor to the contrary notwithstanding." In line 40 same page strike out the following: "And its title was agreed to."

On page 25 in the 34th line after the figure "5" insert the following: "Of the amendment offered by the Committee on Judiciary." Also on same page in line 40 after the word amended insert the following: "In accordance with the amendment of the Committee on Judiciary."

On page 26, in line 6, after the word "the," insert the following: "further consideration of the." and have also examined the journal of February 7th, 1889, and recommend the following corrections:

On page 16, between lines 15 and 16, insert the following: "Third Reading of House Bills." Also on page 18, in line 12, strike out the figure "9," and with these corrections recommend the approval of the Journal.

R. L. BENNETT,
O. R. VAN ETTEN.

Mr. Patridge moved
To adopt the report.
Which motion prevailed.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Burnham offered the following communication:
*To the Honorable Council and House of Representatives of the
Legislative Assembly of the Territory of Dakota:*

WHEREAS, It manifestly appearing that there is a disposition at the present session of the Legislature at Bismarck to alter and change the general law of the Territory relative 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 reduce the militia affairs in this Territory both in number and financially, therefore

Be it Resolved, That it is the sense of 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,
City Auditor.

Fargo, D. T., Feb. 7, 1889.

Mr. Bixler offered the following petition:

WILLOW LAKE, Clark Co., Dak., Feb. 5, 1889.

To the House of Representatives of the Eighteenth Legislative Assembly:

We, the comrades of Marion Walker Post No. 60, G. A. R., of Clark county, Dakota, at a regular Post meeting held the first Saturday, being the 2d day of February, 1889, by a unanimous vote, we respectfully petition your honorable body, the Legislature of Dakota Territory now convened, to locate a Soldiers' Home at Pierre, Dakota, it being more centrally located than Hot Springs, and the people of Pierre making it a free gift to the Territory, thereby saving to the Territory from \$75,000 to \$100,000.

H. A. SMITH,
Commander.

L. A. MATHEWS,
Adjutant.

And many others.

REPORTS OF STANDING COMMITTEES.

The Committee on Counties submitted the following report:

MR. SPEAKER:

Your Committee on Counties to whom was referred 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,

Have had the same under consideration and recommend that said bill be amended as follows by inserting between the words "three" and "weeks" in line 13 of said section the word "consecutive." Also before the word "newspaper" in line 14 of said section insert the word "weekly," and as so amended that the bill do pass.

A. J. GRONNA,
Chairman.

The Committee on Public Printing submitted the following report:

MR. SPEAKER:

Your Committee on Public Printing to whom was referred

House Bill No. 128,

A bill for an act to provide for the publication of the

Laws passed by the Eighteenth Legislative Assembly of the Territory of Dakota,

Have had the same under consideration and herewith return the same and recommend that said bill be referred to the Committee on Ways and Means or the Committee on Territorial Affairs.

Also,

House Bill No. 151,

A bill for an act providing for the publication and distribution of Long's Legislative Hand Book,

Which they recommend to be amended by inserting after the word "Dakota" in line 3 Section 1, the following: "Of which two hundred copies shall be bound in cloth," and by striking out in line 3, Section 2, the words "twenty-two hundred and fifty dollars (\$2,250) and inserting in lieu thereof the words "fifteen hundred dollars (\$1,500) in full payment for the Legislative Hand Book for the Eighteenth Legislative Session and its distribution in accordance with Section 1 of this act,"

And that as so amended the bill do pass.

F. H. ADAMS,
Chairman.

Mr. Partridge moved

To adopt the report.

Which motion prevailed.

Mr. Speaker referred House Bill No. 128 to the Committee on Territorial Affairs.

The Committee on Judiciary submitted the following report:

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 Gov. Pierce had received in person and for clerical services the entire sum named. The first item, \$2,000, charged against his predecessor was a sum paid through him by the Territorial Commission 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 \$130.00, 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 \$400.00 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 Governor 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 recommonds that said bill do pass, the objections of the Governor to the contrary notwithstanding,

M. M. PRICE,
Chairman.

Mr. Bergman moved

To adopt the report of the Committee on Judiciary,

Which motion prevailed and

The question being upon the passage of House Bill No. 12, the objections of the Governor to the contrary notwithstanding.

House Bill No. 12,

A bill for an act amending section 2, Chapter 16 of Session Laws of 1887, relating to notaries public.

Was read, together with the objections of the Governor and placed on its final passage.

The roll being called there were ayes, 46; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clarke, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, Miller, Morris, Newman, Palmer, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Absent and not voting:

Messrs. McNeil and Parkin.

So the bill passed the objections of the Governor to the contrary notwithstanding.

MOTIONS AND RESOLUTIONS.

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

Resolved, That 250 copies of House Bill No. 186 be ordered

printed and distributed among the members of both houses.

Which resolution was adopted.

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

Resolved, That the Committee on Judiciary of the House be and is hereby instructed to prepare and report to the House at its earliest convenience a bill prohibiting the use of railroad passes by all public officials of this Territory and fixing a penalty for the violation of its provisions.

Ayes and nays demanded.

The roll being called, there were ayes, 22; nays, 26.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Cooke, Douglas, Greene, Gronna, Jones, Lampman, Logan, Morris, Newman, Patton, Price, Ramsdell, Royer, Upham, Wellman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Bixler, Burnham, Clark, Elliott, Fletcher, Howell, Hunter, Lillibridge, Mallory, McHugh, McNeil, Miller, Palmer, Parkin, Patridge, Potter, Powell, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Van Etten, Wellcome, White.

Mr. Ryan explaining his vote.

So the resolution was lost.

Mr. Bennett offered the following resolution:

Resolved, That the Territorial Auditor be and is hereby requested to furnish for the information of this House a statement showing the receipts, expenditures and balances of the militia fund for the past four years, beginning January 1, 1885; said statement to show for what purposes the funds were expended.

Which resolution was adopted.

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

WHEREAS, In the constitutions of some of the states, it is provided that the Legislatures thereof may request the opinion in writing of their respective Supreme Courts, or any one or more of the Judges thereof, upon important questions of law; and

WHEREAS, There has been no law of this Territory since Chapter 56 of the Session Laws of 1862 was repealed, defining the duties of the courts of this Territory

relative to such requests of the Legislature, and
WHEREAS, There is no law of Congress or of the Territory expressly prohibiting such requests, and the Supreme Court of this Territory, having heretofore complied with such requests of the Legislature, and

WHEREAS, The people of this Territory in part maintain the judiciary thereof, it would seem that the Supreme Court should, when requested by the Legislature or either branch thereof, give its opinion as to whether an important bill pending in either branch, would be, if enacted, in violation of the Organic Law of the Territory, and

WHEREAS, The railroad companies owning lines of railroad within this Territory have refused to pay into the Territorial treasury thousands of dollars due from them to the Territory for taxes under the provisions of a law which they plead most earnestly with the last Legislature to retain upon the statute books and immediately thereafter defined upon the ground of its unconstitutionality; therefore

Be it Resolved, By the House that we most respectfully ask the supreme court of the Territory to render, in writing, its opinion on the constitutionality of

House Bill No. 22,

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," etc.,

Passed at the Sixteenth Legislative Assembly of the territory of Dakota and approved March 6th, 1885. Said bill being in the judgment of the House one of the highest importance to the people of the territory,

Resolved, That an engrossed copy of the foregoing preamble and resolution together with engrossed copies of House Bill No. 22 for each of the Justices of the Supreme Court, be handed, by the chief clerk of the House, to Chief Justice Bartlett Tripp.

Mr. Wellcome moved

That further consideration of the resolution of Mr. Morris be indefinitely postponed.

Mr. Adams offered the following resolution as a substitute to the resolution of Mr. Morris:

WHEREAS, House Bill No. 22 substantially embodies all the remedial provisions of the McCumber railroad bill endorsed by the persons most interested at the Jamestown

convention, to-wit: The farmers of Dakota Territory; and said House Bill No. 22 is without the objectionable features of the McCumber bill, and has by special request of this House been passed upon by the Attorney General who finds the said bill constitutional in its provisions; and

WHEREAS, There is no legitimate reason advanced for delaying the passage of said House Bill No. 22 which remains in committee; and

WHEREAS, Nearly half of the Eighteenth Legislative session is over, and a like delay in the Council would endanger reaching a final vote upon the same before adjournment,

Be it Resolved, That House Bill No. 22 be withdrawn from committee; that the bill be read the third time and placed on its final passage.

Which the Speaker ruled out of order and not germane to the subject.

Ayes and nays demanded on the question to indefinitely postpone further consideration of the Morris resolution:

The roll being called there were ayes, 27; nays, 21.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Bixler, Burnham, Douglas, Fletcher, Greene, Howell, Hunter, Lampman, Lillibridge, Mallory, McHugh, McNeil, Newman, Palmer, Parkin, Patton, Powell, Ramsdell, Ryan, Sheets, Turnbull, Van Etten, Wellcome, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Baldwin, Bennett, Bergman, Clark, Cooke, Elliott, Gionna, Jones, Logan, Miller, Morris, Patridge, Potter, Price, Royer Smith, Swanston, Trude, Upham, Wellman.

Mr. Cooke explaining his vote.

So the motion to indefinitely postpone prevailed.

Mr. Speaker announced his signature to House Bill No. 220,

A bill for a Joint Resolution recalling House Bill No. 8 from the Governor, and

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.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

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,

Also,

House Bill No. 220,

A Joint Resolution recalling House Bill No. 8 from the Governor,

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Elliott introduced—

House Bill No. 224,

A bill for an act defining the liability of railroad corporations for personal injuries,

Which was read the first time.

Mr. Fletcher introduced—

House Bill No. 225,

A bill for an act to amend Section 2 of 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. Sheets introduced—

House Bill No. 226,

A bill for an act to prevent the sale of intoxicating liquors within certain distances of college buildings in the Territory of Dakota,

Which was read the first time.

Mr. Adams introduced—

House Bill No. 227,

A bill for an act to locate, establish and endow a Territorial Normal School;

Which was read the first time.

Mr. Bergman introduced—

House Bill No. 228,

A bill for an act to regulate compensation of township officers,

Which was read the first time.

COMMUNICATION FROM THE TERRITORIAL TREASURER.

The following communication was received from the Territorial Treasurer:

Hon. H. H. Keith, Speaker:

DEAR SIR: The following is a statement of the taxes paid by the counties of North Dakota and South Dakota into the Territorial Treasury during the past four years.

Respectfully,

JOHN D. LAWLER,
Treasurer.

SOUTH DAKOTA.

AMOUNTS PAID FOR YEARS ENDING NOVEMBER 30, TO-WIT:

COUNTY.	1885.	1886.	1887.	1888.	Total.
Aurora	\$ 2,568 86	\$ 3,774 91	\$ 4,017 67	\$ 4,069 44	\$ 14,430 88
Beadle	7,402 10	7,628 53	8,322 52	14,094 28	37,447 43
Bonhomme	4,554 51	4,799 59	4,307 07	6,851 80	32,422 97
Brookings	4,836 70	4,889 86	5,582 29	8,546 64	23,855 49
Brown	8,958 81	10,549 29	11,154 91	17,176 14	47,839 15
Brule	2,505 74	3,582 52	4,068 55	3,991 04	14,147 85
Buffalo .....	.....	412 02	501 62	575 99	1,489 63
Butte	948 18	1,619 35	1,331 06	1,521 34	5,419 93
Campbell .....	.....	335 23	6 9 98	1,130 24	2,125 45
Charles Mix	734 31	1,153 75	1,965 39	2,510 20	6,363 65
Clark	2,530 93	3,361 67	3,273 35	5,375 26	14,411 21
Clay	3,730 05	4,502 44	3,811 33	4,979 98	17,023 80
Codington	5,705 55	3,865 56	4,603 51	6,118 99	20,298 61
Custer	753 46	1,122 58	541 01	1,092 43	3,509 48
Davison	3,374 34	3,768 26	3,451 56	5,824 51	16,418 67
Day	1,662 81	2,535 41	3,224 30	3,598 43	11,020 95
Denel	2,600 01	3,128 31	3,488 59	4,016 29	13,233 20
Douglas	1,148 .6	1,701 86	3,488 59	2,163 20	6,724 15
Edmunds	749 74	3,057 66	3 113 63	3,492 90	10,419 93
Fall River	674 80	731 76	330 83	1,073 82	2,811 21
Faulk	1,436 60	2,208 62	2,999 02	4,014 77	10,659 01
Grant	3,203 82	3,780 83	4,024 94	4,996 23	16,005 82
Hamlin	1,903 30	3,306 79	1,758 27	4,452 02	11,920 38
Hard	4,030 01	5,991 49	6,058 58	6,569 93	22,650 01
Hanson	3,088 23	2,700 79	3,195 33	3,053 26	12,037 61
Hughes	2,888 26	6,998 59	4,405 61	4,094 42	18,386 88
Hutchinson	4,545 83	5,121 67	5,329 09	7,864 12	22,860 71
Hyde	475 00	1,195 92	2,851 00	2,160 89	6,682 81
Jerauld	1,393 28	1,426 01	1,655 80	2,243 80	6,718 89
Kingsbury	4,806 84	2,603 00	4,881 64	7,461 74	19,753 22
Lake	3,077 14	3,836 68	4,349 70	6,057 34	17,320 86
Lawrence	14,558 77	8,798 33	8,884 58	9,569 19	41,810 87
Lincoln	5,137 24	4,779 75	5,663 77	7,052 88	22,633 64
McCook	2,186 43	2,338 09	3,132 02	4,890 40	12,546 94
McPherson	125 85	858 48	1,456 08	1,654 09	4,094 50
Marshall .....	.....	.....	2,631 10	2,448 05	5,079 15
Miner	1,733 92	2,643 57	2,801 47	3,316 39	10,515 35
Minnehaha	10,937 26	12,008 41	10,102 88	15,220 82	48,269 37
Moody	3,205 21	3,551 33	3,817 30	5,186 21	15,760 05
Pennington	3 192 50	2,191 01	3,082 68	4,912 07	13,378 26
Potter	506 81	1 032 61	2,242 07	2,111 58	5,894 07
Roberts	1,729 47	1,249 25	1,340 16	1,480 77	5,799 65
Sanborn	1,905 61	2,807 06	2,459 05	4,029 90	11,201 62
Spink	7,121 44	8,567 44	9,164 66	7,141 58	31,995 12
Sully	1,790 09	2,872 99	3,253 54	3,104 68	11,021 30
Turner	3,832 22	4,824 83	5,247 28	6,509 92	20,414 25
Union	3,865 76	6,531 19	4,262 44	5,873 02	20,532 41
Walworth	365 40	571 64	1,101 52	1,119 40	3,457 96
Yankton	6,767 57	6,521 23	6,823 76	8,900 31	29,012 87
Total	\$ 155,169 52	\$ 178,641 16	\$ 188,431 84	\$ 245,698 70	\$ 767 936 20

NORTH DAKOTA.

AMOUNTS PAID FOR YEARS ENDING NOVEMBER 30, TO-WIT:

COUNTY.	1885.	1886.	1887.	1888.	Total.
Billings			1,378 72	2,454 14	3,827 86
Barnes	8 649 55	6,791 50	7,441 69	7,451 07	30,333 89
Benson	689 78	700 08	907 88	875 85	3,178 02
Bottineau		135 75	227 76	354 50	718 91
Burleigh	10,197 90	9,451 70	6,220 16	6,688 23	32,557 99
Cass	25,788 27	28,522 61	17,388 88	26,755 98	96,455 69
Cavalier		795 14	1,155 16	1,640 08	3,590 38
Dickey	1,350 05	3,458 84	4,592 32	4,790 37	14,191 58
Eddy		700 72	875 64	1,088 07	2,663 43
Emmons	490 18	608 90	299 11	1,206 65	2,599 84
Foster	1,517 20	1,283 70	1,655 07	1,718 60	6,169 57
Grand Forks	12,989 81	12,531 04	10,623 06	19,842 08	55,970 44
Griggs	2,632 86	1,611 73	2,061 42	2,340 29	8,656 30
Kidder	1,791 21	1 712 61	1,250 17	2,240 34	6,994 33
LaMoure	4,265 43	3,641 73	4,016 81	4,129 85	16,053 82
Logan			205 40	232 64	438 05
McHenry		192 27	140 81	516 68	789 76
McIntosh		68 98	221 28	732 62	1,022 28
McLean	542 22	708 83	916 09	1,015 79	3,242 93
Mercer		81 80	76 30	92 19	250 29
Morton					
Nelson	4,108 96	2,249 91	3,466 61	3,966 23	13,786 71
Oliver	2,810 78	2,079 75	3,159 16	3,604 89	11,654 58
Pembina			103 78	232 19	335 97
Ramsey	7,152 46	9,975 06	7,191 95	7,160 05	31,479 53
Ransom	39 79	2,375 14	2,626 45	4,215 97	10,057 35
Richland	4,860 89	2,619 48	5,481 37	6,615 37	19,077 11
Rolette	9,309 47	9,037 51	7,235 28	11 585 79	37,168 05
Sargent		218 24	380 66	311 54	910 44
Stark	2,009 27	2,700 41	2,306 84	2,630 54	9,647 06
Steele	1,156 95	1,579 01	1,219 38	1,393 76	5,351 08
Srutsman	2,318 66	2,948 34	3,434 94	4,757 40	13,459 34
Towner	11,091 25	5,630 58	10,657 46	8,896 66	35,325 95
Trails	21 89	318 50	394 06	1,443 88	2,178 13
Walsh	7,843 41	3,807 99	6,587 90	10,416 61	33 658 91
Ward	8,850 06	8,052 58	6,824 81	10,896 85	34,623 80
Wells			52 27	331 28	393 55
		737 22	1,352 97	1,068 48	3,158 62
Grand Total	\$ 131,742 74	\$ 135,312 73	\$ 124,219 10	\$ 165,668 01	\$ 558,941 58

Mr. Speaker announced an informal recess of five minutes.

Mr. Speaker in the chair.

Unanimous consent being granted the Committee on Territorial Affairs submitted the following report:

MR. SPEAKER:

Your Committee on Territorial Affairs to whom was referred

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.

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

JOSEPH ALLEN,
Chairman.

The Committee on Enrolled and Engrossed Bills submitted the following report:

Mr. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respectfully report that

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.

Also,

House Bill No. 220,

A Joint Resolution recalling House Bill No. 8 from the Governor.

Were delivered to His Excellency the Governor for his approval at the hour of 3 o'clock p. m., February 8th, 1889.

D. M. POWELL,
Chairman.

Also the following:

Mr. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respectfully return herewith

House Bill No. 8,

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

Which has been returned by His Excellency the Governor in compliance with Joint Resolution No. 220.

Respectfully,

D. M. POWELL,
Chairman.

Unanimous consent being granted

Mr. Elliott introduced—

House Bill No. 229,

A bill for an act providing for the taxation of the net proceeds of mines,

Which was read the first time.

Mr. Elliott moved

That the rules be suspended and that House Bill No. 229 be read the second time and the bill be referred to a Special Committee to be appointed for that purpose.

Which motion prevailed, and

House Bill No. 229,

A bill for an act providing for the taxation of the net proceeds of mines,

Was read the second time and

Referred to Messrs. Baldwin, Royer and Adams, the special committee appointed by the Speaker.

Mr. McHugh moved

That the House do now resolve itself into Committee of the Whole for the consideration of General Orders.

Which motion prevailed and

The Speaker called Mr. Van Etten to the chair.

The Committee rose without report.

Mr. Speaker in the chair.

Mr. McHugh moved that

House Bill No. 161,

A bill for an act granting to women the right of suffrage at county, township and municipal elections,

Be taken from the Committee of the Whole, read the third time and placed on its final passage.

Which motion prevailed, and

House Bill No. 161,

A bill for an act granting to women the right of suffrage at county, township and municipal elections,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 22; nays, 26.

Those who voted in the affirmative were:

Messrs. Bennett, Burnham, Cooke, Douglas, Elliott, Greene, Lampman, Lillibridge, Logan, Mallory, McNeil, Miller, Palmer, Patridge, Potter, Powell, Price, Royer, Ryan, Sheets, Van Etten, Wellman.

Those who voted in the negative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bergman, Bixler, Clark, Fletcher, Gronna, Howell, Hunter, Jones, McHugh, Morris, Newman, Parkin, Patton, Ramsdell, Smith, Swanton, Trude, Turnbull, Upham, Wellcome, White. Mr. Speaker.

So the bill was lost.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER, }
February 8, 1889. }

Mr. SPEAKER:

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 the Territory of Dakota and
fixing the terms of court therein,

Together with the message of His Excellency, the Gov-
ernor, vetoing the same, as follows:

EXECUTIVE OFFICE, }
February 6, 1889. }

To the Council:

I herewith respectfully return
Council Bill No. 20,

Entitled "An act for 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.

And to inform you that the Council has passed said
Council Bill No. 20, the objections of His Excellency the
Governor to the contrary notwithstanding.

R. E. WALLACE,
Chief Clerk.

Mr. Newman moved

That further action on Council Bill No. 20, together with
the objections of the Governor be referred to the Commit-
tee on Judiciary.

Which motion prevailed.

Mr. Price moved
That the courtesies of the floor be extended to Gen. S. D.
Sturgis.

Which motion prevailed.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER, }
February 8, 1889, }

MR. SPEAKER:

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,
Which the Council has passed.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
February 8, 1889. }

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 186.
A bill for an act authorizing counties to issue bonds to
procure seed wheat for needy farmers resident thereof,
Which the Council has passed the objections of His Ex-
cellency the Governor to the contrary notwithstanding.
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 Council has failed to pass over the objections
of His Excellency, the Governor.

R. E. WALLACE,
Chief Clerk.

Mr. Jones moved
That the House do now adjourn.
Which motion was lost.
Mr. Mallory moved
That the House do now resolve itself into a Committee
of the Whole to consider General Orders,
Which motion prevailed and

Mr. Speaker called Mr. Mallory to the chair,
When the Committee rose the following report was presented:

MR. SPEAKER:

The Committee of the Whole have had under consideration

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,

And recommend that the bill do pass.

Also,

House Bill No. 204.

A bill for an act to establish the independent school district of Hatton, Traill county, Dakota Territory,

And recommend that the bill be recommitted to the Committee on Judiciary.

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,"

And recommend that the title of the bill be amended by striking out the word "and" and inserting the word "or," and when so amended that it do pass.

H. J. MALLORY,
Chairman.

Mr. Newman moved

To adopt the report of the committee.

Which motion prevailed.

Mr. Speaker announced his signature to Council Bill No. 123,

Mr. Newman moved

That the House do now adjourn,

Which motion prevailed and the House Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

THIRTY-THIRD DAY.

BISMARCK, February 9, 1889.

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

The Speaker presiding.

Prayer by Prof. McLouth.

Roll called.

All members present except Messrs. Baldwin, Hunter, Lillibridge, Logan and Mallory, they being excused.

The Committee to revise and correct the Journal submitted the following report:

MR. SPEAKER:

The Committee to revise and correct the Journal have examined the Journal of February 8, 1889, and find the same correct.

O. R. VAN ETTEN,
Chairman.

Mr. Miller moved

To adopt the report.

Which motion prevailed.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Burnham presented the following petition:

Resolutions of the Fargo Farmers' Alliance,
Resolved, First, that it is the sense of the members of the Fargo Farmers' Alliance that the Agricultural College for North Dakota should be located at Fargo as the most convenient and suitable place,

Second, That the Secretary be instructed to send a copy of these resolutions to the members from Cass county in both branches of the Eighteenth Legislative Assembly now in session at Bismarck.

N. WHITMAN, President,
 EARL A. WEBB, Secretary.
 Fargo Farmers' Alliance.

Fargo, Dakota, Feb. 7, 1889.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Burnham introduced—
 House Bill No. 230,

A bill for an act increasing the term of residence required before beginning suit for divorce,
 Which was read the first time.

Mr. Burnham moved

That the rules be suspended and that House Bill No. 230 be read the second and third times and placed on its final passage.

Which motion prevailed, and
 House Bill No. 230,

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

Was read the second and third times and placed on its final passage.

The roll being called there were ayes, 37; nays, 4.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Bennett, Bixler, Burnham, Clark, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Jones, Lampman, McHugh, McNeil, Morris, Newman, Palmer, Parkin, Patridge, Potter, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Bergman, Miller, Patton, Turnbull.

Absent and not voting:

Messrs. Baldwin, Cooke, Hunter, Lillibridge, Logan, Mallory, Powell.

Messrs. Baldwin, Lillibridge, Logan and Mallory being excused.

So the bill passed and its title was agreed to.

Mr. Parkin introduced, (by request)—

House Bill No. 231,

A bill for an act creating and defining a subdivision of the Sixth Judicial District,

Which was read the first time.

Mr. Swanston introduced—

House Bill No. 232,

A bill for an act to locate, establish and endow a Territorial Normal school at the city of Devils Lake, Ramsey county, Dakota,

Which was read the first time.

The Committee on the Compiled Laws submitted the following report:

BISMARCK, Feb. 7, 1889.

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 under 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.

ALEXANDER HUGHES,
COE I. CRAWFORD,
FRANK J. WASHABAUGH,
C. C. NEWMAN,
H. J. MALLORY.

SECOND READING OF HOUSE BILLS.

House Bill No. 222,

A bill for an act entitled "An act to provide for the publication of the proceedings of village boards and city councils in cases where no provision by law is now made for such publication.

Was read the second time and

Referred to the Committee on Towns and Cities.

House Bill No. 223,

A bill for an act providing that railroad corporations shall furnish suitable facilities for loading and unloading cars,

Was read the second time and

Referred to the Committee on Railroads.

House Bill No. 224,

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 Railroads.

House Bill No. 225,

A bill for an act to amend Section 2 of 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 Territorial Affairs.

House Bill No. 226,

A bill for an act to prevent the sale of intoxicating liquors within certain distances of college buildings in the Territory of Dakota,

Was read the second time and

Referred to the Committee on Temperance.

House Bill No. 227,

A bill for an act to locate, establish and endow a Territorial Normal School,

Was read the second time and

Referred to the Committee on Education.

House Bill No. 228,

A bill for an act to regulate compensation of township officers.

Was read the second time and

Referred to the Committee on Territorial Affairs.

Mr. Speaker announced an informal recess for five minutes.

Mr. Speaker in the chair.

The Committee on Engrossed and Enrolled Bills submitted the following report:

MR. SPEAKER:

Your Committee on Enrolled and Engrossed bills respectfully report that

House Bill No. 186.

An act authorizing counties to issue bonds to procure seed wheat for needy farmers resident thereof,

Which was passed by the House of Representatives and the Council respectively, the objections of the Governor to the contrary, notwithstanding, was placed on file in the office of the Secretary of the Territory February 9, 1889.

D. M. POWELL,

Chairman.

Also, the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

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. 144,

A bill for an act to amend Section 2, Chapter 51, of the Laws of 1887, entitled, "An act providing for certain legal printing and fixing the compensation thereof."

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

Mr. Speaker announced his signature to House Bill No. 71.

Unanimous consent being granted

Mr. Jones introduced—

House Bill No. 233,

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.

EXECUTIVE COMMUNICATION.

The following voluntary communication was received from the governor:

EXECUTIVE OFFICE, }
February 9, 1889. }

To the House of Representatives:

I would respectfully call your attention to the report of your Judiciary Committee, recommending the passage of House Bill No. 12 (over the Governor's veto) entitled "A bill for an act amending Section 2, Chapter 116, of the Session Laws of 1887, relating to Notaries Public."

In the seventh paragraph of your report you say that your Committee have deemed it proper to make an investigation thereof—meaning the matter of the items to which I called your attention in my veto message as having been received by the Hon. Gilbert A. Pierce while Governor. I am informed by the Territorial Auditor, upon inquiry, that no such investigation has been made in his office in reference to this matter, and that no inquiry of any kind, by any member of your Judiciary Committee, or member of the Legislature, has been made in relation to this matter in his office.

An examination of the accounts of the so-called New

Orleans Exposition Commission shows that the commissioner named in Chapter 16 of the Laws of 1885 making an appropriation for such exposition, in his statement filed in the Auditor's office, recites the payment to Rand, McNally & Co., in 1885 of \$2,395. He also recites the payment of \$375 to O. H. Holt for compiling the pamphlet ("Delightful Land.") This statement has date of June, 1885 and is approved by Gov. Pierce.

The receipt of Gilbert A. Pierce for \$2,000 bears date January 31, 1885—three days after the act creating the New Orleans Exposition Commission.

Section 1 of Chapter 30 of the Laws of 1885 provides that the Governor is empowered to employ one clerk who shall receive such compensation for his services as the Governor shall deem adequate. The items, \$446.45, \$156.50 and \$130.00 were paid directly to the Hon. Gilbert A. Pierce and his receipt taken therefor.

It is a well known fact that this gentleman, for months through the columns of a newspaper to which he had access as a reporter, indulged, over his own signature, in the wilful abuse and misrepresentation of the present Executive and the officers associated with him in government work, not confining himself to a fair criticism of their actions, but making misrepresentations which were not only absolutely false, but libelous in their nature, as he well knew, and which not only affected the good name of the officials who were endeavoring to properly discharge their duties, but, likewise, misrepresentations injuring the financial standing of the Territory.

In the statement of the honorable gentleman (Mr. Aikens) who yesterday in the House discussed the report of your Judiciary Committee, the following appears: "It has been said that there were more jobs, more measures than ever before in the history of Dakota. The political situation was peculiar. For twenty days Pierce was Governor. * * * Prompted by courtesy toward the incoming Governor (the present Executive) both ex-Governor Pierce and acting Governor McCormack refrained from using their prerogative and left for him the appointments which they might have made."

As to the truthfulness of the statement of the gentleman when he says that the Legislature of 1887 smacked more of jobbery than ever before in the history of Dakota—he is well able to speak, having been a member thereof.

As to the courtesy of ex-Governor Pierce in refraining from using his prerogative in the distribution of patronage, that gentleman fully understands why he so refrained, and I desire to say that the present Executive's appointment was announced on December 11, 1886. The Legislature convened on or about the 6th day of January, 1887. To the great embarrassment of the public welfare, the confirmation of the present Executive was delayed until on or about the middle of February and no reason could be ascertained why the Governor was not duly confirmed so as to be able to enter upon the discharge of his public duties and thereby remove the great embarrassment which the Legislature was subjected to in the transaction of its public business, in consequence of the uncertainty as to who would be Governor. It finally developed that the reason why a prompt confirmation of the appointment of the present Executive was not made was the fact that a species of jobbery, of which the honorable gentleman from Lincoln speaks, prevented his confirmation for the purpose of obtaining certain concessions regarding public appointments. These concessions were not attempted to be exacted in the direction of a fair distribution of public appointments between the respective political parties, but were confined more particularly to the appointment of a certain gentleman to a particular place (the treasurership,) or, rather, his retention in such place.

When this demand was made upon the present Executive he, by telegraphic communication, informed the President of the United States of the condition of affairs, and why it was, in his opinion, that his appointment as Governor was not speedily confirmed; whereupon, by telegraph, the resignation of the Hon. Gilbert A. Pierce was accepted to take effect immediately, it having, sometime previous thereto, been accepted to take effect upon the appointment and qualification of his successor. Upon the removal of Governor Pierce, by the acceptance of such resignation, the present Executive was promptly confirmed.

In view of the fact that your Honorable Body has from time to time evinced a desire to ascertain facts (from different departments) in the discharge of your public duties, and considering the course of the gentleman above referred to, I conclude to lay these facts before you as an act

of simple justice to myself and those associated with me in the discharge of public duties.

Respectfully,
 LOUIS K. CHURCH,
 Governor.

Mr. Newman moved

That the communication of the Governor be laid on the table.

Which motion prevailed.

CONSIDERATION OF MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER,
 February, 9, 1889. }

MR. SPEAKER:

I have the honor to transmit 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 for the Justices of the Supreme court of the Territory of Dakota to defray their traveling expenses, etc,"

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,"

Also,

Council Bill No. 108.

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

Also,

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.

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

R. E. WALLACE,
 Chief Clerk.

COUNCIL CHAMBER,
 February 9, 1889. }

MR. SPEAKER:

I have the honor to return herewith

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,

Which the Council has amended as follows, to-wit:

Amend Section 1 by adding after the word "tax" in the twenty-fourth line of the written bill the words "not exceeding one mill on the dollar," and your concurrence therein is respectfully requested,

Also,

House Bill No. 175,

A bill for an act establishing a term of court in Lincoln county, Dakota,

Also,

House Bill No. 178,

A Joint Resolution to reimburse Legislative officers for certain expenses.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
February 8, 1889. }

MR. SPEAKER:

I have the honor to return 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,"

Which the Council has passed the objections of his Excellency, the Governor, to the contrary notwithstanding.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
February 9, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 221,

A bill for an act to provide newspapers for the members of the Legislature and making an appropriation therefor.

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

R. E. WALLACE,
Chief Clerk.

Mr. Bixler moved,

That the House do now resolve itself into Committee of the Whole for the purpose of considering General Orders. Which motion prevailed, and Mr. Speaker called Mr. Bixler to the chair. When the Committee rose the following report was presented:

MR. SPEAKER:

The Committee of the Whole have had under consideration

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, Dakota,"

And recommend that the bill as amended do pass.

Also,

House Bill No. 165,

A bill for an act authorizing the Territorial Auditor to audit a claim of John Sundback against the Territory,

And recommend the bill be amended as follows: After the word "county," in the third line of printed bill, insert the words, "for the sum of \$425.45,"

And when so amended that the bill do pass.

Also,

House Bill No. 88,

A bill for an act amending Subdivision 6 of Section 3 of Chapter 28 of the Political Code entitled "Revenue"

And recommend that the bill do pass

Also,

House Bill 129,

A bill for an act to amend Section 1 of Chapter 118 of the Laws of 1881,

And recommend that the bill be recommitted to the Committee on Ways and Means.

Also,

House Bill No. 138,

A bill for an act to amend Section 57 of Chapter 21 of the Political Code

And recommend that it do not pass.

Also,

House Bill No. 19,

A bill for an act to give publicity to chattel mortgage sales,

And recommend that the bill be referred to a Special

Committee consisting of Messrs. McHugh, Powell and Sheets.

Also,

House Bill No. 205,

A bill for an act to re-enact Section 677 of the Code of Civil Procedure of the Territory of Dakota relating to damages for injuries to persons and property,

And recommend that the bill be recommitted to a Special Committee consisting of Messrs. Aikens, Price and Fletcher for amendment.

B. F. BIXLER,
Chairman.

Mr. Miller moved

To adopt the report of the Committee.

Which motion prevailed.

The following report was submitted by the Committee on Enrolled and Engrossed Bills:

MR. SPEAKER:

Your Committee on Enrolled and Engrossed Bills respectfully report that

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. 178,

A Joint Resolution to reimburse legislative officers for certain expenses,

Were taken at the hour of 5 o'clock p. m., February 9th, 1889, by the Chairman of this Committee to the Executive Office, for the purpose of presenting the same to His Excellency the Governor for his approval, and was then and there informed by his clerk that the Governor's office was locked and no bills would be accepted from this Committee before Monday, February 11th, 1889.

D. M. POWELL,
Chairman.

MR. SPEAKER:

Your Committee on Enrolled and Engrossed Bills respectfully report that

House Bill No. 6,

A bill for an act to repeal Chapter 48 of the Laws of 1885, entitled "An act providing for struck juries,"

Which was passed by the House of Representatives and

the Council respectively, the objections of the Governor to the contrary notwithstanding, was placed on file in the office of the Secretary of the Territory February 9, 1889.

D. M. POWELL,
Chairman.

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,

And find the same correctly engrossed.

Also,

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. 178,

A Joint Resolution to reimburse Legislature officers for certain expenses,

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

Mr. Royer moved

That the rules be suspended and that

Council Bill No. 221,

A bill for an act to provide newspapers for the members of the Legislature and making an appropriation therefor,

Be read the first, second and third times and placed upon its final passage.

Mr. Aikins moved

To amend the motion of Mr. Royer by reading the bill the first and second times and referring it to its appropriate committee,

Which amendment prevailed.

The question being upon the previous motion as amended and it being put,

The motion prevailed, and

Council Bill No. 221,

A bill for an act to provide newspapers for the members of the Legislature and making appropriation therefor,

Was read the first and second times and

Referred to the Committee on Ways and Means.

Mr. Newman moved

That the House do now adjourn.
Which motion prevailed and the House
Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

THIRTY-FIFTH DAY.

BISMARCK, February 11, 1889.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Lillibridge and Morris, excused.

Messrs. Mallory, Baldwin and Logan, members of the Committee to investigate the affairs of the Jamestown Insane Asylum, being excused.

The Committee to revise and correct the Journal submitted the following report:

MR. SPEAKER:

Your Committee to Revise and Correct the Journal have examined that of February 9, 1889, and recommend that it be amended by striking out the word "accept" on page 1 and inserting the word "adopt" in lieu thereof, and on page 12 strike out the figures "\$495.45" and insert the figures "\$425.45," and with these corrections we recommend the approval of the Journal.

O. R. VAN ETTEN.
R. L. BENNETT.

Mr. Gronna moved
To adopt the rebort,
Which motion prevailed.

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bill have examined

House Bill No. 165,

A bill for an act authorizing the Territorial Auditor to audit a claim of John Sundback against the Territory,
And find the same correctly engrossed.

D. M. POWELL,
Chairman.

REPORTS OF STANDING COMMITTEES.

The Committee on Territorial Affairs submitted the following report:

MR. SPEAKER:

Your Committee on Territorial Affairs, to whom was referred

House Bill No. 92,

A bill for an act to regulate telephones.

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

JOSEPH ALLIN,
Chairman.

The Committee on Judiciary submitted the following report:

MR. SPEAKER:

The Committee on Judiciary respectfully report that they have had under consideration

House Bill No. 218,

A bill for an act to repeal Section 401, of Chapter 35, of the Penal Code,

And return the same with the recommendation that the bill pass.

Also,

House Bill No. 211,

A bill for an act providing for a lien upon grain for the threshing of the same,

And return the same with the recommendation that the bill pass.

Also,

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,"

And return the same with the recommendation that the bill pass.

Also,

House Bill No. 93,

A bill for an act to amend Section 2, Chapter 52 of the Session Laws of 1879,

And return the same with a substitute without recommendation.

Also,

Council Bill No. 73,

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

And return the same with the recommendation that the bill pass.

All of which is respectfully submitted.

M. M. PRICE,
Chairman.

The Committee on Ways and Means submitted the following report:

MR. SPEAKER:

Your Committee on Ways and Means to whom was referred

House Bill No. 106.

A bill for an act to amend Section four (4), Chapter one hundred and forty-one (141) of the Session Laws of 1887, entitled, "An act to provide for the assessment and taxation of the property of telegraph companies in the Territory of Dakota,"

Have had the same under consideration and recommend that said bill do 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,

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

Also,

Council Bill No. 169,

A bill for an act amending Section 3, Chapter 50 of the Political Code,

And recommend it do not pass.

CHARLES J. TRUDE,
Chairman.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:
 COUNCIL CHAMBER, {
 February 11, 1889. }

MR. SPEAKER:

I have the honor to return herewith,
 House Bill No. 12,

A bill for an act amending Section 2, Chapter 116 of
 Session Laws of 1887 relating to Notaries Public.

And to inform you that the Council has passed said
 House Bill No. 12, the objections of His Excellency, the
 Governor, to the contrary notwithstanding.

R. E. WALLACE,
 Chief Clerk.

Mr. Elliott moved

That the special committee consisting of the members
 from North Dakota be instructed to sit again and con-
 sider

House Bills Nos. 11 and 85.

Mr. Speaker ruled the motion out of order, there being
 no report in the possession of the House.

The Committee on Enrolled and Engrossed Bills sub-
 mitted the following report:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respect-
 fully report that

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. 178,

A Joint Resolution to reimburse legislative officers for
 certain expenses,

Were delivered so His Excellency the Governor for his
 approval at the hour of 2:15 o'clock p. m., February 11,
 1889.

D. M. POWELL,
 Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Swanston moved

That all Bills for Normal Schools in North Dakota be re-
 ferred to the North Dakota Committee,

Which motion prevailed.

Mr. Aikens moved the adoption of the following resolution:

Be It Resolved, That the Chief Clerk of this House be and he is hereby instructed not to receive or read or in any manner recognize any petition or communication from any source whatsoever except it be introduced by some member of this body, unless it be from the Executive or other Federal or Territorial officer pertaining to some matter under consideration in this House or suggesting legislation in the opinion of the Executive necessary. The said Chief Clerk and the Speaker are hereby authorized to pass upon and determine the admissibility of any petition or communication not introduced by a member as aforesaid.

Which motion prevailed and
The resolution was adopted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Wellman introduced (by request)—

House Bill No. 234,

A bill for an act to amend an act establishing Territorial Department of Agriculture two districts. An act to create a Territorial department of Agriculture, and relating to agricultural societies and agricultural fairs, and providing for reports of the same.

Which was read the first time.

Mr. Wellman introduced (by request)—

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 delivery of grain thereupon.

Which was read the first time.

Mr. Aikens introduced—

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,

Which was read the first time.

Mr. Aikens introduced—

House Bill No. 237,

A bill for an act to amend Section 331 of the Code of Civil procedure,

Which was read the first time.

Mr. Aikens introduced (by request)—

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."

Which was read the first time.

Mr. Aikens introduced (by request)—

House Bill No. 239,

A bill for an act to amend Chapter 142 of the General 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. Aikens introduced—

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,"

Which was read the first time.

Mr. Patridge introduced—

House Bill No. 241,

A bill for an act to amend Sections 320, 323 and 330 of the Penal Code, relating to rape, abduction, carnal abuse of children and seduction,

Which was read the first time.

Mr. Flechter introduced—

House Bill No. 242,

A bill for an act relating to the taking of bail in criminal cases,

Which was read the first time.

Mr. Fletcher introduced—

House Bill No. 243,

A bill for an act to amend Section 27 of the Political Code relating to the eligibility of persons to hold office,

Which was read the first time.

Mr. Sheets introduced—

House Bill No. 244,

A bill for an act fixing the fee to be paid probate judges for filing and recording marriage certificates,

Which was read the first time.

Mr. McHugh introduced

House Bill No. 245,

A bill for an act to provide for the payment of claims for the completion of the records of the 17th Legislative Assembly,

Which was read the first time.

Mr. McHugh introduced

House Bill No. 246,

A bill for an act to provide for fees in foreclosure of mortgage of real estate by advertisement.

Which was read the first time.

Mr. Mallory introduced—

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,

Which was read the first time.

Mr. Ramsdell introduced—

House Bill No. 248,

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.

Mr. Price introduced—

House Bill No. 249,

A bill for an act to provide for a constitutional convention for that portion of Dakota south of the 7th Standard parallel, and for other purposes,

Which was read the first time.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

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. 138,

A bill for an act to amend Section 57 of Chapter 21, of the Political Code,

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, Dak.,"

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

Mr. Fletcher moved

That the rules be suspended, and that

Council Bill No. 221,

A bill for an act to provide newspapers for the members of the legislature, and making an appropriation therefor,

Be read the first, second, and third times and placed 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 first, second and third times and placed on its final passage.

The roll being called there were ayes, 33; nays, 8.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Bennett, Bergman, Burnham, Clark, Fletcher, Greene, Gronna, Howell, Hunter, Lampman, McHugh, McNeil, Miller, Newman, Palmer, Parkin, Patridge, Potter, Powell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman.

Those who voted in the negative were:

Messrs. Cooke, Douglas, Jones, Patton, Price, Ramsdell, White, Mr. Speaker.

Absent and not voting:

Messrs. Baldwin, Bixler, Elliott, Lillibridge, Logan, Mallory, Morris.

Messrs. Baldwin, Lillibridge, Logan, Mallory and Morris being excused.

So the bill passed and its title was agreed to.

Mr. McHugh, chairman of the Special Committee submitted the following report:

MR. SPEAKER:

Your Special Committee to whom was referred House Bill No. 19,

Have carefully considered the same and recommend

that the bill be amended by striking out Sections 1, 2, 3 and 4 and substituting in lieu thereof the following:

SECTION 1. The foreclosure of chattel mortgages otherwise than by action shall be in accordance with this act, and any foreclosure sale of chattels contrary to the provisions thereof shall be invalid, and no title to chattels shall pass thereby.

SEC. 2. The notice of sale shall contain the names of the mortgagor and mortgagee, the name of the person by whom the mortgage is owned, the date of the instrument, the amount due thereon, the nature of the default, a description of the property to be sold in the language of the mortgage and the place of sale.

SEC. 3. The boards of county commissioners of the several counties shall, at their regular quarterly meetings in April, and every year thereafter, designate not less than three public places in their respective counties, which shall be the only market places for the sale of chattel under the provisions of this act; provided, that the mortgagor may at the time of seizure designate by written notice delivered to the mortgagor or his agent, any other place in the county as the place of sale; and provided further that growing or harvested crops, grain in bulk or buildings may be sold under the provisions of this act without removing the same to the place of sale.

SEC. 4. The notice provided for in Section 2 shall be published once, and at least six days prior to the sale, in the newspaper of general circulation printed and published nearest the place of sale in the county wherein the mortgage shall have been filed; or, at the option of the mortgagor, and in lieu of publication, the notice may be posted conspicuously, and for at least ten days in five public places in the county; provided, that the notice of sale shall be by publication unless the mortgagor or his agent shall notify the mortgagee of his representation in writing at the time of seizure of his election to notice by posting.

SEC. 5. All sales under this act shall be made between the hours of 12 o'clock m. and 4 o'clock p. m. on Saturday, within 20 days after the seizure of the property, unless the sale shall be postponed; provided, that for lack of bidders, or by request of the mortgagor, any sale may be postponed one week by public announcement at the time of postponement. The sale shall not take place for one week following the date of publication.

SEC. 6. The fee for the publication of notice under the provisions of this act shall in no case exceed the sum of five (5) dollars.

2. The officer making the sale shall be allowed the same fees as are allowed by law for levying upon and selling personal property under execution.

3. No greater charge shall be valid for the keeping of live stock between the date of its seizure and the date of sale than is now provided by law for the keeping of live stock when impounded.

4. The register of deeds shall receive for filing the report provided for in Section 7, the sum of ten cents.

SEC. 7. Within ten (10) days after the foreclosure of any mortgage as herein provided, the person making the sale shall make out in writing a full report of all the proceedings in such foreclosure, specifying particularly the property sold, the amount received therefor, the amount of the costs and expenses, itemized, and the disposition made by him of the proceeds of the sale; and shall file the same in the office of the register of deeds of the county where the mortgage is filed, which report shall be received in all courts as prima facia evidence of the facts therein recited.

SEC. 8. Out of the proceeds arising from the sale, the officer making the sale shall pay, first, the costs and expenses of the foreclosure; second, shall pay to the person or persons entitled thereto, the amount of the mortgage debt; and third, shall pay the balance, if any there be, to the owner of the mortgaged property.

SEC. 9. Any stipulation or agreement in any chattel mortgage by which any provision of this act was waived in form shall be inoperative and void.

SEC. 10. All acts and parts of acts in conflict with this act are hereby repealed; but nothing in this act shall be construed to prevent foreclosure by action.

SEC. 11. This act shall take effect and be in force from and after its passage and approval.

And that as so amended the bill pass.

P. McHUGH,
Chairman.

Mr Fletcher moved
That the rules be suspended and that
House Bill No. 19.

A bill for an act to give publicity to chattel mortgage sales,

Be read the third time and placed on its final passage.

Which motion prevailed, and

House Bill No. 19,

A bill for an act to give publicity to chattel mortgage sales.

Was read the third time and placed on its final passage.

The roll being called, there were ayes 32; nays 8.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bergman, Bixler, Clark, Cooke, Douglas, Elliott, Fletcher, Jones, Lampman, McHugh, McNeil, Newman, Parkin, Patridge, Patton, Potter, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White.

Those who voted in the negative were:

Messrs. Allen, Greene, Gronna, Howell, Hunter, Miller, Palmer, Mr. Speaker.

Absent and not voting:

Messrs. Bennett, Burnham, Powell.

Messrs. Baldwin, Lillibridge, Logan, Mallory, and Morris being excused.

So the bill passed and its title was agreed to.

Mr. Adams moved

That the vote by which House Bill No. 19 had passed, be reconsidered, and that the motion to reconsider be laid on the table.

Which latter motion prevailed.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 42,

A bill for an act to provide for making reports and disposals of fines, forfeitures, penalties and costs in criminal cases,

Was read the first time.

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."

Was read the first time.

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 first time.

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 first time.

Mr. Bennett (by unanimous consent) introduced—
House Bill No. 250,

A bill for an act re-appropriating certain balances heretofore appropriated for the use of the University of Dakota.

Which was read the first time,

Mr. Bennett moved

That the rules be suspended and House Bill No. 250 be read the second time and referred to its appropriate Committee,

Which motion prevailed, and

House Bill No. 250 was read the second time and referred to the Committee on Appropriations.

THIRD READING OF COUNCIL BILLS.

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 placed on its final passage.

The roll being called there were ayes 32; nays, 5.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Bennett, Bergman, Bixler, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Lampman, Newman, Parkin, Patridge, Powell, Price, Ramsdell, Ryan, Sheets, Smith, Swanston, Turnbull, Upham, Van Etten, Wellcome, Wellman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Burnham, McHugh, McNeil, Patton, Trude.

Absent and not voting:

Messrs. Baldwin, Jones, Lillibridge, Logan, Mallory, Miller, Morris, Palmer, Potter, Royer, White.

Messrs. Baldwin Lillibridge, Logan, Mallory and Morris being excused.

So the bill passed and its title was agreed to.

The Committee on Engrossed and Enrolled Bills submitted the following report.

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 175,

A bill for an act constituting La Moure county as one Judicial Subdivision in the Sixth Judicial District, to fix the terms of court therein and for other purposes,

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

SECOND READING OF HOUSE BILLS.

House Bill No. 221,

A bill for an act to create and establish the County of Mead and for other purposes,

Was read the second time and

Referred to the Committee on Counties.

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.

House Bill No. 232,

A bill for an act to locate, establish and endow a Territorial Normal school at the city of Devils Lake, Ramsey county, Dakota,

Was read the second time and

Referred to the Special Committee of members of North Dakota.

House Bill No. 233,

A bill for an act to provide for the printing, publishing and other current and necessary expenses of the office of Commissioner of Immigration,

Was read the second time and

Referred to the Committee on Appropriations.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

EXECUTIVE OFFICE, }
February 11, 1889. }

To the Speaker of the House of Representatives:

I have the honor to inform your honorable body that I have approved

House Bill No. 24,
Entitled "An act to amend Section 38, Chapter 28, of the Political Code as amended by Chapter 143 of the Laws of 1887."

Also,

House Bill No. 71,
Entitled "An act limiting the times of holding the offices of county treasurer and sheriff."

Also,

House Bill No. 2,
Entitled "An act providing for a Constitutional Convention for North Dakota."

And the said bills have been filed in the office of the Secretary.

Respectfully,
LOUIS K. CHURCH,
Governor.

THIRD READING OF HOUSE BILLS.

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 third time and placed on its final passage.
The roll being called, there were ayes, 38; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Bennett, Bergman, Burnham, Cooke, Douglas, Elliott, Fletcher, Greere, Gronna, Howell, Hunter, Jones, Lampman, McHugh, McNeil, Miller, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Ryan, Sheets, Smith, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Absent and not voting:

Messrs. Bixler, Newman, Royer, Swanston,

Messrs. Baldwin, Lillibridge, Logan and Mallory being excused,

So the bill passed and its title was agreed to.

Mr. Burnham moved

That the further consideration of

House Bill No. 138,

A bill for an act to amend Section 57 of Chapter 21 of the Political Code,

Be indefinitely postponed,

Which motion prevailed.

Mr. Gronna moved

That the further consideration of
House Bill No. 88,

A bill for an act amending Subdivision 6 of Section 3' of
Chapter 28 of the Political Code, entitled "Revenue,"

Be indefinitely postponed.

Yeas and nays demanded, and

The roll being called, there were ayes 5; nays, 35.

Those who voted in the affirmative were:

Messrs. Bennett, Bergman, Gronna, McHugh, Trude.

Those who voted in the negative were:

Messrs. Adams, Aikens, Allen, Bixler, Burnham, Clark,
Cooke, Douglas, Elliott, Fletcher, Greene, Howell, Hunter,
Jones, Lampman, McNeil, Miller, Palmer, Parkin, Patridge,
Patton, Potter, Price, Ramsdell, Royer, Ryan, Sheets,
Smith, Swanston, Turnbull, Upham, Van Etten, Wellcome,
Wellman, White.

Absent and not voting:

Messrs. Newman, Powell, Mr. Speaker.

Messrs. Baldwin, Lillibridge, Logan, Mallory, Morris, be-
ing excused.

So the motion was lost, and

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 third time and placed on its final passage.

The roll being called there were ayes, 35; nays, 6.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Bixler, Burnham, Clark,
Cooke, Douglas, Elliott, Fletcher, Greene, Howell, Hunter,
Jones, Lampman, Miller, Newman, Palmer, Parkin, Patridge,
Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets,
Smith, Swanston, Turnbull, Van Etten, Wellcome, Well-
man, White.

Those who voted in the negative were:

Messrs. Bennett, Bergman, Gronna, McHugh, McNeil,
Trude,

Absent and not voting:

Messrs. Upham, Mr. Speaker.

Messrs. Baldwin, Lillibridge, Logan, Mallory and Mor-
ris being excused.

So the bill passed and its title was agreed to.

The Committee on Engrossed Bills made the following
report:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled bills respectfully report that

House Bill No. 175,

A bill for an act constituting La Moure county as one Judicial Subdivision in the Sixth Judicial District, to fix the terms of court therein and for other purposes,

Was delivered to His Excellency, the Governor, for his approval at the hour of 3:30 o'clock p. m., February 11, 1889.

D. M. POWELL,
Chairman.

Mr. Douglas (by unanimous consent) introduced House Bill No. 251,

A bill for an act entitled "An act to declare certain provisions for an attorney's fee void, and to provide a reasonable attorney's fee in such cases."

Which 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 third time and placed on its final passage.

The roll being called there were ayes, 32; nays, 10.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Bennett, Bergman, Bixler, Cooke, Douglas, Fletcher, Greene, Gronna, Howell, Lampman, McHugh, McNeil, Miller, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Trude, Turnbull, Van Etten, Wellman.

Those who voted in the negative were:

Messrs. Aikens, Burnham, Clarke, Elliott, Hunter, Swanston, Upham, Wellcome, White, Mr. Speaker.

Mr. Jones being absent.

Messrs. Baldwin, Lillibridge, Logan, Mallory and Morris being excused.

So the bill passed and its title was agreed to.

Mr. Aikens moved that

House Bill No. 144,

A bill for an act to amend Section 2, Chapter 51 of the Laws of 1887, entitled "An act providing for certain legal printing, and fixing the compensation thereof,"

Be recommitted to its appropriate Committee.

Which motion prevailed.

Mr. Price moved

That the rules be suspended and that
House Bill No. 249,

A bill for an act to provide for a constitutional convention for that portion of Dakota south of the Seventh Standard parallel, and for other purposes,

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

Which motion prevailed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

EXECUTIVE OFFICE,
February 11, 1889. }

To the House of Representatives:

I have the honor to inform your honorable body that I have approved

House Bill No. 175,

Entitled "An act constituting La Moure county as one Judicial Subdivision in the Sixth Judicial District, to fix the terms of court therein, and for other purposes,"

And the said bill has been filed in the office of the Secretary.

Respectfully,

LOUIS K. CHURCH,
Governor.

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 third time and placed on its final passage.

The roll being called there were ayes, 38; nays, 1.

Those who voted in the affirmative were:

Messrs. Allen, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Jones, Lampman, McHugh, McNeil, Miller, Newman, Palmer, Parkin, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White. Mr. Speaker.

Mr. Aikens voting in the negative, explaining his vote.

Absent and not voting:

Messrs. Howell, Hunter, Patridge.

Messrs. Lillibridge, Logan, Mallory and Morris being excused.

So the bill passed and its title was agreed to.

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 third time and placed on its final passage.

The roll being called, there were ayes, 41; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Howell, Hunter, Jones, Lampman, Logan, Mallory, McNeil, Miller, Newman, Palmer, Parkin, Patridge, Patton, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, Mr. Speaker.

Absent and not voting:

Messrs. Aikens, Gronna, McHugh, Potter and White.

Messrs. Lillibridge and Morris being excused.

So the bill passed and its title was agreed to.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respectfully report that

House Bill No. 12,

A bill for an act amending Section 2, Chapter 116, of the Session Laws of 1887, relating to notaries public,

Which was passed by the House of Representatives and Council respectively, the objections of the Governor to the contrary notwithstanding, was placed on file in the office of the Secretary of the Territory February 11, 1889.

D. M. POWELL,
Chairman.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER,
February, 11, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 130,

A bill for an act to appropriate funds to pay the Northwestern Grain and Fuel Co. for electric lights placed in the capitol building.

Also,

Council Bill No. 163,

A bill for an act for the maintenance of the public offices of the Territory,

Also,

Council Bill No. 182.

A bill for an act entitled "An act to provide for the sale of the perishable property of Dakota exhibit at the World's Industrial and Cotton Centennial Exhibition at New Orleans."

Which have passed the Council and your favorable consideration is respectfully requested.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
February 11, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 193,

A bill for an act to authorize the Territorial Auditor to audit certain vouchers,

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

R. E. WALLACE,
Chief Clerk.

Mr. Palmer moved,

That the House resolve itself into Committee of the Whole for the consideration of General Orders.

Which motion prevailed, and

Mr. Speaker called Mr. Green to the chair.

When the Committee rose the following report was presented:

MR. SPEAKER:

The Committee of the Whole have had under consideration.

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 the passage of the bill,

Also,

House Bill No. 38,

A bill for an act to fix the compensation of the judges of the probate court and to provide a fund to reimburse the county for the same, and to provide for clerks of probate courts,

And recommend that the bill be referred to the Attorney General for his opinion on the constitutionality of the bill,

Also,

House Bill No. 213,

A bill for an act providing for the protection and regulation of primary elections,

And recommend that the bill be made a Special Order for Friday at 3 p. m.

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,

And recommend that the bill be amended as follows:

Strike out in line 6 of the printed bill the words, "also for the publication of the proceedings of the board."

In lines 8 and 9 of the printed bill the words, "That all contracts for the publication of the proceedings of the board and"

And that as so amended the bill do pass.

J. M. GREENE,
Chairman.

Mr. Bennett moved

To adopt the report of the committee.

Which motion prevailed.

Mr. Burnham moved

That the House do now adjourn,

Which motion prevailed and the House

Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

THIRTY-SIXTH DAY.

BISMARCK, February 12, 1889.

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

The Speaker designated Mr. Burnham to act as Speaker for the day.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Lillibridge and Morris, excused.

Messrs. Mallory, Baldwin and Logan, members of the Committee to investigate the affairs of the Jamestown Insane Asylum, being excused.

The Committee to revise and correct the Journal submitted the following report:

MR. SPEAKER:

Your Committee to revise and correct the Journal have examined that of February 11, 1889, and find the same correct and recommend its approval.

O. R. VAN ETTEN,
R. L. BENNETT.

Mr. Trude moved
To adopt the report.
Which motioned prevailed.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary submitted the following report:

MR. PRESIDENT:

The Committee on Judiciary respectfully report that they have had under consideration

House Bill No. 231,

A bill for an act creating and defining a subdivision of the Sixth Judicial district,

And return the same with the recommendation that the bill pass.

Also,

House Bill No. 150,

A bill for an act to prevent any person or persons from obtaining board or lodging under false pretenses,

And return the same with the recommendation that the bill do not pass

Also,

House Bill No. 63,

A bill for an act fixing the fee for filing and indexing chattel mortgages and for canceling the same,

And return the same with the recommendation that the bill be referred to General Orders.

Also,

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,

And return the same with the recommendation that the bill do pass, the objections of the Governor to the contrary notwithstanding,

All of which is respectfully submitted.

M. M. PRICE,
Chairman.

Mr. Patridge moved

That the report be adopted.

Which motion prevailed, and

The House proceeded to the consideration of Council Bill No. 20, together with the objections of the Governor vetoing the same, and

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 the Governor to the contrary notwithstanding.

The roll being called there were ayes, 40; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Bennett, Bergman, Bix-

ler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, McNeil, Miller, Morris, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanson, Trude, Turnbull, Van Etten, Wellcome, Wellman, White.

Absent and not voting:

Messrs. Newman, and Upham.

Messrs. Baldwin, Lillibridge, Logan, Mallory and McHugh being excused.

So the bill passed, the objections of the Governor to the contrary notwithstanding.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

EXECUTIVE OFFICE, }
February 12, 1889. }

To the House of Representatives:

I have the honor to inform your honorable body that I have approved

House Bill No. 178,

A Joint Resolution to reimburse Legislative officers for certain expenses.

And the said bill has been filed in the office of the Secretary.

Respectfully,

LOUIS K. CHURCH,

Governor.

The Committee on Appropriations submitted the following report.

MR. SPEAKER:

Your Committee on Appropriations to whom was referred

House Bill No. 250,

A bill for an act re-appropriating certain unexpended balances heretofore appropriated for the use of the University of North Dakota,

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

Also,

Council Bill No. 197,

A bill for an act to authorize the Territorial Auditor to audit certain vouchers.

And recommend that it do pass.

G. M. GREENE,
Chairman.

Mr. Gronna moved

That the rules be suspended and that
House Bill No. 250,

A bill for an act re-appropriating certain balances heretofore appropriated for the use of the University of North Dakota,

Be read the third time and placed 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 third time and placed on its final passage.

The roll being called, there were ayes 40; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, McNeil, Miller, Morris, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White.

Absent and not voting:

Messrs. Lampman and Newman,

Messrs. Baldwin, Lillibridge, Logan, Mallory and McHugh being excused.

So the bill passed and its title was agreed to.

Mr. Patton moved

That the rules be suspended and that
Council Bill No. 197,

A bill for an act to authorize the Territorial Auditor to audit certain vouchers and for other purposes,

Be read the second and third times and placed on its final passage,

Which motion prevailed, and
Council Bill No. 197,

A bill for an act to authorize the Territorial Auditor to audit certain vouchers and for other purposes,

Was read the second and third times and placed on its final passage.

The roll being called, there were ayes, 36; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Elliott, Fletcher, Greene, Howell, Hunter, Jones, McNeil, Morris, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White.

Absent and not voting:

Messrs. Douglas, Gronna, Lampman, Miller, Newman, Royer.

Messrs. Baldwin, Lillibridge, Logan, Mallory, and McHugh being excused.

So the bill passed, and the question being as to the title of the bill.

Mr. White moved

That the title be amended by adding after the words "University of North Dakota" the words "Dakota Agricultural College."

Which motion prevailed, and

The title of Council Bill No. 197 was so amended.

The Committee on Woman Suffrage submitted the following report:

MR. SPEAKER.

Your Committee on Woman Suffrage to whom was referred

House Bill No. 77,

A bill for an act entitled "An act empowering the Governor to appoint women as notaries public,"

Have had the same under consideration and recommend that said bill be amended by striking out the words "Twenty-five" in Section 1 and inserting in lieu thereof the words "Twenty-one" and recommend when so amended that the bill do pass.

O. R. VAN ETTEN.

Chairman.

The Committee on Education submitted the following report:

MR. SPEAKER:

Your Committee on Education to whom was referred

House Bill No. 153,

Respectfully beg leave to return the same back to the House without recommendation.

IRA S. LAMPMAN.

Chairman.

Mr. Hunter moved

That the report of the Committee on Education be adopted and that the bill be referred to a Special Committee consisting of Messrs. Bixler, Gronna, Van Etten, White and Morris.

Which motion was lost.

Mr. Jones moved

That the report of the Committee on Education together with

House Bill No. 153,

A bill for an act to establish a system of public education and a department of public instruction for the Territory of Dakota,

Be recommitted to the Committee on Education.

Mr. Newman moved

As a substitute that the report of the Committee on Education, together with House Bill No. 153, be referred to a Special Committee of five to be appointed by the Speaker.

Which latter motion prevailed

The Committee on Penal Institutions submitted the following report:

MR. SPEAKER:

Your Committee on Penal Institutions have had under consideration

House Bill No. 214,

A bill for an act providing for fees of sheriff and other officers, for transporting persons to the Reform School for Juvenile Offenders,

And recommend that it do pass.

H. S. PARKIN,
Chairman.

The Committee on Counties submitted the following report:

MR. SPEAKER:

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 be referred to the Judiciary Committee.

A. J. GRONNA,
Chairman.

Mr. Douglas moved
That the report of the committee be adopted.
Which motion prevailed.

The Committee on Counties submitted the following report:

MR. SPEAKER:

Your Committee on Counties to whom was referred
House Bill No. 221,
A bill for an act to create and establish the county of
Meade and for other purposes,
Have had the same under consideration and recommend
that said bill be amended as follows:

Amend Section 2 by inserting after the word "Meade"
in line 3 of said Section the word "there." Also amend
Section 3 by inserting after the word "duties" in line 9 of
said Section the following: "First selecting one of their
number who shall act as chairman, and one who shall act
as clerk of said Board of Commissioners." Also amend
Section 21 by inserting before the word "clerk" in line 12
of said Section the word "county."

Also by striking out, after the word "clerk" in said line
12 of said Section, the words, "of the county commission-
ers;" also amend Section 26 by inserting, after the word
"Meade," in line 1 of said Section, the word "county."

And as so amended they recommend that the bill do pass.

A. J. GRONNA,
Chairman.

The Committee on Engrossed Bills submitted the follow-
ing report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have ex-
amined

House Bill No. 19,

A bill for an act to give publicity to chattel mortgage
sales,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

The following communication was presented by Mr.
Aikens:

CANTON, D. T., Feb. 6, 1889.

Hon. F. R. Aikens:

DEAR SIR: At a campfire held by General Lyon Post No.

11, G. A. R. on the evening of the 5th with about one hundred persons present, the following was unanimously adopted:

Resolved, That it is the wish of this meeting that the Soldier's Home be located at the Hot Springs in Dakota and that we wish our legislators to use all reasonable means to have the same thus located.

Yours etc.,
W. S. ARNOLD.

REPORTS OF SPECIAL COMMITTEE.

The following report was submitted by the Special Committee on Artesian Wells:

MR. SPEAKER:

Your Special Committee to whom was referred House Bill No. 179,

A bill for an act authorizing county commissioners to purchase for the use of their respective counties an artesian well outfit,

Beg leave to report that they have had the same under consideration and have agreed to recommend that the bill do pass when amended as follows:

Amend Section three (3) by adding at the end thereof the following:

"The name of any applicant failing to avail himself of his right to use said artesian well outfit in the order of his application thereof, shall by the clerk be placed at the bottom of the list of applicants."

Amend Section four (4) by striking out of the last line of said Section the words, "in said county."

Your committee regret that a law similar in its provisions to House Bill No. 179, has not long since been placed on our statute books. It is the judgment of your committee that in many of the counties the necessary machinery will not cost to exceed \$1,000, but in some of the counties where wells to the depth of from 1,500 to 2,000 feet will have to be sunk, before the subterranean water-bearing stratum is reached, the full amount provided for in the bill may have to be expended. Not only in the judgment of your committee should House Bill No. 179 be passed, but in the opinion of your committee a general law should be passed, providing for the sinking of artesian wells at the public institutions, it being the cheapest way of furnishing them with an

abundant supply of pure healthful water not only for domestic purposes, but for protection against fire, and to furnish our public institutions with power for manufacturing purposes.

In view of the importance of this subject your Committee deem it not improper to attach and make a part of their report the following, which they have clipped from the "Resources of Dakota:"

ARTESIAN WELLS.

The problem of a cheap and abundant supply of water has been solved in many Dakota towns, by sinking artesian wells. Probably, in no other locality of the Union can there be found so many artesian wells of as great pressure, and supplying the immense quantity of water, as those flowing in Dakota to-day. They are in successful operation from Yankton, on the extreme southern boundary of the Territory, to Grafton, on the north, covering a distance of nearly 500 miles.

In the city of Yankton more than a dozen of these wells from a depth of 550 to 600 feet, pour forth a bountiful supply of water—the increase in the number of wells not having the least effect on the flow or pressure from the underground source. In Clay, Yankton, and some of the counties of the Red River valley, artesian wells are common, both in town and country.

The art of driving wells to tap a subterranean reservoir of water, confined by such force as should throw it to, or near the surface, is of ancient origin. Artesian wells are occasionally alluded to by the ancient writers, and, among the Chinese, this method of obtaining water has been in practice from time immemorial. In the province of Ou Tong, in a district ten leagues long by four leagues wide, these wells may be counted by tens of thousands, sunk at very remote periods, for the salt which flowed out in the water. All of these wells are very deep—some having been drilled down even 3,000 feet.

On the question of the decline of the water supply from artesian wells because of exhaustion, or the frequent tapping of the water-bearing strata, Prof. Chamberlain says: "The too current notion that a subterranean pool, which has been struck by a well, supplies it for a time and then becomes exhausted, may be dismissed without further consideration. Especially is this true of the artesian wells of

Dakota, which, from the great depth at which the currents of water are reached, indicate a far-distant reservoir and a permanent supply."

At Lilles, France, an artesian well has been in steady operation since the year 1126. The artesian wells of London, England, the provinces of France, and of Ou Tong, China, have been flowing for years, an unvarying supply of water. And, at home, the constant flow of wells in Wisconsin, New York, Pennsylvania, Virginia, Alabama, South Carolina, Illinois, Iowa and Missouri prove the adequacy of the supply at the respective fountain-heads.

In France, a convenient water power is derived from the force of the artesian flows, sufficient to run heavy machinery, and is applied to many industries. The advantages of a power of this sort are apparent and a few of the Dakota towns have already imitated the example set by France in utilizing the pressure of artesian water for supplying a motive power.

The original outlay for sinking the well is the only expense required, and this, in Dakota, need not exceed what would be the cost of engines and boilers furnishing a power equivalent to that of the well.

At Yankton, (Yankton County) a six-inch well has just been completed, the power derived from which is utilized for operating the machinery plant of a pressed brick manufactory. The well is about 550 feet deep, and the hydrostatic expert estimates that 1,800 gallons of water issues every minute, exerting a pressure of fifty-six pounds to the square inch; which, he figures, will furnish a gross power of thirty-three horses.

A local paper thus describes the success attending the venture:

"The machinery at Miner & Co.'s brick yard was connected with the water-wheel, and moved by the weight of the artesian well, last Tuesday, and henceforth the institution will have no use for steam. The new motor does its work perfectly. How much power it furnishes has not been definitely determined, but the makers of the wheel guarantee thirty horse-power. It does the work that heretofore kept a thirty horse-power engine busy, with ease, and, apparently, with force to spare."

Here is a practical demonstration of the value of Yankton's subterranean water-power. It is an ideal power. Its employment does away with the cost of fuel to generate steam, with the salary of an engineer, with the expense of

the purchase and repair of delicate and expensive motive machinery, with the payment of extra-hazard insurance rates. A child can stop or start the wheel that supplies motion to a large industry. This power never blows up, never runs down, never freezes up, never dries up; but will run on and on, year after year, the same in all seasons, with a minimum of cost for maintaining the simplest gearing.

"The well at the brick yard is a six-inch bore. Its cost was about \$3,000. It is the second one of the same size made here, and is better than the first, yielding a larger flow with a stronger pressure. It demonstrates the inexhaustible character of the stream or reservoir which both wells tap. For, if it were not practically inexhaustible, the second opening of the same vein, even though it had been smaller than the first, would have operated like 'the little rift within the lute,' withdrawing the pressure and rendering the first well valueless. An eight-inch well would nearly double the capacity of this one; a larger one would increase the capacity in the same ratio."

The flouring mill, oil mill, and the other manufacturing establishments at Yankton, will run their machinery by artesian well-power as soon as the wells can be drilled. One of these institutions expends each year \$4,000 for fuel, and estimates that for one-half of this sum, an artesian well can be obtained, which will furnish sufficient power to run all the machinery.

The practicability of adapting this power to the operation of heavy machinery is now satisfactorily demonstrated, and the sample set by Yankton will be followed immediately, no doubt, by many cities of the twenty-nine counties where artesian wells only await the application of the wheel and belt.

Why should not this inexpensive and everlasting power lead to the building up of manufacturing interests in the Territory, as rapidly and as extensively as cheap coal and natural gas did in the instances of the States of Pennsylvania and Ohio?

At Huron, the artesian well costing but \$4,000—a sum not out of comparison with the cost of ordinary steam machinery—supplies a tremendous volume of water each minute, with more than three times the pressure of the one at Yankton. The pressure of the water from this well is so great that no make of water mains could withstand its full power.

The force of the water is weakened by allowing a three-inch stream of water to run away from the well, and even then there is power and volume for fire protection and to supply all the necessities of a city of several thousand inhabitants, besides providing the force for a number of water motors used in printing offices and other establishments.

Here, certainly, is a well costing no more than a plant of steam machinery, which would furnish a uniform and invariable motive power sufficient to operate the largest mill or manufactory—and at a saving of the heavy annual expense for fuel, engineer's and fireman's salary, outlay for repairs, etc., etc. The same is true of the wells at Miller, Aberdeen, Groton, Columbia, and other points.

In many instances, the cost of sinking an artesian well would be no more than the cost of coal for a single year to an establishment run by steam power. Power, to any extent, can be obtained by either increasing the size of the bore, or the number of wells—it being evident that two wells of the same size, and flowing the same volume of water, at an equal pressure, would give twice the power of a single well.

The development of artesian well power, in Dakota, is yet in its infancy. But no one, who gives the matter the least study, can doubt that with wells everywhere throughout the Territory, flowing so heavy and constant a volume of water, and at such great pressure, we are on the eve of a period of wonderful progress in the building up of our manufacturing interests.

Towns in the Territory, where the question of obtaining artesian well power has already been settled affirmatively—will take a step forward in the development of manufacturing interests, by fostering tow mills, oil mills, flour mills, woolen mills, canning and packing establishments, and other industries suitable to the surroundings. This will lead neighboring cities to put forth the most strenuous efforts to tap the power hidden beneath our feet, and, speaking generally, there is no reason why these ventures should not all prove successful.

If no other results were to be obtained from the sinking of artesian wells than a cheap and abundant supply of water, and a splendid fire protection, as has been done in dozens of the towns of Dakota, the value to the people of the Territory of these underground reservoirs, is beyond comparison.

By a study of the table accompanying this article, showing in detail the various strata penetrated by the artesian wells, it will be observed that the geological formation of the Territory contains all the essential features which scientists tell us are the pre-requisite of flowing wells. The water is found in coarse-grained sand rock, which has above it a confining stratum of shale, clay, or lime rock. The same strata undoubtedly underlie the whole Territory, though it may be necessary in some localities to go to a great depth before striking the water-bearing rock.

Artesian water is mineralized, to a greater or less degree, from having dissolved the soluble constituents of the strata through which it percolates. In the wells of Dakota, these constituents are such as have imparted to the water, undoubted hygienic and remedial properties and are in nowise to be considered unfortunate, although the water sometimes is not pleasant to the taste. The artesian water is almost invariably soft and of excellent quality for general household purposes.

So far as is known, there are twenty-nine counties of the Territory where artesian water is a settled fact, having distributed among them ninety-seven wells.

TABLE OF INFORMATION CONCERNING SOME OF THE ARTESIAN WELLS IN DAKOTA.

	Altitude.	Size of bore.	Total depth, feet.	Total cost, dollars.	Pressure, pounds.	Temperature, F.	Flow in gallons per minute.	Water used for household purposes.	Water used for fire protection?	Has city a system of water works in connection with well?
Yankton (a)...	1,196	6 in.	610	\$2,800	32	62°	1,500	Yes	Yes	.....
Huron (b).....	1,285	6 in.	863	4,000	170	60	1,500	Yes	Yes	Yes
Miller (c).....	.....	5 in.	1,148	5,000	125	80	1,000	Yes	Yes	Yes
Highmore (d)...	1,906	6 in.	1,552	7,300	25	65	14	Yes	Will be	Will be
Ashton (e).....	.....	6 in.	815	.....	50	55	60	Yes	Yes	.....
Aberdeen (f)...	.....	5 3-16 in.	908	5,000	160	60	3,500	Yes	Yes	Yes
Ipswich (g).....	.....	6 in.	1,270	.....	70	65	200	Yes	Yes	Yes
Groton (h).....	1,310	5 in.	960	4,500	.....	187	.....	.....	Yes	Yes
Andover (i).....	.....	4 1-2 in.	1,070	.....	90	64	300	.....	Yes	.....
Columbia (j)...	.....	4 3-8 in.	965	.....	175	60	4,000	Yes	.....	Yes
Ellendale (k)...	.....	5 in.	1,087	.....	125	65	600	Yes	.....	Yes
Jamestown (l)...	1,395	6 in.	1,576	7,127	95	75	375	.....	.....	.....
Grafton (m)...	1,000	6 in.	528	3,700	15	48	1,000	Yes	.....	Yes

REMARKS.

(a) Cost of operating per annum, \$10. There are fifteen artesian wells in the city and from thirty to thirty-five within a radius of twenty miles. Pressure has always remained the same. Quantity of water is increasing.

(b) The expense of operating the system of water-works is very slight, amounting in all to \$1,000 per annum, including the salary paid water-rate collector, repairs to pipes, hydrants etc. Pressure has never varied. A waste stream of three inches is permitted to run at the well and still there is power enough to throw four one-inch streams over any building in the city and the operation of several water motors.

(c) Pressure has increased somewhat since flow was first struck. Private families are furnished with water through system of water-works for a charge of \$5 per annum.
 (d) Pressure unchanged. Board of Trustees have not accepted well from contractors and think by going deeper a very fine flow can be obtained. Bore six inches at top, decreasing to three inches at bottom.

S. P. HOWELL, Chairman,
 J. G. JONES,
 FRANK A. MORRIS.

Mr. Morris moved

That further reading of the report be dispensed with and that the report be adopted.

Which motion prevailed.

The Committee on Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

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,"

And find the same correctly engrossed.

D. M. POWELL,
 Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Aikens introduced (by request)—

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,

Which was read the first time.

Mr. Patridge introduced—

House Bill No. 253,

A bill for an act to locate, establish and endow a Territorial Normal School at Milbank, Grant county, Dakota.

Which was read the first time.

Mr. Douglas introduced—

House Bill No. 254,

A bill for an act to correct and define the boundary lines of Day county,

Which was read the first time.

Mr. Royer introduced—

House Bill No. 255.

A Joint Memorial to the President-elect of the United

States requesting the removal of Louis K. Church,
Governor of Dakota,

Which was read the first time.

Mr. Newman introduced—

House Bill No. 256,

A Joint Resolution providing for the payment of the
postmaster of the House for the use of horse and buggy,

Which 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 Session Laws of 1887,

Was read the first time.

Mr. Bennett moved

That the rules be suspended and

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 Chap-
ter 70 of the Session Laws of 1885, relating to County
Mutual Insurance Companies."

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

Which motion prevailed, and

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 and third times and placed on its
final passage.

The roll being called there were ayes 42; nays 0.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Bennett Bergman, Bixler,
Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene,
Gronna, Howell, Hunter, Jones, Lampman, McNeil, Miller,
Morris, Newman, Palmer, Parkin, Patridge, Patton, Pot-
ter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith,
Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome,
Wellman, White

Messrs. Baldwin, Lillibridge, Logan, Mallory, McHugh,
being excused.

CONSIDERATION OF MESSAGES FROM THE COUNCIL.

Mr. Allen moved

That the House concur in the amendments of Council to House Bill No. 21.

Which motion prevailed, and the amendments were concurred in.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 130,

A bill for an act to appropriate funds to pay the Northweestrn Grain and Fuel Co. for Electric Lights placed in the capitol building,

Was read the first time.

Council Bill No. 163,

A bill for an act for the maintenance of the public offices of the Territory,

Was read the first time.

Council Bill No. 182.

A bill for an act entitled "An act to provide for the sale of the perishable property of Dakota exhibit at the World's Industrial and Cotton Centennial Exhibition at New Orleans."

Was read the first time.

SECOND READING OF COUNCIL BILLS.

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."

Was read the second time and

Referred to the Committee on Judiciary.

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 second time and

Referred to the Committe on Judiciary.

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 second time and

Referred to the Committee on Judiciary.

Council Bill No. 135,

A bill for an act regulating criminal prosecutions in justice courts,

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

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,

Was read the second time and
Referred to the Committee on Territorial Affairs.

SECOND READING OF HOUSE BILLS.

House Bill No. 234,

A bill for an act to amend an act establishing Territorial Department of Agriculture, two districts. An act to create a Territorial Department of Agriculture, and relating to agricultural societies and agricultural fairs, and providing for reports of the same,

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

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 delivery of grain thereupon.

Was read the second time and
Referred to the Committee on Warehouses, Grain Grading and Dealing.

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

House Bill No. 239.

A bill for an act to amend Chapter 142 of the General 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 Cities and Towns.

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 second time and referred to the Committee on Judiciary.

House Bill No. 241,

A bill for an act to amend Sections 320, 323 and 330 of the Penal Code, relating to rape, abduction, carnal abuse of children and seduction,

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

House Bill No. 243,

A bill for an act to amend Section 27 of the Political Code relating to the eligibility of persons to hold office.

Was read the second time and

Referred to the Committee on Territorial Affairs.

House Bill No. 244,

A bill for an act fixing the fee to be paid probate judges for filing and recording marriage certificates,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 245,

A bill for an act to provide for the payment of claims for the completion of the records of the 17th Legislative Assembly,

Was read the second time and

Referred to the Committee on Appropriations.

House Bill No. 246.

A bill for an act to provide for fees in foreclosure of mortgage of real estate by advertisement.

Was read the second time and

Referred to the Committee on Judiciary.

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 second time, and

Referred to the Committee on Ways and Means.

House Bill No. 248,

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 Committee on Railroads.

House Bill No. 251,

A bill for an act entitled "An act to declare certain provisions for an attorney's fee void, and to provide a reasonable attorney's fee in such cases,"

Was read the second time and

Referred to the Committee on Judiciary.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER, }
February 12, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith

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,

Which the Council has passed under suspension of the rules and your favorable consideration is respectfully requested.

R. E. WALLACE,
Chief Clerk.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 182,

A bill for an act to amend Section 45, of Chapter 21. of

the Political Code relating to the manner of letting contracts by county boards,

Also,

House Bill No. 250,

A bill for an act re-appropriating certain balances heretofore appropriated for the use of the University of North Dakota,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

THIRD READING OF HOUSE BILLS.

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 third time and placed on its final passage.

The roll being called, there were ayes 31; nays, 3.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Bennett, Bixler, Burnham, Clark, Cooke, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, McNeil, Miller, Newman, Palmer, Patton, Powell, Ramsdell, Royer, Ryan, Sheets, Smith, Trude, Turnbull, Van Etten, Wellcome, Wellman.

Those who voted in the negative were:

Messrs. Douglas, Potter, Patridge.

Absent and not voting:

Messrs. Aikens, Bergman, Morris, Parkin, Price, Swanston, Upham, White.

Messrs. Baldwin, Lillibridge, Logan, Mallory, McHugh, being excused.

So the bill passed and its title was agreed to.

House Bill No. 182,

A bill for an act to amend Section 45, of Chapter 21, of the Political Code, relating to the manner of letting contracts by county boards,

Was read the third time and placed on its final passage.

The roll being called there were ayes 22; nays, 13.

Those who voted in the affirmative were:

Messrs. Allen, Bennett, Bixler, Burnham, Cooke, Douglas, Greene, Howell, Hunter, Lampman, McNeil, Newman, Palmer, Patridge, Potter, Powell, Price, Ramsdell, Sheets, Turnbull, Van Etten, White.

Those who voted in the negative were:

Messrs. Adams, Aikens, Clark, Elliott, Jones, Miller, Parkin, Patton, Royer, Ryan, Smith, Wellcome, Wellman.

Absent and not voting:

Messrs. Bergman, Fletcher, Gronna, Morris, Swanston, Trude, and Upham.

Messrs. Baldwin, Lillibridge, Logan, Mallory and McHugh being excused.

So the bill passed and its title was agreed to.

Mr. Speaker announced the following as the Select Committee to consider House Bill No. 153, viz:

Messrs. Bixler, Gronna, McNeil, White and Potter.

Mr. Hunter moved

That the House resolve itself into Committee of the Whole for the consideration of General Orders.

Which motion prevailed and

Mr. Speaker called Mr. Hunter to the chair.

When the Committee rose the following report was presented:

MR. SPEAKER:

The Committee of the Whole have had under consideration.

House Bill No. 151,

A bill for an act providing for the publication and distribution of Long's Legislative Hand Book,

Together with the amendments proposed by the Committee on Printing, and recommend that the bill as amended do pass.

Also,

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,

Together with the amendments reported by the Committee on Ways and Means and recommend that the original bill, without the proposed amendments, do pass.

Also,

House Bill No. 14,

A bill for an act providing how tickets shall be prepared for elections,

Together with the amendment proposed by the Committee on Elections and Privileges,

And recommend that the bill as amended do pass.

Also,

House Bill No. 92.

A bill for an act to regulate telephones,
And recommend that the further consideration of the bill be indefinitely postponed.

Also,

Substitute for House Bill No. 93,

A bill for an act to amend Section two (2), Chapter fifty-two (52), of the Session Laws of 1879,

And recommend that the bill be recommitted to its appropriate committee.

Also,

House Bill No. 106,

A bill for an act to amend Section four (4) of Chapter one hundred and forty-one (141) of the Session Laws of 1887, entitled "An act to provide for the assessment and taxation of the property of telegraph companies in the Territory of Dakota,"

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

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,"

And recommend that the bill be amended as follows:

After the word "officers" in Section 1 insert the following:

"But such board shall possess and exercise such power in case of district attorneys," and that when so amended the bill do pass.

Also,

House Bill No. 211,

A bill for an act providing for a lien upon grain for the threshing of the same,

And recommend that the bill be made a special order for Friday next at three o'clock.

Also,

House Bill No. 218,

A bill for an act to repeal Section 401, of Chapter 35, of the Penal Code,

Together with the amendment reported by the Committee on Judiciary, and recommend that the bill as amended do pass.

H. T. HUNTER.
Chairman.

Mr. Gronna moved

To adopt the report of the committee.

Mr. Aikens moved

To amend that the report of the committee be adopted except so far as it relates to House Bill No. 14.

Which motion was lost.

Mr. Adams offered the following amendment:

That the report of the Committee of the Whole be amended by striking out all pertaining to the amendment offered by the Committee on Elections and Privileges as to House Bill No. 14 and that, thus amended, the report be adopted,

Which motion prevailed and

The report of the Committee of the Whole was adopted.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER, }
February 12, 1889. }

MR. SPEAKER:

I have the honor to inform you that the Council has concurred in House amendment to Council Bill No. 197,

And 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 Council has passed and your favorable consideration is respectfully requested.

R. E. WALLACE,
Chief Clerk.

Mr. Swanston moved

That House Bill No. 225,

A Joint Resolution, a Memorial to the President-elect of the United States, requesting the removal of Louis K. Church, Governor of Dakota,

Be read the second time at length, be printed and referred to the appropriate Committee.

Which motion prevailed and

House Bill No. 225 was read the second time and referred to the Committee on Territorial Affairs.

Mr. Jones moved

That the House do now adjourn.

Which motion prevailed and the House

Adjourned.

JOHN G. HAMILTON, Chief Clerk.

THIRTY-SEVENTH DAY.

BISMARCK, February 13, 1889.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Douglas and Swanston, being excused.

Messrs. Mallory, Baldwin and Logan, members of the Committee to investigate the affairs of the Jamestown Insane Asylum, being excused.

The Committee to revise and correct the Journal submitted the following report:

MR. SPEAKER:

Your committee to revise and correct the Journal have examined that of February 12, 1889. and recommend the following correction: On page 15, in line 38, strike out the words "Mr. Speaker." and with this correction recommend its approval.

R. L. BENNETT.
O. R. VAN ETTEN.

Mr. Patridge moved
To adopt the report,
Which motion prevailed.

Mr. Speaker announced his signature to
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,

PETITIONS AND MEMORIALS.

Mr. Price presented the following communication:

At an 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., VANDERBERG, President.

J. M. CONKLIN, Vice President.

WM. A. THOMPSON, Secretary.

Mr. Smith presented the following petition:

To the Honorable Legislative Assembly of the Territory of Dakota

The undersigned, citizens of Mayville, Traill county, Dakota, submit herewith and ask the passage of two measures, one for the repeal of a certain section of the charter of the city of Mayville, and one empowering cities and independent school districts to adjust outstanding differences, relating to the adjustment of the school indebtedness between such districts and school townships.

In the year 1885, the city of Mayville was chartered by a special act of the Legislative Assembly of that year, and under the provisions of such charter, said city was created an independent school district. Prior to the organization of said city under such charter the territory comprised therein was a part of the school township of Mayville; the

adjustment of the indebtedness as between such city and school township was deemed unfair and unjust to said school township: a desire to do justice towards such township exists on the part of the said city and its inhabitants. Existing provision of said city's charter stands in the way thereof, and helpful legislation is desired on the part of the city, and the measure herewith presented is believed to be free from constitutional objection, similar in character, though more extensive in scope, to Section 116, Chapter 47, of the Acts of the Seventeenth Legislative Assembly.

And in duty bound your petitioners will ever pray.

E. M. POLSON,
And 27 others of Mayville.

REPORTS OF STANDING COMMITTEES.

The Committee on Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

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 find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

The Committee on Judiciary submitted the following report:

MR. SPEAKER:

The Committee on Judiciary respectfully report that they have had under consideration

House Bill No. 204.

A bill for an act to establish the independent school district of Hatton, Traill county, Dakota Territory.

And the Committee are of the opinion that inasmuch as the creation and alteration of school districts and school townships is left by the general law to the county superintendent of schools and board of county commissioners, and that parties aggrieved have a right to appeal from any order or decision affecting them, that this legislature cannot exercise the power of creating independent school districts without the passage of a general law relating

thereto; wherefore the committee recommend the indefinite postponement of the bill.

All of which is respectfully submitted.

M. M. PRICE,
Chairman.

Mr. Palmer moved

The adoption of the report.

Which motion prevailed.

The Committee on Railroads submitted the following report:

MR. SPEAKER:

Your Committee on Railroads to whom was referred House bill No. 22.

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." passed by the Sixteenth Legislative Assembly of the Territory of Dakota, and approved March 6, 1885,

Have had the same under consideration and recommend the accompanying bill as a substitute and that the same be printed and do pass.

H. F. HUNTER,
Chairman.

Mr. Newman moved

That the report be adopted.

Which motion prevailed.

The Committee on Temperance submitted the following report:

MR. SPEAKER:

Your Committee on Temperance to whom was referred House Bill No. 34,

A bill for an act regulating the licensing and sale of liquors in cities and towns having exclusive control of the liquor traffic within their limits,

Have had the same under consideration and recommend that said bill be returned to the introducer, it being his request, as there are other bills covering the same ground; your committee so recommend.

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 liquors,

And recommend that the bill do pass.

Also,

Council Bill No. 143.

A bill for an act to amend Section 2 of Chapter 71 of the Laws of 1887 relating to the sale of intoxicating liquors,

And recommend that the bill do pass.

All of which is respectfully submitted.

A. L. PATRIDGE,
Chairman.

MR. SPEAKER:

Your Committee on Towns and Cities to whom was referred

Council Bill No. 119,

A bill for 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,

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

Also,

Council Bill No. 12,

A bill for an act providing for township organization,

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

C. C. NEWMAN,
Chairman.

Mr. Sheets moved

That the report be adopted.

Which motion prevailed.

The Committee on Usury submitted the following report:

MR. SPEAKER:

Your Committee on Usury to whom was referred

House Bill No. 216,

A bill for an act entitled "An act to declare certain provisions contained in any note, bond or mortgage to be against public policy and void."

Have had the same under consideration and recommend that said bill be referred to the Committee on Judiciary.

J. H. FLETCHER,
Chairman.

Mr. Fletcher moved

To adopt the report.

Which motion prevailed.

The Committee on Territorial Affairs submitted the following report:

MR. SPEAKER:

Your Committee on Territorial Affairs, to whom was referred

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,

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

Also,

House Bill No. 228,

A bill for an act to regulate the compensation of township officers,

And recommend that the title be amended to read as follows: "A bill for an act to amend Chapter One Hundred and Twelve (112), Article Sixteen (16), Section Eighty-six (86), of the Session Laws of 1883, being an act to regulate the compensation of township officers," and as so amended that the bill do pass.

Also,

House Bill No. 243,

A bill for an act to amend Section 47 of Chapter 27 of the Political Code, relating to the eligibility of persons to hold office.

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

Also,

House Bill No. 197,

A bill for an act to provide for the erection and maintenance of partition fences, and for other purposes.

And that such bill be referred to the Committee on Judiciary.

Also,

House Bill No. 137,

A bill for an act to provide for the purchase of books for the Territorial Library and for the care and custody of the same,

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

JOSEPH ALLEN,
Chairman.

Mr. Miller moved
To adopt the report.
Which motion prevailed.

The Committee on Agriculture submitted the following report:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred House Bill No. 234,

A bill for an act to amend an act establishing Territorial Department of Agriculture, two districts,

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

Also,

Council Bill No. 56,

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

And recommend that the bill do pass.

J. V. WHITE,
Chairman.

REPORT OF SELECT COMMITTEES.

Mr. Lampman, chairman of the select committee of North Dakota submitted the following report:

MR. SPEAKER:

In making my report as chairman of the committee of North Dakota members to whom was referred House Bills Nos. 11 and 85,

Relating to the locating and establishing a normal school in North Dakota,

I desire to make this explanation, viz:

That House Bill No. 11, introduced by Mr. Elliott, providing for a normal school at Lisbon; also House Bill No. 85, introduced by Mr. Newman, providing for a normal school at Milnor, the principal difference in these bills being merely the difference in location.

These bills were referred to the Committee on Education, of which I am chairman. When these bills came before the Committee it was found that the two members from North Dakota were Mr. Newman, who favored the Milnor bill, and myself, who as strongly favored the Lisbon bill. The members of the Committee from South Dakota declined to decide the matter, but agreed to report the bills back to the House with the recommendation that they be referred to a Committee of all the members of North Dakota, of which committee I was chosen chairman.

I now beg leave to make the following report of the proceedings of said committee held on Feb. 7th:

At said meeting it was agreed that the only question to be decided by said meeting should be the choice of the locality between the two places named.

I having been assured by my colleague, Mr. Elliott, that he had pledges of enough members to secure the location at Lisbon by a clear majority, and further that one of the members from the Milnor district, who was known to favor Milnor, being absent, I was requested to pair with him and let the matter be decided without my voting.

The first vote being taken was declared a tie, several members not voting. A second vote being taken resulted in eight votes for Milnor and seven votes for Lisbon—all members present not having voted at this time. Had my vote been counted for Lisbon, a tie would have still existed.

The Committee failing to instruct the chair as to a report, again the chairman called for a meeting on February 12th, at which meeting so many were absent that adjournment was made without transacting any business.

I therefore now submit these facts as they have occurred and ask to be relieved from further duties as chairman of such Committee.

IRA S. LAMPMAN,
Chairman.

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

MOTIONS AND RESOLUTIONS.

Mr. Aikin moved
That Mr. Green be given unanimous consent to correct the Journal of yesterday.
Which motion prevailed.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER. }
February 13, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
Council Bill No. 7.

A bill for an act to amend Section 1100 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,"

Also,

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,

Also,

Council Bill No. 164,

A Joint Resolution calling on the Territorial Secretary for information,

Also,

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,

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 have passed the Council and your favorable consideration is respectfully requested.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER,
February 13, 1889. }

MR. SPEAKER:

I have the honor to return 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 therefor, and to provide for the payment of principal and interest of such bonds,

Which the Council has amended as follows, to-wit:

By striking out the words "In Bismarck" where they occur in Section Six (6), and insert in lieu thereof the words

"At the seat of Government," and your concurrence therein is respectfully requested.

Also,

House Bill No. 250,

A bill for an act re-appropriating certain balances heretofore appropriated for the use of the University of North Dakota,

Which the Council has passed.

Also

House Bill No. 5,

A Joint Resolution, being a Memorial for the passage of the pending bill for the opening for settlement of a portion of the Sioux Indian Reservation in Dakota,

Which the Council has indefinitely postponed.

R. E. WALLACE,
Chief Clerk.

Mr. Aikens moved

That the House concur in the Council amendments to House Bill No. 4,

Which motion prevailed.

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

WHEREAS, From December 2, 1886, to August 13, 1888, a period of 20 months and 11 days the Territory, as appears by the Auditor's report, paid \$2,820.97 for water supply at the Capitol, and

WHEREAS, It would seem that such sum is very extravagant; therefore be it

Resolved, That the Committee on Territorial Affairs be instructed to see if a cheaper water supply cannot be provided for the Capitol, and to report its recommendation to the House,

Which resolution was adopted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Burnham introduced—

House Bill No. 257,

A bill for an act to amend Chapter 73 of the Session Laws of 1887, entitled "An act to provide for the incorporation of cities, and provide for the organization of all cities in this Territory under the General Laws,"

Which was read the first time.

Mr. Price introduced—

House Bill No. 258,

A bill for an act to amend Section five (5) of Subdivision two (2) of Chapter seven (7) of the General Laws of 1887, entitled "An act to provide for the construction and maintenance of artesian wells and the collection of taxes therefor,"

Which was read the first time.

Mr. Price introduced—

House Bill No. 259,

A bill for an act to regulate the business of building and loan corporations.

Which was read the first time.

Mr. Newman introduced—

House Bill No. 260,

A bill for an act providing for the taxation of express companies,

Which was read the first time.

Mr. Royer introduced—

House Bill No. 261,

A bill for an act to encourage the making and keeping of a fire guard around property,

Which was read the first time.

Mr. Lampman introduced—

House Bill No. 262,

A bill for an act relating to the care, custody, control and maintenance of feeble minded persons and idiots.

Which was read the first time.

Mr. Fletcher introduced—

House Bill No. 263,

A bill for an act to amend Section Two (2) of Chapter one (1) of the Political Code, relating to the Legislature,

Which was read the first time.

Mr. Smith introduced—

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,

Which was read the first time.

Mr. Adams introduced—

House Bill No. 265,

A Joint Resolution Memorializing Congress in regard to the enactment of a law permitting certain counties to issue bonds,

Which was read the first time.

Mr. Aikens introduced—

House Bill No. 266,

A bill for an act to facilitate the collection of special assessments in cities, towns or villages,

Which was read the first time.

Mr. White introduced—

House Bill No. 267,

A bill for an act to provide for the giving of notice before the execution of tax deed by county treasurers,

Which was read the first time.

Mr. Greene introduced—

House Bill No. 268,

A bill for an act to amend Section 1, Article 19, Chapter 73 of the Session Laws of 1887,

Which was read the first time.

Mr. Lillibridge introduced—

House Bill No. 269,

A resolution relating to the investigating committee on the Jamestown asylum,

Which was read the first time.

Mr. Adams introduced (by request)—

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,

Which was read the first time.

Mr. Adams introduced (by request)—

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,

Which was read the first time.

Mr. Fletcher moved

That the rules be suspended and that

House Bill No. 263,

A bill for an act to amend Section 2 of Chapter 1 of the Political Code, relating to the Legislature,

Be read the second time and referred to a special committee,

Which motion prevailed and

House Bill No. 263

Was read the second time and referred to a special committee consisting of Messrs. Fletcher, Newman and White, appointed by the Speaker.

Mr. Potter introduced (by unanimous consent)—

House Bill No. 272,

A bill for an act construing the phrase, "successive weeks,"

Which was read the first time.

Mr. Potter moved

That the rules be suspended and that

House Bill No. 272,

A bill for an act construing the phrase "successive weeks,"

Be read the second time and

Referred to the Committee on Judiciary.

Which motion prevailed and

House Bill No. 272,

Was read the second time and

Referred to the Committee on Judiciary.

Mr. Adams moved

That the rules be suspended and that

House Bill No. 265,

A Memorial to Congress in regard to the enactment of a law permitting certain counties to issue bonds,

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

The roll being called there were ayes, 39; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Elliott, Greene, Howell, Hunter, Jones, Lampman, Lillibridge, McNeil, Morris, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White. Mr. Speaker.

Absent and not voting:

Messrs. Fletcher and Miller,

Messrs. Baldwin, Douglas, Gronna, Logan, Mallory, McHugh and Swanston being excused.

So the bill passed and its title was agreed to.

Mr. Lillibridge moved

That the rules be suspended and that

House Bill No. 269,

A Resolution relating to the Investigating Committee of the Jamestown asylum.

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

Which motion prevailed and

House Bill No. 269,

A Resolution relating to the Investigating Committee of the Jamestown asylum.

Was read the second and third times and placed on its final passage.

The roll being called, there were ayes 36; nays, 1.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Bennett, Bixler, Burnham, Clark, Cooke, Elliott, Greene, Howell, Hunter, Jones, Lillibridge, McNeil, Miller, Morris, Newman, Palmer, Parkin, Patridge, Patton, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Trude, Turnbull, Upham, Van Etten, Wellman, White, Mr. Speaker.

Mr. Bergman voting in the negative.

Absent and not voting:

Messrs. Fletcher, Lampman, Potter, Wellcome.

Messrs. Baldwin, Douglas, Gronna, Logan, Mallory McHugh and Swanston being excused.

So the bill passed and its title was agreed to.

The Speaker announced his signature to

Council Bills Nos. 197 and 221.

Mr. Adams moved

That Joint Resolution No. 265 be transmitted to the Council without engrossment.

Which motion prevailed.

Mr. Newman moved.

That the rules be suspended and that

House Bill No. 256,

A Joint Resolution providing for the payment for the transportation of the mail to and from the capitol.

Be read the second and third times and placed on its final passage,

Which motion prevailed, and

The bill was read the second and third times.
Mr. Newman moved
To commit the bill to its appropriate Committee for amendment.
Which motion prevailed and
Mr. Speaker referred the bill to Mr. Newman.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 40,
A bill for an act to amend Section 14, Chapter 118, of the General Laws of 1881.
Was read the first time.

Council Bill No. 238,
A Joint Resolution providing for payment of the mileage of certain witnesses called before the Committee to investigate the Insane Asylum at Jamestown.
Was read the first time.

Council Bill No. 148,
A bill for an act to provide for the re-establishment and re-location of section posts and boundaries which have been lost and destroyed.
Was read the first time.

Council Bill No. 82,
A bill for an act entitled "An act to authorize the discharge of attachments and lis pendens."
Was read the first time.

Council Bill No. 7,
A bill for an act to amend Section 1100 of the Civil Code.
Was read the first time.

Council Bill No. 124,
A bill for 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,
Was read the first time.

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 first time.

Council Bill No. 164,

A Joint Resolution calling on the Territorial Secretary for information.

Was read the first time.

Council Bill No. 40.

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

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 Northwestern Grain and Fuel Company for electric lights placed in the capitol building.

Was read the second time and

Referred to the Committee on Appropriations.

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 Appropriations.

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.

Was read the second time and

Referred to the Committee on Territorial Affairs.

SECOND READING OF HOUSE BILLS.

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 second time and

Referred to the Committee on Appropriations.

House Bill No. 253.

A bill for an act to locate, establish and endow a Territorial Normal School at Milbank, Grant county, Dakota.

Was read the second time and

Referred to the 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 second time and

Referred to the Committee on Counties.

The Committee on Engrossed and Enrolled Bills submitted the following report:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respectfully report that

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 delivered to his Excellency the Governor for his approval at the hour of 2:30 o'clock, February 13, 1889.

D. M. POWELL,
Chairman.

Mr. Fletcher moved

That the House resolve itself into Committee of the Whole for the consideration of

Council Bill No. 52,

A bill for an act making the taking of usury a misdemeanor,

Which motion prevailed, and

Mr. Speaker called Mr. Hunter to the chair.

When the Committee rose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration

Council Bill No. 52,

A bill for an act making the taking of usury a misdemeanor,

And recommend that the bill do pass.

J. H. FLETCHER,
Chairman,

Mr. Patten moved

To adopt the report.

Which motion prevailed.

Mr. Newman moved

That the House resolve itself into Committee of the Whole for the consideration of General Orders.

Which motion prevailed and

Mr. Speaker called Mr. Newman to the chair.

When the Committee rose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration

House Bill No. 63,

A bill for an act fixing the fee for filing and indexing chattel mortgages and for canceling the same,

And recommend that the further consideration of the bill be indefinitely postponed,

Also,

House Bill No. 97,

A bill for an act entitled "An act empowering the Governor to appoint women notaries public,

Together with the amendment proposed by the Committee on Woman Suffrage.

And recommend that the bill be amended by striking out in Section One the words and figures "twenty-five (25)" and substituting in lieu thereof the words and figures "twenty-one (21)."

And that when so amended the bill do pass.

Also,

House Bill No. 150,

A bill for an act to prevent any person or persons from obtaining board or lodging under false pretenses,

And recommend that the further consideration of the bill be indefinitely postponed.

Also

House Bill No. 214,

A bill for an act providing for fees of sheriffs and other officers for transporting persons to the reform school for juvenile offenders.

And recommend that the bill do pass.

Also,

House Bill No. 231,

A bill for an act creating and defining a subdivision of the Sixth Judicial District,

And recommend that the bill do pass.

Also,

House Bill No. 221,

A bill for an act to create and establish the County of Meade and for other purposes,

And recommend that the bill as amended do pass.

C. C. NEWMAN,
Chairman.

Mr. Miller moved
To adopt the report of the committee.
Which motion prevailed.

Mr. Cooke moved
That the House do now adjourn.
Which motion was lost.

Mr. Partridge moved
That the House resolve itself into Committee of the
Whole to consider the usury bills and also Council Bills
149 and 150,

Which motion prevailed and
Mr. Speaker called Mr. Sheets to the chair.

When the Committee rose the following report was pre-
sented:

MR. SPEAKER:

Your Committee of the Whole have had under consider-
ation

House Bill No. 18,

A bill for an act prescribing the penalty for taking usury,
And recommend that further consideration of the bill
be indefinitely postponed.

Also,

House Bill No. 133,

A bill for an act to provide for the rate of interest on
money and to define usury,

And recommend that the further consideration of the
bill be indefinitely postponed.

H. H. SHEETS,
Chairman.

Mr. Fletcher by unanimous consent presented the fol-
lowing report:

MR. SPEAKER:

Your Special Committee to whom was referred

House Bill No. 263,

Entitled, "A bill for an act to amend Section Two (2) of
Chapter 1 of the Political Code relating to the Legislature,

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

J. H. FRELCHER,
Chairman.

Mr. Hunter moved
That House Bills Nos. 43, 26 and Council Bill No. 52 be
made the special order for Tuesday at 3 o'clock p. m.

Mr. Aikens offered as a substitute that

Council Bill No. 52,
Be read the third time and placed on its final
passage.

Which substitute motion was lost and
The motion of Mr. Hunter prevailed.

Mr. Wellcome moved
That the House do now adjourn,
Which motion prevailed and the House
Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

THIRTY-EIGHTH DAY.

BISMARCK, February 14, 1889.

The House assembled at 2 o'clock p. m. pursuant to ad-
journment.

The Speaker presiding.

Prayer by the chaplain.

All members present except Mr. Gronna, excused.

Messrs. Mallory, Baldwin and Logan, members of the
Committee to Investigate the affairs of the Jamestown In-
sane Asylum, being excused.

The Committee to revise and correct the Journal sub-
mitted the following report:

MR. SPEAKER:

Your Committee to revise and correct the Journal have
examined that of February 13, 1889, and find the same
correct.

R. S. BENNETT,
O. R. VAN ETTEN.

Mr. Miller moved
To adopt the report,
Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary submitted the following report:

MR. SPEAKER:

The Committee on Judiciary respectfully report that they have had under consideration

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 methods of appeals to the Supreme Court of the Territory of Dakota,"

And return the same with the recommendation that the bill pass.

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,"

And return the same with the recommendation that the bill pass.

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 authorizing the appointment of short hand reporters for the district courts of this Territory,"

And return the same with the recommendation that the bill pass.

Also,

House Bill No. 237,

A bill for an act to amend Section 331 of the Code of Civil procedure,

And return the same with the recommendation that the bill do pass

Also,

House Bill No. 246.

A bill for an act to provide for fees in foreclosure of mortgage of real estate by advertisement.

And return the same with the recommendation that the bill be referred to the Committee on Ways and Means.

Also,

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,'

And return the same with the recommendation that the bill pass.

All of which is respectfully submitted.

M. M. PRICE,
Chairman.

The Committee on Judiciary submitted the following:

To the Honorable Mr. Speaker:

By virtue of a resolution passed in the Committee on Judiciary, you are hereby respectfully requested to appoint W. A. Moore as assistant clerk of said Committee.

M. M. PRICE, Chairman.

F. H. ADAMS,

C. C. NEWMAN,

J. B. WELLCOME,

IRA S. LAMPMAN,

J. W. BURNHAM,

A. L. PATRIDGE.

D. M. POWELL,

JOSEPH ALLEN,

FRANK R. AIKENS.

The Committee on Banking submitted the following report:

MR. SPEAKER:

Your Committee on Banking, to whom was referred

House Bill No. 46,

A bill for an act entitled "An act authorizing the incorporation of Banking Associations and for regulating the same,"

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

Amend Second 1 by striking out in line 5 of said Section the words "one-half" and insert in lieu thereof the words "ten thousand dollars of." Also strike out in lines 9 and 10 of said Section 1 the words "frequently as one installment at the end of each succeeding month" and insert in lieu thereof the words "often as deemed necessary by the

board of directors, such assessments not to be made oftener than once in every three months."

Amend Section 2 by striking out in line 4 of said Section the word "territory" and insert in lieu thereof the word "county."

Amend Section 4 by adding after the words "president and one" in line 7 of said section the words "or more;" also, by adding the letter "s" to the words "vice-president" wherever they appear in said section, so they will read "vice-presidents;" also, add the word "may" before the word "remove" in line 9 of said section; also, add the words "or either of them" after the word "agents" in line 9 of said section.

Amend Section 8 by inserting after the words "signed by," in line 2 of said section, the word "both," and after the word "cashier" in said line 2 of said section the words "or treasurer." Also, insert after the word "thereof," in said line 2 of said Section 8 the following: "And in case of the absence of the president, cashier or treasurer, may be signed by the vice-president or assistant cashier or treasurer." Also, insert after the words "assistant cashier" in line 7 of said Section 8 the words "or treasurer."

Amend Section 9 by inserting after the word "cashier" in line 13 of said section the words, "or in their absence the vice-president, assistant cashier or treasurer."

Amend Section 12 by filling blank in line 4 of said section by inserting the word "twelve."

Amend Section 13 by striking out the word "this" whenever it appears in line six of said section and inserting in lieu thereof the word "an;" also strike out the word "of" before the word "debt" in said line six of said section and insert the word "for" in lieu thereof.

Amend Section 14 by striking out the word "four" and figure "4" in line two of said section and insert in lieu thereof the word "one."

Amending Section 18 by inserting after the words "paid in" in line 5 of said section the following: "Provided that guarantees of real estate mortgages or issue and sale of debenture bonds, the security for which is based on real estate mortgages, shall not be deemed a liability under this act."

And as so amended they recommend that the bill do pass.

H. H. SHEETS,
Chairman.

The Committee on Warehouses, Grain Grading and Dealing submitted the following report:

MR. SPEAKER:

Your Committee on Warehouses, Grain Grading and Dealing to whom was referred

House Bill No. 96,

A bill for an act to amend Section Four of Chapter One Hundred and Thirty of the 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 Commissioners in relation thereto."

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

Amend Section 1 of said act by adding thereto the following:

"And subject to the provisions of said Grain and Warehouse Law, and there is hereby appropriated out of the General Fund of the Territory a sum not to exceed two thousand dollars for the purpose of furnishing samples of all grain required, and for otherwise carrying the provisions of said law into effect."

Also,

That the following sections be added, as 1 and 2 of said act.

SEC. 2. That Section 6 of said Chapter 130 be amended by inserting after the word "provided" in line two of said section the following: "Who shall receive grain for storage."

SEC. 3. That Section 15 of said Chapter 130 be amended by inserting after the word "commissioners" in line 1 of said section the following: "At a price not to exceed the actual cost of furnishing said samples," also amend said act by making Section 2 to read Section 4, and Section 3 to read Section 5, also amend title by inserting after the word "four" and figure "4" the words and figures as follows: "Section six (6) and fifteen (15),"

And as so amended they recommend that said bill do pass and that all other amendments heretofore made be stricken out.

Also,

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 delivery of grain thereupon.

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

D. B. WELLMAN,
Chairman.

The Committee on Charitable Institutions submitted the following report:

MR. SPEAKER:

Your Committee on Charitable Institutions have considered

House Bill No. 206,

A bill for an act establishing the South Dakota Imbecile School at Webster, Dakota,

And return the same to the House with the recommendation that it pass.

J. W. BURNHAM,
Chairman pro tem.

The Committee on Enrolled and Engrossed bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 250,

A bill for an act re-appropriating certain balances heretofore appropriated for the use of the University of North Dakota,

Also,

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 find the same correctly engrossed and enrolled.

Also,

House Bill, No. 14,

A bill for an act providing how tickets shall be prepared for elections,

Also,

House Bill No. 151,

A bill for an act providing for the publication and distribution of Long's Legislative Hand Book,

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 Chapter 70 of the Session Laws of 1885, relating to County Mutual Insurance Corporations."

Also,

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,

Also,

House Bill No. 218,

A bill for an act to repeal Section Four Hundred and One (401) of Chapter Thirty-five (35) of the Penal Code,

Also,

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,"

And find the same correctly engrossed.

Respectfully,

D. M. POWELL,
Chairman.

Mr. Aikens presented and moved the adoption of the following resolution:

Be it Resolved by the House of Representatives of the Territory of Dakota:

That the Speaker be and he is hereby authorized to place upon the pay-roll of employes as heretofore provided for, the following names for the following vocations: William Walton, janitor first floor and basement; E. L. Ranson, janitor first floor and basement; John Wallace, janitor 2nd floor and upper hall; John Donahey, janitor committee rooms; Harry Call, messenger to library and secretary; Isaac Hayes, janitor of closets, etc.; J. F. Wallane, Sr., superintendent of building.

This to apply to the Eighteenth Legislative Assembly only.

Which resolution was adopted.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

Mr. SPEAKER:

COUNCIL CHAMBER,
February 14, 1889. }

I have the honor to return herewith

House Bill No. 7,

A bill for an act to amend Sections 1 and 2 of Chapter 10,
Laws of 1887,

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 Council has passed.

Also,

House Bill No. 29,

A bill for an act to repeal Article 1, Chapter 11 and Sec-
tion 721 to 723 inclusive of Chapter 35, of the Code of Civil
Procedure, relating to court and bail,

Which the Council has indefinitely postponed.

R. E. WALLACE,
Chief Clerk.

Mr. Speaker announced his signature to

House Bills Nos. 4, 240, and

Council Bill No. 162.

Mr. Patridge asked unanimous consent to recall from
the Committee on Judiciary House Bill No. 241.

Which request was granted.

Mr. Patridge moved

To indefinitely postpone House Bill No. 241,

A bill for an act to amend Sections 320, 323 and 330 of
the Penal Code, relating to rape, abduction, carnal abuse of
children and seduction,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Wellman introduced—

House Bill No. 273,

A bill for an act amending an act of the Eighteenth
Legislative Assembly entitled "An act authorizing coun-
ties to issue bonds to procure seed wheat for needy far-
mers resident therein,"

Which was read the first time.

Mr. Wellcome moved

That the rules be suspended and House Bill No. 273

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

Which motion prevailed:

Mr. Wellcome asked unanimous consent to strike out the word "negotiated" and insert in lieu thereof the word "issued."

Which consent was granted 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 thereof,"

Was read the second and third times and placed on its final passage.

The roll being called, there were ayes, 36; nays, none.

Those who voted in the affirmative were:

Messrs. Allen, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Elliott, Fletcher, Howell, Hunter, Lampman, Lillibridge, McHugh, McNeil, Morris, Palmer, Parkin, Patridge, Patton, Potter, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Aikens, Douglas, Greene, Jones, Miller, Newman, Potter.

Messrs. Baldwin, Gronna, Logan, Mallory being excused.

So the bill passed and its title was agreed to.

Mr. Fletcher introduced—

House Bill No. 274,

A bill for an act to aid in the enforcement of the statutes relating to the sale of intoxicating liquors,

Which was read the first time.

Mr. McHugh introduced—

House Bill No. 275,

A bill for an act to enable townships and incorporated towns to aid in the construction of railroads,

Which was read the first time.

Mr. White introduced—

House Bill No. 276,

A Joint Resolution,

Which was read the first time.

Mr. Patridge introduced—

House Bill, No. 277.

A bill for an act to amend Section 330 of the Penal Code,

Which was read the first time.

Also,

House Bill No. 278,

A bill for an act to amend Section 1 of Chapter 133 of the General Laws of 1887, entitled "An act to amend Sub-division 1 of Chapter 320, Chapter 26 of the Penal Code; and also Section 323 of the Penal Code,"

Which was read the first time.

Mr. Aikens introduced (by request)—

House Bill No. 279,

A bill for an act to amend Section 1 of Chapter 37 of the Political Code, entitled "Of weights and measures,"

Which was read the first time.

Mr. Fletcher introduced—

House Bill No. 280,

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," passed at the 16th Legislative Assembly of the Territory of Dakota, and approved March 6, 1885,

Which was read the first time.

Mr. Fletcher moved

That the rules be suspended and that House Bill No. 280 be read the second time and referred to General Orders,

Which motion prevailed, and

House Bill No. 280, was read the second time and referred to General Orders.

Mr. Patridge moved

To suspend the Rules and that House Bill No. 277 and House Bill No. 278 be read the second time and referred to their appropriate committees,

Which motion prevailed and

House Bill No. 277,

A bill for an act to amend Section 330 of the Penal Code, Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 278,

A bill for an act to amend Section 1 of Chapter 133 of the General Laws of 1887, entitled, "An act to amend Sub-Division 1 of Chapter 320 Chapter 26 of the Penal Code, and also Section 323 of the Penal Code."

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

The Committee on Engrossed and Enrolled Bills submitted the following report:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respectfully report that

House Bill No. 250,

A bill for an act re-appropriating certain balances heretofore appropriated for the use of the University of North Dakota,

Also,

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 therefor and to provide for the payment of principal and interest of such bonds,

Were delivered to His Excellency the Governor for his approval at the hour of 2:45 o'clock p. m., February 14, 1889.

D. M. POWELL,
Chairman.

SECOND READING OF COUNCIL BILLS.

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. 148,

A bill for an act to provide for the re-establishment and re-location of section posts and boundaries which have been lost and destroyed,

Was read the second time and
Referred to the Committee on Territorial Affairs.

Council Bill No. 82,

A bill for an act entitled "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. 7,

A bill for an act to amend Section 1100 of the Civil Code,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 124,

A bill for 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,

Was read the second time and

Referred to the Committee on Counties.

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

Referred to the Committee on Education.

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. 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.,

Was read the second time and

Referred to Committee on Judiciary.

SECOND READING OF HOUSE BILLS.

House Bill No. 257,

A bill for an act to amend Chapter 73 of the Session Laws of 1887, entitled "An act to provide for the incorporation of cities, and provide for the organization of all cities in this Territory under the General Laws."

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 258,

A bill for an act to amend Section five (5) of Subdivision two (2) of Chapter seven (7) of the General Laws of 1887, entitled "An act to provide for the construction and main-

tenance of artesian wells and the collection of taxes therefor."

Was read the second time and

Referred to the Special Committee on Artesian Wells.

House Bill No. 259,

A bill for an act to regulate the business of building and loan corporations,

Was read the second time and

Referred to the Committee on Territorial Affairs.

House Bill No. 260,

A bill for an act providing for the taxation of express companies,

Was read the second time and

Referred to the Committee on Ways and Means.

House Bill No. 261,

A bill for an act to encourage the making and keeping of a fire guard around property,

Was read the second time and

Referred to the Committee on Territorial Affairs.

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 second time and

Referred to the Committee on Charitable Institutions.

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,

Was read the second time and

Referred to the Committee on Railroads.

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 Judiciary.

House Bill No. 267,

A bill for an act to provide for the giving of notice before the execution of tax deed by county treasurers,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 268.

A bill for an act to amend Section 1, Article 19, Chapter 73, of the Session Laws of 1887,

Was read the second time and

Referred to the Committee on Judiciary.

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 second time and

Referred to the Committee on Judiciary.

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,

Was read the second time and

Referred to the Committee on Judiciary.

THIRD READING OF HOUSE BILLS.

House Bill No. 14,

A bill for an act providing how tickets shall be prepared for elections,

Was read the third time.

Mr. Aikens moved

That the further consideration of

House Bill No. 14,

A bill for an act providing how tickets shall be prepared for elections.

Be indefinitely postponed,

Which motion was lost.

Mr. White moved

To recommit House Bill No. 14 to General Orders.

Which motion prevailed.

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 put on its final passage.

The roll being called, there were ayes, 24; nays, 19.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Bixler, Clark, Elliott, Fletcher, Greene, Hunter, Lampman, Lillibridge, McHugh, McNeil, Newman, Palmer, Parkin, Powell, Smith, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White.

Those who voted in the negative were:

Messrs. Bennett, Bergman, Burnham, Cooke, Douglas, Howell, Jones, Miller, Morris, Patridge, Patton, Potter, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Mr. Speaker.

Mr. Aikens being absent and not voting.

Messrs. Baldwin, Gronna, Logan, Millory being excused.

So the bill passed and its title was agreed to.

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 third time and placed on its final passage.

The roll being called there were ayes, 26; nays, 14.

Those who voted in the affirmative were:

Messrs. Aikens, Bennett, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Jones, McNeil, Miller, Morris, Newman, Patridge, Potter, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Upham, Wellman White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Allen, Bergman, Howell, Hunter, Lampman, Lillibridge, McHugh, Palmer, Patton, Trude, Turnbull, Van Etten, Wellcome,

Absent and not voting:

Messrs. Fletcher, Greene, Parkin, Powell.

Messrs. Baldwin, Gronna, Logan, and Mallory being excused.

Mr. Adams explaining his vote.

So the bill passed and 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 placed on its final passage.

The roll being called there were ayes, 36; nays, 5.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Jones, Lampman, Lillibridge, McHugh, McNeil, Miller, Morris, Newman, Parkin, Patridge, Potter, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Fletcher, Howell, Hunter, Patton, Trude.

Absent and not voting:

Messrs. Greene, Palmer, Powell.

Messrs. Baldwin, Gronna, Logan, and Mallory being excused.

So the bill passed and its title was agreed to.

House Bill No. 218,

A bill for an act to repeal Section 401 of Chapter 35 of the Penal Code,

Was read the third time and placed on its final passage.

The roll being called there were ayes 38; nays, 1.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Bennett, Bergman, Burnham, Clark, Cooke, Elliott, Fletcher, Howell, Hunter, Jones, Lampman, Lillibridge, McHugh, McNeil, Morris, Newman, Palmer, Patridge, Patton, Potter, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Mr. Bixler voting in the negative.

Absent and not voting:

Messrs. Douglas, Greene, Miller, Parkin, Powell.

Messrs. Baldwin, Gronna, Logan and Mallory being excused.

So the bill passed and its title was agreed to.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER: •

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 127,

A bill for an act providing for a subdivision of the Seventh Judicial District of the Territory of Dakota

And find the same correctly engrossed and enrolled.

Also,

House Bill No. 221,

A bill for an act to create and establish the County of Meade and for other purposes.

Also,

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, residents thereof."

And find the same correctly engrossed.

Also,
 House Bill No. 7,
 A bill for an act to amend Sections 1 and 2 of Chapter
 10, Laws of 1887,
 And find the same correctly engrossed and enrolled.

D. M. POWELL,
 Chairman.

Mr. Speaker announced his signature to
 House Bills Nos. 7 and 127.

Mr. Speaker announced an informal recess for five minutes.

Mr. Speaker in the chair.

Mr. Hunter moved

That the House resolve itself into Committee of the
 Whole for the consideration of General Orders.

Which motion prevailed and

Mr. Speaker called Mr. Hunter to the chair.

When the Committee rose the following report was
 presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration

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,

Together with the amendments proposed by the Special
 Committee on Artesian Wells and recommend that the
 bill be amended as follows:

Insert after the word "resident" in line 1, Section 3, page
 1, the words "incorporated city or village by their boards
 of trustees or city council."

Also, in line 1, Section 5, insert after the word "person"
 the words "incorporated city or village by their board of
 trustees or city council."

Also insert the same words in line 4 of the same section.

And that when so amended the bill do pass.

Also,

House Bill No. 263,

A bill for an act to amend Section two (2) of Chapter
 one (1) of the Political Code, relating to the Legislature.

And recommend that the bill be referred to the Committee
 on Judiciary.

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,
And recommend that the bill do pass.

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 liquors,
And recommend that the bill do pass.

Also,

House Bill No. 137,

A bill for an act to provide for the purchase of books for the Territorial library and for the care and custody of the same,

And recommend that the bill do not pass.

Also,

House Bill No. 243,

A bill for an act to amend Section 47 of Chapter 27 of the Political Code relating to the eligibility of persons to hold office,

And recommend that the bill be amended by striking out in Section 1 the words "or justice of the peace" where they occur.

And that the bill as amended do pass.

Also,

House Bill No. 234.

A bill for an act to amend an act establishing Territorial Department of Agriculture, two districts,

And recommend that the bill do pass.

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,

And recommend that action be postponed until the return of the author of the bill.

Also,

House Bill No. 220,

A bill for an act to regulate compensation of township officers,

And recommend that the bill be recommitted to its author,

Also.

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 recommend that the further consideration of the bill be deferred.

Also,

Council Bill No. 56,

A bill for an act to provide for the destruction of noxious weeds.

And recommend that the bill do pass.

H. F. HUNTER,
Chairman.

Mr. Van Etten moved

To adopt the report,

Which motion prevailed and

The report of the Committee of the Whole was adopted.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER, }
February 14, 1889. }

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 265,

A Joint Resolution, a Memorial to Congress in regard to the enactment of a law permitting certain counties to issue bonds,

Which has passed the Council under suspension of the rules.

R. E. WALLACE,
Chief Clerk.

The following report was submitted by the Committee on Enrolled and Engrossed Bills:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respectfully report that

House Bill No. 127,

A bill for an act providing for a subdivision of the Seventh Judicial District of the Territory of Dakota,

Also,

House Bill No. 7,

A bill for an act to amend Sections 1 and 2 of Chapter 10, Laws of 1887,

Were delivered to His Excellency the Governor for his approval at the hour of 4:20 o'clock p. m., February 14, 1889.

D. M. POWELL,
Chairman.

Mr. Ryan moved
That the House do now adjourn.
Which motion prevailed and the House
Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

THIRTY-NINTH DAY.

BISMARCK, February 15, 1889.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Gronna and Wellcome, they being excused.

The Committee to revise and correct the Journal submitted the following report:

MR. SPEAKER:

Your Committee to revise and correct the Journal have examined that of February 14, 1889, and recommend the following correction:

On page 15, line 36, strike out figure 4 and insert in lieu

thereof figure 5, and with these corrections recommend the approval of the Journal.

R. L. BENNETT,
O. R. VAN ETTEN.

Mr. Swanston moved
To adopt the report.
Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary submitted the following report:

MR. SPEAKER:

The Committee on Judiciary respectfully report that they have had under consideration

House Bill No. 208,

A bill for an act to facilitate the collection of special assessments in cities, towns and villages,

And return the same with the recommendation that the bill pass.

Also,

House Bill No. 244,

A bill for an act fixing the fee to be paid probate judges for filing and recording marriage certificates,

And return the same with the recommendation that the bill pass.

Also,

House Bill No. 251,

A bill for an act entitled "An act to declare certain provisions for an attorney's fee void, and to provide a reasonable attorney's fee in such cases,"

And return the same with the recommendation that the bill pass.

Also,

Council Bill No. 7,

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

And return the same with recommendation that it be referred to Special Orders for next Tuesday on usury bills.

Also,

House Bill No. 272,

A bill for an act construing the phrase "successive weeks,"

And return the same with an amendment and recommend that the bill when so amended do pass.

Also,

House Bill No. 195,

A bill for an act to amend Section 13 of Sub-Chapter 112 of the General Laws of 1883,

And return the same with the recommendation that the bill do pass.

Also,

Council Bill No. 42,

A bill for an act to repeal Chapter 153 of the Laws of the Seventeenth Legislative Assembly 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."

And return the same with the recommendation that the bill be indefinitely postponed.

All of which is respectfully submitted.

M. M. PRICE,
Chairman.

Mr. Elliott moved

To adopt the report.

Which motion prevailed.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined House Bill No. 97,

A bill for an act entitled "An act empowering the Governor to appoint women notaries public,"

Also,

House Bill No. 214,

A bill for an act providing fees of 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,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

The Committee on Appropriations submitted the following report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred

Council Bill No. 163,

A bill for an act for the maintenance of the public offices of the Territory,

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

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,

And recommend that it do pass.

G. M. GREENE, Chairman.

The Committee on Charitable Institutions submitted the following report:

MR. SPEAKER:

The Committee on Charitable Institutions to whom was referred

House Bill No. 262,

A bill for an act relating to the care, custody control and maintenance of feeble minded persons and idiots,,

Report the same back and recommend that it pass.

J. W. BURNHAM,
Chairman pro tem.

The Special Committee to correct House Bill No. 256, submitted the following report:

MR. SPEAKER:

I beg leave to report that I have corrected

House Bill No. 256,

By substituting the following title:

"A Joint Resolution providing payment for the transportation of the mail to and from the capitol."

C. C. NEWMAN.

Mr. Bixler moved a reconsideration of the vote whereby House Bill No. 151,

A bill for an act providing for the publicity and distribution of Long's Legislative Hand Book.

Passed the House yesterday.

Ayes and nays demanded on the motion to reconsider.

The roll being called there were ayes 27; nays, 17.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bennett, Bixler, Burnham, Cooke,

Douglas, Fletcher, Howell, Hunter, Logan, McNeil, Morris, Newman, Palmer, Parkin, Patton, Potter, Price, Ramsdell, Royer, Ryan, Sheets, Trude, Upham, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Allen, Bergman, Clark, Elliott, Greene, Lampman, Lillibridge, Mallory, McHugh, Miller, Patridge, Powell, Smith, Swanston, Turnbull, Van Etten, Wellman.

Absent and not voting:

Messrs. Baldwin and Jones.

Messrs. Gronna and Wellcome being excused.

The motion to reconsider prevailed.

Mr. Lillibridge moved

To suspend the Rules and that Council Bill No. 238 be read the second and third times and placed on its final passage,

Which motion prevailed and

Council Bill No. 238,

A bill for a Joint Resolution providing for the payment of the mileage of certain witnesses called before the committee to investigate the Insane Asylum at Jamestown,

Was read the second and third times and placed on its final passage.

The roll being called there were ayes, 41; nays, 1.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Bennett, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Howell, Hunter, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellman, Mr. Speaker.

Mr. Bergman voting in the negative.

Absent and not voting:

Messrs. Aikens, Baldwin, Gronna, Jones, Wellcome, White.

Messrs. Gronna and Wellcome being excused.

So the bill passed and its title was agreed to.

Mr. Fletcher moved

That the vote by which certain persons were placed upon the pay rolls of the House yesterday be reconsidered.

Which motion prevailed.

Mr. Aikens moved

That the Territorial Auditor be instructed by the Chief Clerk not to issue any warrants on the presentation of

vouchers by any of the persons referred to in the motion of Mr. Fletcher,

Which motion prevailed.

Mr. Aikens moved

That a committee of three be appointed to investigate the matter by which certain persons were placed upon the pay rolls of the House yesterday.

Which motion prevailed, and

Mr. Speaker appointed Messrs. Aikens, Fletcher and Sheets as such committee.

Mr. Bixler moved

That House Bill No. 151 be referred to General Orders.

Which motion prevailed.

Mr. Burnham moved

To reconsider the vote by which House Bill No. 196 was passed yesterday.

Mr. Swanston moved

That the motion to reconsider be laid on the table.

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Royer introduced—

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,

Which was read the first time.

Mr. Miller introduced—

House Bill No. 282,

A bill for an act to amend Section 5 of Chapter 70 of the Session Laws of 1887, entitled "An act to prohibit the sale of intoxicating liquors by local option,"

Which was read the first time.

Mr. Aikens introduced—

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,

Which was read the first time.

Mr. Burnham introduced—

House Bill No. 284,

A bill for an act granting women who are tax payers the right of suffrage in the Territory of Dakota,
Which was read the first time.

Also,
House Bill No. 285,

A bill for an act to amend Chapter 157 of the General Laws of 1885 relating to weights and measures,
Which was read the first time.

Mr. Bixler introduced—
House Bill No. 286,

A bill for an act to amend Section 600 of the Code of Civil Procedure,
Which was read the first time.

Mr. Smith introduced—
House Bill No. 287,

A bill for an act to provide for compensation of certain officers of the Legislative assembly,
Which was read the first time.

Mr. McHugh introduced—
House Bill No. 288,

A bill for an act to provide for the taxation of express companies,
Which was read the first time.

THIRD READING OF COUNCIL BILLS.

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 and placed on its final passage.

The roll being called there were ayes, 40; nays, 2.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Greene, Hunter, Jones, Lampman, Logan, Mallory, McHugh, McNeil, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanson, Trude, Turnbull, Upham, Van Etten, Wellman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Allen and Lillibridge.

Absent and not voting:

Messrs. Fletcher, Howell, Morris, White.

Messrs. Gronna and Wellcome being excused.
So the bill passed and its title was agreed to.

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 placed on its final passage.

The roll being called there were ayes, 45; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Howell, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellman, Mr. Speaker.

Mr. White being absent and not voting.

Messrs. Gronna and Wellcome being excused.

So the bill passed and its title was agreed to.

Council Bill No. 56,

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

Was read the third time.

Mr. Adams moved

That the further consideration of Council Bill No. 56 be indefinitely postponed.

Which motion prevailed.

SECOND READING OF HOUSE BILLS.

House Bill No. 275,

A bill for an act to enable townships and incorporated towns to aid in the construction of railroads,

Was read the second time and

Referred to the Committee on Ways and Means.

House Bill No. 276,

A Joint Resolution,

Was read the second time and

Referred to the Committee on Military Affairs.

House Bill No. 279,

A bill for an act to amend Section 1 of Chapter 37 of the Political Code, entitled "Of Weights and Measures,"

Was read the second time and

Referred to the Committee on Territorial Affairs.

Mr. McHugh moved

That the rules be suspended and the the reading at length of House Bill No. 221 be dispensed with, that the bill be read the third time by its title and placed on its final passage,

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 placed on its final passage.

The roll being called there were ayes 42; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Howell, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patton, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellman, Mr. Speaker.

Absent and not voting:

Messrs. Gronna, Parkin, Patridge, Potter, Wellcome, White.

Messrs. Gronna and Wellcome being excused.

So the bill passed and its title was agreed to.

Mr. Lillibridge moved

That the rules be suspended and that reading at length of

House Bill No. 234,

A bill for an act to amend an act establishing Territorial Department of Agriculture

Be dispensed with and that the bill be read by its title and placed on its final passage.

Which motion prevailed.

Mr. Aikins moved

That House Bill No. 234 be referred to a special committee of three to be corrected and amended.

Which motion prevailed.

Mr. Speaker appointed Messrs. White, Aikens and Wellman as such committee.

Mr. Fletcher moved

That the amendments made by the Council to House Bill No. 13,

A bill for an act to amend Sections 14 and 47 of Chapter 27 of the Political Code of the Territory of Dakota,

Be concurred in.

Mr. Elliott moved

As a substitute motion to return House Bill No. 13 to the Council with the request that that body return the original bill.

Which motion prevailed.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER, }
February 15, 1889. }

Mr. SPEAKER:

I have the honor to transmit herewith
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,

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

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
February 15, 1889. }

MR. SPEAKER:

I have the honor to return 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 Council has amended as follows, to-wit:

Section 1 is amended by striking out of line 5 of the printed bill the word "fifteen" and inserting in lieu thereof the word "ten."

Also amended by adding Section 5, as follows:

Sec. 5. This act shall not be in force and take effect until after the first day of May, 1889.

And your concurrence therein is respectfully requested.

Also,

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,

Which the Council has amended as follows, to-wit:

Amend Section 1 by striking out in the 8th line of said section the word "ten" and insert in lieu thereof the word "thirty;" also strike out the word "ten" where it occurs in Section 2 and insert the word "thirty."

Also, 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.

Also, 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."

And your concurrence therein is respectfully requested,
And to return

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,

Which the Council has passed under suspension of the rules.

Also,

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 has passed the Council under suspension of the rules.

R. E. WALLACE,
Chief Clerk.

Mr. Speaker announced an informal recess of five minutes.

House again called to order.

The Speaker in the chair.

Mr. Speaker announced his signature to House Bill No. 265.

The Committee on Engrossed and Enrolled Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed bills have examined

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,"

Also,

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,

Also,

House Bill No. 265,

A Memorial to Congress in regard to the enactment of a law permitting certain counties to issue bonds,

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

Mr. Speaker announced his signature to House Bills Nos. 273 and 269.

Mr. Aikens, by unanimous consent, introduced the following resolution:

JOINT RESOLUTION,

Tendering a vote of thanks to the Representatives and friends of Dakota in Washington for their noble work in our behalf.

Be it Resolved by the Legislative Assembly of the Territory of Dakota:

That the earnest, heartfelt thanks of this Assembly be and they are (by a rising vote) tendered to the Representatives and all friends of Dakota at Washington who have, with commendable and patriotic tenacity, worked for our dearest interests; that as a result of such work we can catch the glimmer of a brighter day when we can breathe the pure air of free American citizens and rule ourselves through agencies accountable to us.

Mr. Van Etten moved

To adopt the resolution.

Which motion prevailed, and

The resolution was adopted.

Mr. Aikens moved

That the rules be suspended and that the resolution just passed be transmitted to the Council without engrossment,

Which motion prevailed.

Mr. Newman moved
That the House do now adjourn,
Which motion prevailed and the House
Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

FORTIETH DAY.

BISMARCK, February 16, 1889.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Fletcher, Gronna and Upham, they being excused.

The Committee to revise and correct the Journal submitted the following report:

MR. SPEAKER:

Your committee to revise and correct the Journal have examined that of February 15th, 1889, and recommend the following corrections:

On page 4, line 37, insert the following: "The vote whereby."

On same page, line 38, insert the following: "Passed the House yesterday."

Also on page 6, line 6, strike out the word, "replaced" and insert the word "placed."

Also on page 10, line 3, strike out the word "considered" and insert the words "concurred in,"

And with these corrections recommend the approval of the Journal.

R. L. BENNETT,
O. R. VAN ETTEN.

Mr. Swanston moved to adopt the report.

Which motion prevailed.

Mr. Newman moved

To suspend the rules and that the report of the Committee of the Whole of yesterday be submitted.

Which motion prevailed,

And the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration

House Bill No. 266,

A bill for an act to facilitate the collection of special assessments in cities, towns or villages,

An recommend that the bill do pass.

Also,

House Bill No. 85,

A bill for an act to establish a Territorial Normal School at Milnor, Dakota,

And recommend that the bill be amended as follows:

Amend Section 1 by adding after the word "citizens" in the 7th line the following: "Provided, however, that the said town of Milnor shall, for the period of five years beginning with the passage of this act, furnish to the said Territory, free of charge for the use of said school, a suitable building, properly furnished and situate within the said town."

Also, in line 5 of Section 4, strike out the word "they" and insert "the principal and teachers."

Also, in line 5 of Section 6, strike out the words "or auditor."

Also, after the word "certificate" in line 5 of Section 7, add the following: "which shall entitle the holders thereof to teach a common school in any county in this Territory for the branches named in said certificate and for the period of five years from date the same is issued."

Also after the word "treasurer" in line 4 of Section 9, strike out the words "until the erection and completion of the necessary buildings," also after the word "tuition" in line 7 of said Section strike out the words "after the erection of the necessary buildings."

Also, strike out the whole of Sections 10, 11 and 13.

And that the bill as amended do pass.

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,

And recommend that the bill do pass.

Also,

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,"

And recommend that the bill do pass.

Also,

House Bill No. 32,

A bill for an act making it a misdemeanor to refuse to comply with the law concerning fire breaks,

And recommend that the bill be recommitted for amendment.

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 appeal to the Supreme Court of Dakota Territory,"

And recommend that the bill do pass.

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 authorizing the appointment of shorthand reporters for the district courts of this Territory,"

And recommend that the bill do pass.

Also,

House Bill No. 237,

A bill for an act to amend Section 331 of the Code of Civil Procedure,

And recommend that the bill do pass.

Also,

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 delivery of grain thereupon,

And recommend that the bill do pass.

Also,
 House Bill No. 206,
 A bill for an act establishing the South Dakota Imbecile school at Webster, Dakota,
 And report the bill back without recommendation.

P. McHUGH,
 Chairman.

Mr. Newman moved
 To adopt the report.
 Which motion prevailed and
 The report of the Committee was adopted.

The following report was presented by the Committee on Enrolled bills:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respectfully report that

House Bill No. 265,

A Memorial to Congress in regard to the enactment of a law permitting certain counties to issue bonds,

Was duly signed by the Speaker of the House and President of the Council, and the chief clerks of each, in duplicate. One of which was placed on file in the office of the Secretary of the Territory, February 15, 1889, and one was delivered to the Speaker of the House of Representatives for transmission to Hon. O. S. Gifford, delegate to Congress, Washington, D. C.

D. M. POWELL,
 Chairman.

PETITIONS AND COMMUNICATIONS.

Mr. Hunter presented the following communication from Farmers' Alliance No. 350, of Northville, Spink county, Dakota:

Resolved, That farmers be exempt from taxation to the amount of \$500 on farm implements.

Resolved, That the Legislature of Dakota do adopt the same form of government of townships for this Territory that is now in use and practice in the States of New York and Illinois.

Resolved, That a copy of these Resolutions be sent to Hon. H. F. Hunter, with the request that he present the same to the House of Representatives.

JOSEPH ELSOM,
 Secretary.

EXECUTIVE COMMUNICATION.

The following message was received from the Governor:

EXECUTIVE OFFICE, }
February 15, 1889. }

To the Speaker of the House of Representatives:

I have the honor to inform your honorable body that I have approved

House Bill No. 127,

Entitled "An act providing for a subdivision of the Seventh Judicial District of the Territory of Dakota."

Also,

House Bill No. 7,

Entitled "An act to amend Sections 1 and 2 of Chapter 10, Laws of 1887."

Also,

House Bill No. 21,

Entitled "An act to amend Section 70 of Chapter 29 of the Political Code, relating to highways, bridges, ferries and road supervisors."

And the said bills have been filed in the office of the Secretary.

Respectfully,
LOUIS K. CHURCH,
Governor.

Mr. Aikins presented the following communication:

To the Legislative Assembly now in Session at Bismarck, Dakota:

We ask your action:

First. That Section 2456, Political Code, third line in said section be changed to read "eighty" in lieu of "one hundred and sixty acres."

Second. That Section 5128, fifth line, Civil Code, be changed so as to read "seven hundred and fifty" in lieu of "fifteen hundred dollars."

We further ask your action on the following resolutions:

Resolved, 1. That all railroads shall be assessed at their actual cash value.

2. That all real and personal property be assessed at its cash value and to the owner of the same.

Resolved, 1. That no penalty be attached to delinquent taxes.

2. That interest on tax sale certificates should not exceed 12 per cent per annum.

3. That the sale of delinquent tax be extended to December 1st.

Resolved, 1. That all taxes be collected by the township treasurer throughout the Territory where townships are organized.

Resolved, 1. That the rate of interest, both the legal and common, be 7 per cent.

2. That if more than 7 per cent. be charged it shall be usury and will thereby make both interest and principal non-collectable in any manner whatever.

P. T. GLIDDIN,

And 50 others of Lincoln county.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary submitted the following report:

MR. SPEAKER:

The Committee on Judiciary respectfully report that they have had under consideration

House Bill No. 268,

A bill for an act to amend Section 1, Article 19, Chapter 73, of the Session Laws of 1887,

And return the same with the recommendation that it be referred to General Orders,

Also,

House Bill No. 216.

A bill for an act entitled "An act to declare certain provisions contained in any note, bond on mortgage to be against public policy and void,"

And return the same with the recommendation that it be indefinitely postponed,

Also,

Council Bill No. 40,

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

And return the same with the recommendation that it be referred to the Committee on Counties,

Also,

House Bill No. 257,

A bill for an act to amend Chapter 73 of the Session Laws of 1887, entitled "An act to provide for the incorporation

of cities, and provide for the organization of all cities in this Territory under the General Laws,"

And return the same with the recommendation that the bill do pass.

Also,

Council Bill No. 135,

A bill for an act regulating criminal prosecutions in justices court,

And return the same with the recommendation that it do not pass.

Also,

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,

And return the same with the recommendation that it be referred to the Committee on Counties.

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,

And return the same with the recommendation that the bill do pass.

All of which is respectfully submitted.

M. M. PRICE,
Chairman.

Mr. Royer moved

To adopt the report of the committee.

Which motion prevailed.

The Committee on Ways and Means submitted the following report:

MR. SPEAKER:

Your Committee on Ways and Means to whom was referred

House Bill No. 247,

A bill for an act to amend Chapter 28 of the Political Code entitled "Revenue" by striking out certain sections.

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

Also,

House Bill No. 246.

A bill for an act to provide for fees in foreclosure of mortgage of real estate by advertisement,

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

Also,

House Bill No. 275,

A bill for an act to enable townships and incorporated towns to aid in the construction of railroads,

And recommend it do pass.

C. J. TRUDE,
Chairman.

The Committee on Counties submitted the following report:

MR. SPEAKER:

Your Committee on Counties to whom was referred

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,

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

A. D. CLARK
Chairman pro tem.

The Committee on Public Health submitted the following report:

MR. SPEAKER:

Your Committee on Public Health to whom was referred House Bill No. 162,

A bill for an act to amend Sections 2, 9 and 12 of Chapter 121 of General 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,"

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

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).

And recommend that the bill do pass.

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,"

Be amended as follows:

Section 1 be amended to read as follows:

That there be added to 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," the following words: "Registered Physicians, shall in like manner be exempt from the provisions of this act."

And as amended recommend that the bill pass.

D. F. ROYER,
Chairman.

REPORT OF SPECIAL COMMITTEE:

The following report was submitted by the Special Committee appointed yesterday to investigate the matter of certain persons being placed on the pay roll:

MR. SPEAKER:

Your Special Committee to whom was referred the resolution of February 14th, placing on the pay role of this House certain employes of this building,

Beg leave to report the following:

That J. F. Wallace, Superintendent of the building, be allowed four dollars per day,

That E. L. Ranson, John Wallace and William Walton be allowed each three dollars per day.

That John Donahey, Janitor of the committee rooms in the Bank Building, be allowed four dollars per day.

That Harry Call. Messenger, be allowed two dollars per day, and that these names be placed upon the pay roll during the sitting of the Legislature, and recommend that no other persons be paid for work claiming to be performed in connection with the Capitol building.

FRANK R. AIKENS,
J. H. FLETCHER,
H. H. SHEETS.

Mr. Miller moved

To adopt the report.

Which motion prevailed.

Mr. Jones moved

That the rules be suspended and that Council Bill No.

124 be read the second and third times and placed upon its final passage,

Which motion prevailed, and

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,"

Was read the second and third times.

Mr. Adams moved

That the passage of the bill be deferred till Monday next,

Which motion was lost, and

The roll being called on the final passage of the bill, there were, ayes, 34; nays, 4.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bixler, Clark, Cooke, Elliott, Greene, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, Miller, Morris, Newman, Palmer, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Swanston, Trude, Turnbull, Van Etten, Wellcome, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Douglas, Smith, Wellman.

Absent and not voting:

Messrs. Bergman, Burnham, Fletcher, Gronna, Howell, McHugh, McNeil, Parkin, Sheets, Upham.

Messrs. Fletcher, Gronna, Howell, Parkin and Upman being excused.

So the bill passed and its title was agreed to.

Mr. Mallory moved

That the rules be suspended and that

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,

Be taken from Generals Orders and be indefinitely postponed.

Which motion prevailed.

The Special Committee to whom was referred House Bill No. 228, submitted the following report:

MR. SPEAKER:

Your Committee to whom was referred

House Bill No. 228,

A bill for an act to regulate the compensation of township officers,

Have had the same under consideration and recommend the passage of the accompanying as a substitute bill.

E. H. BERGMAN,
Chairman.

The Committee on Enrolled Bills submitted the following reports:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 137,

A bill for an act to provide for the purchase of books for the Territorial library and for the care and custody of the same.

Also,

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.

Also,

House Bill No. 243,

A bill for an act to amend Section 47 of Chapter 27 of the Political Code. relating to the eligibility of persons to hold office,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respectfully report that

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 shall report,

Was placed on file in the office of the Secretary of the Territory February 15, 1889.

Respectfully,
D. M. POWELL,
Chairman.

The special committee to whom was referred House Bill No. 234, submitted the following report:

MR. SPEAKER:

Your Special Committee to which was referred
House Bill No. 234,

A bill for an act to amend an act establishing Territorial
Department of Agriculture—two districts,

For amendment, report that they have had the same
under consideration and recommend the following amend-
ments thereto:

First. That the title of said bill be amended so as to read
as follows:

“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 relat-
ing to agricultural societies and agricultural fairs, and pro-
viding for reports of same.’”

Second. That Section one (1) of said bill be amended so
as to read as follows: “Sec. 1. That Sections 1, 5, 6, 7, 9,
12, 13 and 25, of Chapter 31, of the General Laws of 1887,
entitled “An act to create a Territorial Department of Ag-
riculture and relating to agricultural societies and agricul-
tural fairs and providing for reports of same,” be and each
of said sections are hereby amended so as to read as here-
inafter designated.

Your Committee further recommend that, inasmuch as
the amendments herein suggested refer only to the form
and not to the substance of the bill under consideration
that such amendment be adopted and as amended that the
bill be placed upon its final passage.

Respectfully submitted,

FRANK R. AIKENS.

J. V. WHITE,

D. R. WELLMAN.

Mr. White moved

To adopt the report,

Which motion prevailed.

Mr. White moved

That the rules be suspended and that House Bill No. 234
be taken up, read the third time and placed on its final
passage,

Which motion prevailed, and

House Bill No. 234,

A bill for an act to amend an act establishing a Terri-
torial Department of Agriculture, two districts, etc.,

Was read the third time and placed on its final passage.

The roll being called there were ayes 41; nays, 2.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Greene, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patridge, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Trude, Turnbull, Van Etten, Welcome, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Patton and Smith.

Absent and not voting:

Messrs. Fletcher, Gronna, Howell, Parkin, Upham they being excused.

So the bill passed and its title was agreed to.

COMMUNICATION FROM TERRITORIAL AUDITOR.

The following communication was received from the Territorial Auditor:

BISMARCK, February 15, 1889.

Hon. H. H. Keith, Speaker House of Representatives:

DEAR SIR: The enclosed statement is furnished in obedience to a resolution from the House calling for information relative to the appropriations and expenditures during the past four years on account of the Militia.

Respectfully yours,

JAMES A. WARD,

Auditor.

Statement of Militia receipts and expenditures for the two years ending March 12th, 1887:

Appropriations for the two years:	
Adjutant General.....	\$ 2,000 00
Armory rent, uniforms, encampment expenses, freight, transportation, etc.,.....	28,000 00
	<hr/>
Total Appropriation.....	\$30,000 00
Warrants drawn during the two years:	
Adjutant general's salary....	\$ 1,666 60
Armory rent, uniforms, etc.,.....	42,432 16
	<hr/>
Total warrants drawn.....	\$44,098 76
Deficiency, or amount paid in excess of appropriation from March 12, 1885 to March 12, 1887.....	\$14,098 76
Statement of militia receipts and expenditures for the two years ending March 12, 1889:	

Adjutant General.....	\$ 3,000 00	
Armory rent, uniforms, encampment ex- penses—freight, transportation, etc.....	36,000 00	
		\$39,000 00
Total appropriation.....		
Warrants drawn during the two years (to date):		
Adjutant general's salary.....	\$ 2,605 61	
Armory rent, uniforms, etc.....	33,902 67	
		\$36,508 28
Total warrants drawn.....		
Balance unexpended February 15, 1889..		\$ 2,491 72

Mr. Bennett moved

That the report of the Auditor be referred to the Committee on Military Affairs.

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Aikens introduced—

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 was read the first time.

Mr. McHugh introduced—

House Bill No. 290,

A bill for an act creating and defining a subdivision of the Sixth Judicial District,

Which was read the first time.

Mr. Swanston introduced (by request)—

House Bill No. 291,

A bill for an act to compensate Jos. O. Perkins for certain horses and mules killed by order of the Territorial Veterinary Surgeon.

Which was read the first time.

Mr. Wellman introduced—

House Bill No. 292,

A bill for an act making appropriation for the maintenance of the North Dakota Hospital for the Insane and for other purposes.

Which was read the first time,

Mr. Powell introduced—

House Bill No. 293,

A bill for an act to amend Section 4, Chapter 142 of the General 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. McHugh moved
That the rules be suspended and that
House Bill No. 290,

A bill for an act creating and defining a subdivision of the Sixth Judicial District

Be read the second time and referred to the proper committee

Which motion prevailed, and
House Bill No. 290,

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

Mr. Wellman moved
To suspend the rules and that
House Bill No. 292,

A bill for an act making appropriations for the maintenance of the North Dakota Hospital for the Insane and for other purposes,

Be read the second time and referred to the proper committee,

Which motion prevailed, and
House Bill No. 292

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

Mr. Swanston moved
To suspend the rules and that
House Bill No. 291,

A bill for an act to compensate Jos. O. Perkins for certain horses and mules killed by order of the Territorial Veterinary Surgeon,

Be read the second time and referred to the proper committee.

Which motion prevailed, and
House Bill No. 291,

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

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER, }
February 16, 1889. }

Mr. SPEAKER:

I have the honor to transmit herewith
Council Bill No. 66,

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

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. 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 34 of the Political Code relating to salary of probate judges,"

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,"

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

R. E. WALLACE,

Chief Clerk.

COUNCIL CHAMBER, }
February 16, 1889. }

Mr. SPEAKER:

I have the honor to return herewith

A Joint Resolution tendering a vote of thanks to the representatives and friends of Dakota in Washington for their noble work in our behalf,

Which the Council has passed by a rising vote.

R. E. WALLACE,

Chief Clerk.

COUNCIL CHAMBER, }
February 16, 1889. }

MR. SPEAKER:

I have the honor to return 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 issue of the bonds of the Territory therefor,

Which the Council has passed without change,

R. E. WALLACE,

Chief Clerk.

SECOND READING OF HOUSE BILLS.

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 second time and

Referred to the Committee on Ways and Means.

House Bill No. 282,

A bill for an act to amend Section 5 of Chapter 70 of the Session Laws of 1887, entitled "An act to prohibit the sale of intoxicating liquors by local option,"

Was read the second time and

Referred to the Committee on Temperance.

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 second time and

Referred to the Committee on Judiciary.

House Bill No. 284,

A bill for an act granting women who are tax payers the right of suffrage in the Territory of Dakota,

Was read the second time and

Referred to the Committee on Judiciary to pass upon the legality of the act, and from thence to the Committee on Women Suffrage.

Also,

House Bill No. 285,

A bill for an act to amend Chapter 157 of the General Laws of 1885 relating to weights and measures.

Was read the second time and

Referred to the Committee on Territorial Affairs.

House Bill No. 286,

A bill for an act to amend Section 600 of the Code of Civil Procedure,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 287,

A bill for an act to provide for compensation of certain officers of the Legislative Assembly,

Was read the second time and

Referred to the Committee on Appropriations.

House Bill No. 288,

A bill for an act to provide for the taxation of express companies,

Was read the second time and

Referred to the Committee on Ways and Means.

Mr. Smith moved

That the rules be suspended and that House Bill No. 287, be read the third time and placed on its final passage,

Which motion was lost.

Mr. Wellcome moved

To suspend the rules and that

Council Bill No. 125,

A bill for an act authorize the Attorney General to appoint an Assistant Attorney General,

Be read the first, second and third times, and placed on its final passage.

Which motion was lost.

THIRD READING OF HOUSE BILLS.

House Bill No. 266,

A bill for an act to facilitate the collection of special assessments in cities, towns or villages,

Was read the third time, and placed on its final passage.

The roll being called there were ayes, 37; nays, 4.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bergman, Bixler, Cooke, Elliott, Greene, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh McNeil, Miller, Morris, Newman, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Wellcome, Wellman, White. Mr. Speaker.

Those who voted in the negative were:

Messrs. Bennett, Burnham, Clark, Douglas.

Absent and not voting:

Messrs. Palmer and Van Etten.

Messrs. Fletcher, Gronna, Howell, Parkin, and Upham, being excused.

So the bill passed and its title was agreed to.

The following report was submitted by the Committee on Enrolled and Engrossed Bills:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respectfully report that

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,"

Was delivered to His Excellency the Governor for his approval at the hour of 3:15 o'clock p. m., February 16, 1889.

Respectfully,

D. M. POWELL,
Chairman.

House Bill No. 97,

A bill for an act entitled "An act empowering the Governor to appoint women notaries public."

Was read the third time.

Mr. VanEtten moved,

That the further consideration of House Bill No. 97 be deferred till Monday next.

Which motion prevailed.

House Bill No. 214,

A bill for an act providing for fees of sheriffs and other officers for transporting persons to the Reform School for Juvenile Offenders.

Was read the third time and placed on its final passage.

The roll being called there were ayes, 41; nays, 1.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Burnham, Clark, Cooke, Douglas, Elliott, Greene, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Pattridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Van Etten, Wellcome, Wellman, Mr. Speaker.

Mr. White voting in the negative.

Absent and not voting:

Mr. Bixler.

Messrs. Fletcher, Gronna, Howell, Parkin, and Upham being excused.

So the bill passed and its title was agreed to.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER, }
February 16, 1889. }

MR. SPEAKER:

I have the honor to transmit 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, together with the message of His Excellency, the Governor, vetoing the same as follows:

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.

And to inform you that the Council has passed Council Bill No. 221, the objections of His Excellency the Governor to the contrary notwithstanding.

R. E. WALLACE,
Chief Clerk.

Mr. Swanston moved
That Council Bill No. 221 together with the veto of the Governor be referred to the appropriate committee.

Mr. Patridge moved
That Council Bill No. 221 be placed on its final passage,

the objections of the Governor to the contrary notwithstanding.

Mr. White moved

As a substitute that the further consideration of the bill be postponed and the bill referred to the proper committee.

Mr. Adams rose to a point of order which Mr. Speaker held was not well taken.

The motion of Mr. White being put prevailed and

The bill was referred to the Committee on Ways and Means.

House Bill No. 231,

A bill for an act creating and defining a subdivision of the Sixth Judicial District,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 42; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Elliott, Greene, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Van Ethen, Wellcome, Wellman, White, Mr. Speaker.

Mr. Douglas being absent and not voting.

Messrs. Fletcher, Gronna, Howell, Parkin, and Upham being excused.

So the bill passed and its title was agreed to.

Mr. Speaker announced an informal recess of five minutes.

The House being called to order

Mr. Speaker in the chair,

Mr. Lillibridge moved

That a special committee be appointed by the Speaker in pursuance to a resolution which passed the House, January 22, 1889.

Which motion prevailed.

Mr. Newman moved

That the rules be suspended and that

House Bill No. 85,

A bill for an act to establish a Territorial Normal School at Milnor, Dakota,

Be recalled from the Engrossing Committee, and the bill read the third time and placed on its final passage.

Which motion was withdrawn.

Mr. Douglas moved
 That the House resolve itself into Committee of the
 Whole for the consideration of General Orders.
 Which motion prevailed, and
 Mr. Speaker called Mr. Mallory to the chair.
 When the Committee rose and the following report was
 presented:

MR. SPEAKER:

Your Committee of the Whole have had under considera-
 tion

House Bill No. 11,

A bill for an act to locate, establish and endow a Terri-
 torial Normal School,

And recommend that the bill be amended as follows:

Amend Section 1 by striking out the words "one hun-
 dred and sixty acres within one mile from the corporate,"
 and insert in lieu thereof the words "ten acres within the"
 and strike out all of Sections 14 and 15,

And that the bill as amended do pass.

Also,

House Bill No. 151.

A bill for an act providing for the publication and dis-
 tribution of Long's Legislative Hand Book.

And recommend that the bill be amended as follows:

In the third line of Section 1 of the printed bill strike
 out the words "each regular session" and insert in lieu
 thereof the words "Eighteenth Legislative Session,"

And that the bill as amended do pass.

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,

And recommend that consideration of the bill be made
 a special order for Monday next at 3 o'clock p. m.

Also,

House Bill No. 262,

A bill for an act relating to the care, custody, control
 and maintenance of feeble minded persons and idiots,

And recommend that the bill do pass.

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,

And recommend that the bill do pass.

Also,

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,

Together with the amendments reported by the Committee on Judiciary.

And recommend that the bill as amended do pass.

H. H. MALLORY,
Chairman.

Mr. Baldwin moved

To adopt the report.

Which motion prevailed.

Mr. Speaker announced his signature to Council Bills Nos. 149, 150 and 238.

EXECUTIVE COMMUNICATION.

The following communication was received from the Governor:

EXECUTIVE OFFICE,
February 16, 1889. }

To the House of Representatives:

I herewith respectfully return

House Bill No. 250,

Entitled "An act re-appropriating certain balances heretofore appropriated for the use of the University of North Dakota,

The object of this bill is to appropriate all unexpended balances of sums heretofore appropriated for the use of the University of North Dakota by the Fifteenth, Sixteenth and Seventeenth Sessions of the Legislative Assembly.

The following circular was issued and forwarded to each member of the board of trustees of said institution in June, 1887:

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 expenditure 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.

Further, there was some correspondence between the board of directors and the Executive in reference to using a certain fund for other than the purpose for which it was appropriated. The following is a copy of a letter to the Hon. W. N. Roach, president of the board, written in August, 1888:

EXECUTIVE OFFICE,
BISMARCK, August 27, 1888. }

W. N. Roach, Esq.,

Larimore, Dakota:

DEAR SIR: Yours of August 1st at hand in reference to the matter of the voucher for \$317.75 for ground improvements and which is drawn upon the Museum fund, also your enclosure one of which is Mr. Ward's letter of July 6th declining to audit the bill against the Museum fund. I do not see how I can advise Mr. Ward to take any different action. The appropriation is made for a certain specific purpose, and I do not believe that Mr. Ward has any right to allow, or that the board of trustees has any right to draw upon the fund for any other purpose than that for which it was appropriated. I regret my inability to assist you in the matter. I return you your inclosures.

Respectfully,

L. K. CHURCH.

The amount of the appropriations for the Grand Forks University, made by the Legislature on the 11th day of March, 1887, were as follows:

Salary of Secretary and Superintendent of Grounds.....	\$ 2,000 00
Salary of President, Professors and Teachers.....	25,000 00
Fuel and Lights.....	4,000 00
Engineers, Firemen and Janitors.....	2,500 00
Incidentals.....	2,000 00
Natural Science, Chemical and Physical Apparatus.....	3,000 00
Water Supply.....	600 00
Museum.....	2,000 00
Support of Medical Department.....	1,000 00
For Library Fund.....	2,000 00

An examination of these items shows that the Legislature was very generous in providing for this institution.

An examination of the following table will show that the salaries paid to the president and professors in this institution average higher than those paid to the president and professors of the other educational institutions in the Territory.

College or University.	Position.	Salary.
Agricultural College.....	President.....	\$1,800 00
" ".....	Prof. of Mathematics.....	1,600 00
" ".....	Prof. of Elocution and History.....	1,600 00
" ".....	Prof. of Political Economy etc.....	1,200 00
North Dakota University....	President.....	3,000 00
" ".....	Prof. Natural Science.....	2,350 00
" ".....	Prof. Greek and Latin.....	2,100 00
" ".....	Prof. Mental and Moral Science....	2,000 00
" ".....	Prof. French and German.....	2,000 00
" ".....	Prof. Mathematics.....	2,000 00
Dakota University.....	President.....	2,500 00
Dakota University.....	One professor.....	1,500 00
Dakota University.....	Five professors at.....	1,200 00
School of Mines.....	Dean.....	3,500 00
School of Mines.....	Prof. of metallurgy and assaying..	1,800 00
School of Mines.....	Prof. of mathematics and languages	1,500 00
School of Mines.....	Professor of chemistry.....	1,800 00
Normal School, Spearfish ...	Principal.....	1,800 00
Normal School, Spearfish ...	Each teacher.....	1,200 00
Normal School, Madison	Principal.....	1,750 00
Normal School, Madison	One teacher.....	1,300 00
Normal School, Madison	Two teachers (each).....	1,000 00

It is evident from this table that in the case of the University of North Dakota, in adjusting the salaries of the Faculty, no attempt was made to effect any saving to the Territory.

The effect of the bill would be to appropriate the following unexpended balances:

President, Professors and Teachers Fund, Balance March 12, 1887,	\$6,127 45
Fuel and Lights.....	128 94
Engineers, Firemen and Janitors.....	118 57
Incidentals.....	11 98
Apparatus.....	9 23
Lights, Fuel and Janitors.....	6 00
Total.....	\$6,402 17

In view of the facts above alluded to, and the very generous appropriation of 1887 for the institution in question, I am unable to approve this bill.

LOUIS K. CHURCH,
Governor.

Mr. Adams moved

That further consideration of House Bill No. 250, together with the objections of the Governor, be referred to its proper committee.

Which motion prevailed.

Unanimous consent being granted,

Mr. White moved

That the vote by which Council Bill No. 56 was passed be reconsidered and the bill placed in General Orders.

Which motion prevailed.

Mr. Van Etten moved

That the House do now adjourn.

Which motion prevailed and the House

Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

FORTY-SECOND DAY.

BISMARCK, February 18, 1889.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Howell, Parkin McHugh, Sheets and Upham, they being excused.

The Committee to revise and correct the Journal submitted the following report:

MR. SPEAKER:

Your Committee to revise and correct the Journal have examined the Journal of February 16, 1889, and find so many errors therein that they recommend the re-printing of the Journal of that date.

R. L. BENNETT,
O. R. VAN ETTEN.

Mr. Trude moved
 To adopt the report.
 Which motion prevailed.

Mr. Speaker announced the following committee as the Special Committee to investigate and report as to the observance of the act of 1887, regarding the employment of old soldiers: Messrs. Price, Douglas and Lillibridge.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary submitted the following report:

MR. SPEAKER:

The Committee on Judiciary respectfully submit the following report:

The committee recommend the passage of the following bills:

House Bill No. 277,

A bill for an act to amend Section 330 of the Penal Code.

Also,

House Bill No. 263,

A bill for an act to amend Section Two (2) of Chapter One (1) of the Political Code relating to the Legislature.

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.

House Bill No. 267,

A bill for an act to provide for the giving of notice before the execution of tax deed by county treasurers.

Also,

Council Bill No. 27,

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

They also recommend that the following bills be indefinitely postponed:

House Bill No. 32,

A bill for an act making it a misdemeanor to refuse to comply with the law concerning firebreaks.

Also,

House Bill No. 286,

A bill for an act to amend Section 600 of the Code of Civil Procedure.

The committee recommend that
House Bill No. 198,

A bill for an act to repeal Section 4 of Chapter 49 of the Laws of 1879, the same being Chapter 28 of the Political Code.

Do not pass.

The committee have considered
House Bill No. 284,

And the majority of the committee are of the opinion that the provisions of the bill do not conflict with the Organic Act, and recommend that the bill be referred to the Committee on Woman Suffrage.

They also return herewith
House Bill No. 124,

A bill for an act to amend Section one (1), of Chapter one hundred and eighteen (118) of the Session Laws of 1881,

With amendments thereto attached and as amended recommend the passage of the bill.

M. M. PRICE,
Chairman.

Mr. Fletcher moved
To adopt the report.
Which motion prevailed.

The following is the minority report submitted by the Committee on Judiciary:

MR. SPEAKER:

The undersigned minority of the Committee on Judiciary to whom was referred
House Bill No. 284,

For the purpose of passing upon the constitutionality of the said bill regrets the necessity of submitting the following report:

That the said bill is in conflict with the Organic Act. That under the constitution of the United States and the said Organic Act, as determined by competent tribunals, the status of women is not that of citizens of the United States entitled to the exercise of the rights and privileges of electors.

That unfortunately no property qualifications can, without constitutional change, alter her status.

All of which is respectfully submitted.

F. H. ADAMS.

EXECUTIVE COMMUNICATION.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
February 18, 1889. }

To the House of Representatives:

I herewith respectfully 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 apply 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 legal and valid as

if the election held after the passage and approval of this act; and the board of county commissianers of any such county are hereby authorized and empowered to issuesuch 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.

The question being shall the bill pass, the objections of the Governor to the contrary notwithstanding.

Mr. Gronna moved

That House Bill No. 4, together with the message of the Governor, be referred to the proper committee.

Which motion prevailed and

House Bill No 4, together with the Governor's message, was referred to the Committee on Judiciary.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER, }
February 18, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith

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. 199,

A bill for an act to amend Section 409 of Chapter 3 of the Civil Code,

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,

Also,

Council Bill No. 211,

A bill for an act entitled "An act to prevent the inportation of armed men or associations of armed men into this Territory for the purpose of police duty,

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

And I am also instructed by the Council to ask for the return to the Council of House Bill No. 39, for correction.

R. E. WALLACE,
Chief Clerk.

Mr. Newman moved

That House Bill No. 39, A bill for an act establishing and locating a Soldier's Home at Hot Springs, Dakota,

Be recalled from the Engrossing Committee,

Which motion prevailed.

Mr. Price moved

That the request of the Council be granted and that House Bill No. 39 be returned to the Council for correction,

Which motion prevailed.

The Committee on Railroads submitted the following report:

MR. SPEAKER:

Your Committee on Railroads to whom was referred 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,

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

H. F. HUNTER,
Chairman.

The Committee on Counties submitted the following report:

MR. SPEAKER:

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,

Also,

Council Bill No. 40,

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

And recommend that it be amended 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 as so amended they recommend that the bill do pass.

A. D. CLARK,
Chairman pro tem.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills return herewith

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,

At the request of the House.

D. M. POWELL,
Chairman.

The Committee on Ways and Means submitted the following report:

MR. SPEAKER:

Your Committee on Ways and Means to whom was referred

Council Bill No. 221,

A bill for an act to provide newspapers for the members of the Eighteenth Legislature Assembly and to make an appropriation therefor,

Have had the same under consideration and recommend that said bill do pass, the objections of Governor to the contrary, notwithstanding.

C. J. TRUDE,
Chairman.

Mr. Patton moved to adopt the report.

Which motion prevailed, and

The report was adopted.

The question then being shall the bill pass, the objections of the Governor to the contrary notwithstanding and

The roll being called there were ayes, 34; nays 7.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Douglas, Elliott, Fletcher, Gronna, Hunter, Jones, Lampman, Lillibridge, Newman, Palmer, Patridge, Patton, Powell, Price, Royer, Ryan, Smith, Swanston, Smith, Trude, Turnbull, Van Etten, Wellcome, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Cooke, Logan, Mallory, McNeil, Miller, Morris, Potter.

Absent and not voting:

Messrs. Ramsdell and Wellman.

Messrs. Howell, McHugh, Parkin, Sheets and Upham being excused.

So the bill passed, the objections of the Governor to the contrary notwithstanding.

The Special Committee on Artesian Wells submitted the following report:

MR. SPEAKER:

Your Select Committee to whom was referred
House Bill No, 203,

Have had the same under consideration and beg leave to submit the following report:

We recommend that Section 13 be amended as follows:

Add thereto: "Whenever any such artesian well shall have been fully completed and final report thereof made by the Well Commissioner to the board of county commissioners, the said board shall turn over the control and management of said well and appurtenances to the board of supervisors of the township wherein said well is situated;" and that Section 29 be amended by adding thereto the following proviso: "Provided, that all proceedings heretofore had and all contracts made under the provisions of existing laws on the subject of artesian wells are hereby declared to be valid and may be continued and completed under the provisions of this act."

And when so amended the bill do pass.

J. G. JONES,
F. A. MORRIS.

Mr. Aikens moved

That the rules be suspended and that
Council Bill No. 125,

A bill for an act to authorize the Attorney General to appoint and Assistant Attorney General

Be read the first, second and third times and placed on its final passage,

Which motion prevailed and
Council Bill No. 125,

A bill for an act to authorize the Attorney General to appoint an Assistant Attorney General,

Was read the first, second and third times and placed on its final passage.

The roll being called there were ayes 41; nays, 1.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Douglas, Elliott, Fletcher, Greere, Gronna, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McNeil, Miller, Morris, Newman, Palmer, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Smith, Swanston, Trude, Turnbull, Van Etten, Wellcome, White, Mr. Speaker.

Mr. Cooke voting in the negative.

Mr. Wellman being absent.

Messrs. Howell, McHugh, Parkin, Sheets and Upham being excused.

So the bill passed and its title was agreed to.

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

Resolved, That the board of trustees of public property be and are respectfully requested to inform the House as follows:

1. The cost of the water mains used in connecting the capitol with the mains of the Bismarck Water Company.
2. The cost of the labor aside from the convict labor, if any was employed.
3. The amount paid the Water Company from August 13, 1888, to date, for water.
4. The provisions of the contract, if they have one, with the Bismarck Water Company for supplying water to the capitol.
5. The distance mains were laid to complete the connection with the Capitol; the number of convicts employed and the probable value of their labor.
6. And if the expense incurred in connecting the Capitol with the main of the Bismarck Water Company was paid out of the appropriation made under the provisions of the act entitled "An act for maintenance of the public offices of the Territory," approved March 11, 1887.

Which resolution was adopted.

Mr. Bixler moved

That the vote by which

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,

Was indefinitely postponed by the House Saturday be reconsidered.

Which motion prevailed.

Mr. Fletcher moved

That Council Bill No. 8 be referred to the Committee on Territorial Affairs

Mr. Elliott moved

As a substitute that the bill be referred to the Railroad Committee.

Mr. Elliott withdrew his substitute motion and the ques-

tion being on the original motion and being put the motion prevailed.

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

WHEREAS, It is practically a settled fact that during the year shis Territory will not only be divided, but as divided that North and South Dakota will be admitted into the Union as separate States, and

WHEREAS, Should we fail to be so divided and admitted within one year we will have administrations, both Territorial and National, friendly to our interests, and in case of emergency an extraordinary session of the Legislative Assembly can be convened with the President's approval, and

WHEREAS, Numerous bills have been introduced and are now under consideration in this Legislature providing for the location and establishment of new institutions and appropriating funds for the construction of suitable buildings therefor, and also for the maintenance of such and existing institutions for the ensuing two years, and

WHEREAS, It is the judgment of this House that, under the circumstances, it is unwise to make any appropriations for the building of any new institutions (except as already provided for), or for the proper maintenance and management of existing institutions for more than one year, and that it is equally unwise and also unjust to even locate new institutions even without appropriations, except some advantage can be derived under the provisions of the bill now pending in congress by which we expect to gain division and admission; therefore be it

Resolved, That this House hereby direct the committee or committees having under consideration any bills of the character mentioned in the foregoing preamble, to report thereon agreeably to the conclusions therein contained.

Mr. Burnham moved

That the resolution be made a Special Order for to-morrow at 3 o'clock.

Mr. Adams offered the following resolution as a substitute to Mr. Aikens' resolution:

WHEREAS, The division of Dakota Territory and the admission of North Dakota and South Dakota is now assured: and,

WHEREAS, The appropriating of public moneys to establish new public institutions, or providing for the issue of

bonds to establish and maintain such new institutions, would result in unnecessary confusion in the adjustment of the territorial debt thus incurred; and,

WHEREAS, Each Dakota should control the disposal of its own public funds. Therefore be it

Resolved, by the House of Representatives that no appropriation should be made by this, the last Territorial Legislature for the establishment and support of new institutions.

Mr. Speaker ruled the resolution out of order.

Mr. Patridge moved

To indefinitely postpone the consideration of the resolution of Mr. Aikens.

Ayes and nays demanded on the question to indefinitely postpone.

The roll being called there were ayes, 19; nays, 23.

Those who voted in the affirmative were:

Messrs. Adams, Baldwin, Bennett, Clark, Douglas, Gronna, Hunter, Lampman, Lillibridge, Mallory, McNeil, Newman, Patridge, Patton, Powell, Smith, Trude, Turnbull, Wellcome.

Those who voted in the negative were:

Messrs. Aikens, Allen, Bergman, Bixler, Burnham, Cooke, Elliott, Fletcher, Greene, Jones, Logan, Miller, Morris, Palmer, Potter, Price, Ramsdell, Royer, Ryan, Swanston, Van Etten, Wellman, White, Mr. Speaker.

Absent and not voting:

Messrs. Howell, McHugh, Parkin, Sheets, Upham, they being excused.

So the motion to indefinitely postpone was lost.

The question being on the motion of Mr. Burnham and it being put prevailed and the resolution of Mr. Aikens was made the special order for to-morrow at 3 o'clock.

Mr. Adams re-introduced his resolution and moved that his resolution be made the Special Order for the hour of 3 o'clock to-morrow,

Which motion prevailed.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER, }
February, 18, 1889. }

MR. SPEAKER:

I have the honor to return 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 issue of the bonds of the Territory therefor.

Which the Council has amended as follows, to-wit:

Add to the end of Section four (4) the words "Provided, however, that the bonds issued under the provisions of this act shall not be sold for less than their par value."

And your concurrence therein is respectfully requested.

R. E. WALLACE,
Chief Clerk.

Mr. Price moved

That the House concur in the Council amendment to House Bill No. 39,

Which motion prevailed.

COMMUNICATION FROM THE ATTORNEY GENERAL.

The following communication was received from the Attorney General:

To the Honorable Speaker and House of Representatives of the Eighteenth Legislative Assembly:

I have examined House Bill No. 38 and submit my opinion in pursuance of your request.

I think the first section of the bill is within the power of the Territorial Legislature to enact, but I respectfully suggest there is no law now in existence, that I have been able to discover, providing any fee for the issuance of marriage licenses and recording marriage certificates, unless the recording of the certificate might come within the wording of Section 1407 Compiled Laws.

The most important section of the bill is No. 4. The organic act of Congress relating to the powers of the Territorial Legislature, Section 25 Organic Law provides, "They shall not pass local or special laws in any of the following cases, to-wit: For the assessment and collection of taxes for territorial or county purposes, etc."

Section 4 of this bill provides "each petitioner for letters testamentary, administration or of guardianship, before filing the same in the probate court, shall pay or cause to be paid into the county treasury for the use and benefit of the county, etc., the following sums, according to the value of such deceased person or of such ward," enumerating the sums according to the value of the estates.

I think the fixing or levying of any sum of money upon

the valuation of any property by law, is the levying and fixing a tax upon such property. The very fact of it being a rate or duty imposed by law upon property, or valuation of property, makes it a tax. The word "tax" being defined to be "a sum imposed or levied by government or other authority; an impost; an assessment."—Worcester's Dictionary.

That it is a special tax assessed for county purpose is clearly shown by the language of the bill. The bill requiring it "to be paid into the county treasury for the use and benefit of the county." It is a special tax being levied upon and collected from particular, or on a particular class of property under peculiar circumstances. In examining this question I have been unable to find any cases passing upon the question under a constitution similar to our organic act, but there is no doubt that this section of the bill is within the prohibitory clause of our paramount law—the organic act. This clause in Section 4 is bad also for the reason that it is an unjust burden imposed upon estates, not in proportion to the labor and work attached to the probating of the particular estate, or the guardianship, but in proportion to the value alone, thus frequently compelling heirs and wards, a class of persons whom the law especially protects and guards, to pay from their property the costs of other and excessive litigation of persons foreign to them, which I think is contrary to public policy.

Very Respectfully,

T. L. SKINNER,

Attorney-General.

The hour having arrived for the consideration of

House Bill No. 275,

A bill for an act to enable townships and incorporated towns and cities to aid in the construction of railroads.

Mr. Newman moved

That House Bill No. 275 be made a special order for

Wednesday at 3 o'clock,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Allen introduced—

House Bill No. 294,

A bill for an act to be entitled "An act to repeal Chapter 100 of the Session Laws of 1887 relating to the Territorial Militia,

Which was read the first time.

Mr. Greene introduced—

House Bill No. 295,

A bill for an act appropriating \$1,200 annually for salary of Territorial Treasurer's Deputy,

Which was read the first time.

Mr. Morris introduced—

House Bill No. 296,

A bill for an act to regulate common carriers and creating the Railroad and Warehouse Commission of the Territory of Dakota and defining the duties of such commission in relation to common carriers,

Which was read the first time.

Mr. Douglas introduced—

House Bill No. 297,

A bill for an act to provide for incorporating and regulating of co-operation or assessment life endowment and casualty insurance associations and societies,

Which was read the first time.

Mr. Aikens introduced—

House Bill No. 298,

A bill for an act to amend Section 1, Chapter 20 of the General Laws of 1879, entitled "An act to amend Sections 15 and 16 of Chapter 39 and Section 83 of Chapter 28 of the Political Code,"

Which was read the first time.

Also,

House Bill No. 299,

A bill for an act relating to the repayment by counties of certain taxes paid by persons whose title to public lands has been invalidated by action of the Interior Department,

Which was read the first time.

Mr. Clark introduced—

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, in conveying one Jennie Hash from Custer county, Dakota, to the Dakota Reform school at Plankinton, Dakota,

Which was read the first time.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 66,

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

Was read the first time.

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 first time.

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,"

Was read the first time.

Council Bill No. 151,

A bill for an act prescribing certain duties of telephone companies, prohibiting discrimination between patrons, and providing penalties therefor,

Was read the first time.

Council Bill No. 211.

A bill for an act entitled "An act to prevent the importation of armed men or associations of armed men into this Territory for the purpose of police duty,"

Was read the first time.

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 first time.

Council Bill No. 199,

A bill for an act to amend Section 409 of Chapter 3 of the Civil Code,

Was read the first time.

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,

Was read the first time.

Substitute for House Bill No 22,

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 transporting of freight on railroads in the Territory," passed at the Sixteenth Legislative Assembly of Territory of Dakota and approved March 6th, 1885,

Was read the first time.

The Special Committee introduced substitute for House Bill No. 228,

A bill for an act to regulate the compensation of township officers,

Which was read the first time.

Mr. Hunter moved

That the rules be suspended and that Substitute for House Bill No. 22 be read the second time and referred to the proper Committee,

Which motion prevailed and
Substitute for House Bill No. 22,

Was read the second time and
Referred to General Orders.

SECOND READING OF COUNCIL BILLS.

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,

Was read the second time and

Referred to the Committee on Judiciary.

Mr. Douglas moved

That the rules be suspended and that House Bill No. 297 be read the second time and referred to the proper committee.

Which motion prevailed and

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 second time and

Referred to the Committee on Insurance.

THIRD READING OF HOUSE BILLS.

Mr. White moved that the further consideration
House Bill No. 137,

A bill for an act to provide for the purchase of books for the Territorial library and for the care and custody of the same,

Be indefinitely postponed,

Which motion prevailed.

Mr. Adams moved that

House Bill No. 179,

A bill for an act entitled "An act authorizing county

commissioners to purchase for the use of their respective counties an artesian well drilling outfit,"

Be made the special order of consideration for Saturday at 3 o'clock,

Which motion was lost, and

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 third time and placed on its final passage.

The roll being called there were ayes, 25; nays, 17.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Bergman, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Jones, Lampman, Lillibridge, Logan, Miller, Morris, Newman, Patton, Potter, Price, Royer, Trude, Van Etten, Wellcome, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Baldwin, Bennett, Bixler, Burnham, Gronna, Hunter, Mallory, McNeil, Palmer, Patridge, Powell, Ramsdell, Ryan, Smith, Swanston, Turnbull.

Mr. Wellman being absent.

Messrs. Howell, McHugh, Parkin, Sheets and Upham being excused.

So the bill passed and its title was agreed to.

House Bill No. 243,

A bill for an act to amend Section 47 of Chapter 27 of the Political Code relating to the eligibility of persons to hold office,

Was read the third time.

Mr. Newman moved

That the bill be recommitted.

Which motion prevailed.

House Bill No. 97,

A bill for an act authorizing the Governor to appoint women notaries public,

Was read the third time.

Mr. Jones moved

To indefinitely postpone House Bill No. 97.

Mr. Adams moved that House Bill No. 97 be referred to the Attorney General to pass upon the constitutionality of the bill.

Which motion prevailed.

Mr. Partridge moved

That the rules be suspended and that
Council Bill No. 199,

A bill for an act to amend Section 409, Chapter 3, of the
Civil Code,

Be read the second time and referred.

Which motion prevailed and

House Bill No. 199

Was read the second time and

Referred to the Committee on Judiciary.

The Committee on Enrolled and Engrossed Bills sub-
mitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have
examined

House Bill No. 9,

A bill for an act to establish, locate and build a Soldiers'
Home in the Territory of Dakota and provide funds there-
for,

And find the same correctly engrossed and enrolled.

Also,

House Bill No. 85,

A bill for an act to establish a Territorial Normal School
at Milnor, Dakota,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

Mr. Swanston moved

That House Bill No. 11,

A bill for an act to locate, establish and endow a Terri-
torial Normal School,

Also,

House Bill No. 85,

A bill for an act to establish a Territorial Normal School
at Milnor, Dakota,

Be postponed till to-morrow at 3 o'clock.

Mr. Newman moved

That the motion of Mr. Swanston be laid on the table.

Which motion was lost.

Mr. Palmer moved

As a substitute motion that House Bills No. 11 and 85 be
made the Special Order for Wednesday at 3 o'clock.

Which motion was lost.

The Committee on Enrolled and Engrossed Bills submit-
ted the following report:

Mr. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 11,

A bill for an act to locate, establish and endow a Territorial Normal School,

Also,

House Bill, No. 33,

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

And find the same correctly engrossed and enrolled.

D. M. POWELL,

Chairman.

The Speaker announced his signature to House Bills Nos. 39 and 33.

Mr. Swanston moved

That House Bills Nos. 85 and 11 be made the Special Order for to-morrow at 4 o'clock.

Which motion prevailed.

Mr. Speaker announced an informal recess of 5 minutes.

House again called to order,

Mr. Speaker presiding.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

Your Committee on Enrolled and Engrossed Bills, respectfully report, that

House Bill No. 33,

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

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 funds therefor,

Were delivered to his Excellency the Governor, for his approval at the hour of five o'clock p. m., February 18, 1889.

D. M. POWELL,

Chairman.

Mr. Bixler moved

That the House resolve itself into Committee of the Whole for the consideration of general orders.

Which motion prevailed, and

Mr. Speaker called Mr. Bixler to the chair.

When the Committee rose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration

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,

And recommend that the bill do pass.

Also,

House Bill No. 244,

A bill for an act fixing the fee to be paid probate judges for filing and recording marriage certificates,

And recommend that further action on the bill be deferred until the author of the bill returns.

Also,

House Bill No. 272,

A bill for an act construing the phrase "consecutive weeks,"

Together with the amendments reported by the Committee on Judiciary,

And recommend that the bill as amended do pass.

Also,

Council Bill No. 163,

A bill for an act for the maintenance of the public offices of the Territory,

And recommend that the bill be re-committed to the Committee on Appropriations,

Also,

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 recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 162,

A bill for an act to amend Sections 2, 9 and 12 of Chapter 121 of General 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,"

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 247,

A bill for an act to amend Chapter 28 of the Political Code entitled "Revenue" by striking therefrom certain sections,

And recommend that the bill be re-committed to the Committee on Ways and Means.

Also,

House Bill No. 257.

A bill for an act to amend Chapter 73 of the Session Laws of 1887, entitled "An act to provide for the incorporation of cities," and provide for the organization of all cities in the Territory under the General Laws,

And recommend that the bill do pass.

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,

And recommend that the bill do pass.

Also,

House Bill No. 268,

A bill for an act to amend Section 1, Article 19, of Chapter 73, of the Session Laws of 1887,

And recommend that the bill be amended as follows:

In the title and also in the first section of the bill strike out the word "session" and insert the word "general,"

And that the bill as amended do pass.

B. F. BIXLER,
Chairman.

Mr. White moved

To adopt the report.

Which motion prevailed and

The report of the Committee of the Whole was adopted.

Mr. Van Etten moved

That the House do now adjourn,

Which motion prevailed and the House

Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

FORTY-THIRD DAY.

BISMARCK, February 19, 1889.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members being present except Messrs. Howel, Mc Hugh, Parkin, Sheets and Upham, they being excused.

The Committee to revise and correct the Journal submitted the following report:

MR. SPEAKER:

Your Committee to revise and correct the Journal have examined that of February 18th, 1889,

And recommend the following corrections:

On page 17, line 6, strike out the following:

"The Committee on Railroads," and insert the words "General Orders." On page 18, line 24, strike out the word "committed," and insert the word "re-committed." On page 19, line 8, strike out the figure "6," and insert in lieu thereof the figure "9." Also, add at the bottom of same page the following: "And find the same correctly engrossed."

And with these corrections we recommend the approval of the Journal.

O. R. VAN ETTEN.
R. L. BENNETT.

Mr. Mallory moved
To adopt the report.
Which motion prevailed.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. White presented the following petition:

Mr. White requests that the attached petition be referred to the Committee on Judiciary to report specially as to whether a bill agreeable to the prayer of the petitioners would be in its nature special and prohibited by the Organic Act.

To the Legislature of the Territory of Dakota:

We, the undersigned citizens of Clay county, residing within the territory to be affected by the change, do respectfully petition your most honorable body, through our representatives from this district, the Hons. J. V. White and Frank R. Aikens of the House and E. C. Ericson of the Council, to cause to be repealed so much of an act passed by the Sixteenth General Assembly of the Territory of Dakota, entitled "An act to amend an act entitled "An act to annex certain territory to the Vermillion City school district and for other purposes," or to cause such action to be taken by the Eighteenth General Assembly as shall be necessary to restore to said Vermillion City school district the land excluded therefrom by said act, passed by said Sixteenth General Assembly.

M. M. CHURCH

And others.

Which petition was referred to the Committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary submitted the following report:

MR. SPEAKER:

The Committee on Judiciary submit the following report:

They have had under consideration the following bills and recommend their passage:

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. 289,

A bill for an act authorizing and empowering the Gov-

ernor of the Territory to remove any and all officers appointed by the Executive at pleasure, and providing for filling vacancies caused thereby.

Also,

Council Bill No. 199,

A bill for an act to amend Section 409 of Chapter 3 of the Civil Code,

They return herewith

House Bill No. 278,

With amendments thereto attached,

And when so amended recommend the passage of the bill.

M. M. PRICE,
Chairman,

The Committee on Territorial Affairs submitted the following report:

MR. SPEAKER:

Your Committee on Territorial Affairs to whom was referred

House Bill No. 285,

A bill for an act to amend Chapter 157 of the General Laws of 1885 relating to weights and measures,

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

Also,

Council Bill No. 182,

A bill for an act entitled "An act to provide for the sale of the perishable property of Dakota's exhibit at the World's Industrial and Cotton Centennial Exposition at New Orleans,

And recommend that it do pass.

Also,

House Bill No. 243,

A bill for an act to amend Section 47, of Chapter 27, of the Political Code relating to the eligibility of persons to hold office,

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

Amend the title of said act by adding after the words "Political Code" in said title, the words "of the Territory of Dakota." Amend Section 1 by inserting after the words "Political Code" in line 2 of said section the words "of the Territory of Dakota;" also by adding after the end of said Section 1 the following: Provided, That any per-

son holding more than one of said offices at the date of the approval of this act, shall be exempted from the provisions of this act until their term of office has expired,

And as so amended that it do pass.

Also,

Council Bill No. 164,

A Joint Resolution calling on the Territorial Secretary for information,

And recommend that it do pass.

Also,

House Bill No. 155,

A bill for an act to provide for the publication of the Laws passed by the Eighteenth Legislative Assembly in the form of newspaper supplements and for the circulation of the same.

And recommend that it be referred to General Orders.

JOSEPH ALLEN,
Chairman.

Mr. Patton moved

To adopt the report.

Which motion prevailed.

The Committee on Military Affairs submitted the following report:

MR. SPEAKER:

Your Committee on Military Affairs to whom was referred

House Bill No. 276,

A Joint Resolution authorizing the Adjutant General to turn over condemned muskets,

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

WILLIAM S. LOGAN,
Chairman.

The Committee on Education submitted the following report:

MR. SPEAKER:

Your Committee on Education to whom was referred

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,

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

IRA S. LAMPMAN,
Chairman.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 201,

A bill for an act providing for the appointment of regents, directors or trustees of the educational and charitable institutions of the Territory,

Also,

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 delivery of grain thereupon,

And find the same correctly engrossed.

Also,

House Bill No. 151,

A bill for an act providing for the publication and distribution of Long's Legislative Hand Book.

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. 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. 195,

A bill for an act to amend Section 13 of Sub-Chapter 1, of Chapter 112 of the General Laws of 1883,

Also,

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 methods of appeals to the Supreme Court of the Territory of Dakota."

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 appeal to the Supreme Court of Dakota Territory,"

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 authorizing the appointment of shorthand reporters for the district courts of this Territory,"

Also,

House Bill No. 237,

A bill for an act to amend Section 331 of the Code of Civil Procedure,

Also,

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 delivery of grain thereupon,

Also,

House Bill No. 206,

A bill for an act establishing the South Dakota Imbecile School at Webster, Dakota,
And find the same correctly engrossed.

D. M. POWELL,
Chairman.

The Committee on Appropriations submitted the following report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred

House Bill No. 250,

A bill for an act reappropriating certain balances heretofore appropriated for the use of the University of North Dakota,

Together with the message of the Governor vetoing the same

Have had the same under consideration and recommend

that said bill do pass. the objections of the Governor to the contrary notwithstanding.

J. M. GREENE,
Chairman.

Mr. Bennett moved
To adopt the report of the Committee on Appropriations,

Which motion prevailed, and
The question being shall
House Bill No. 250,

A bill for an act re-appropriating certain balances heretofore appropriated for the use of the University of North Dakota,

Be passed the objections of the Governor to the contrary notwithstanding, and

The roll being called there were ayes, 25; nays, 18.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bergman, Clark, Douglas, Elliott, Greene, Gronna, Lampman, Newman, Palmer, Patridge, Patton, Powell, Price, Royer, Smith, Swanston, Trude, Van Etten, Wellman, White,
Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Bixler, Burnham, Cooke, Fletcher, Hunter, Jones, Lillibridge, Logan, Mallory, McNeil, Miller, Morris, Potter, Ramsdell, Ryan, Turnbull, Wellcome.

Absent and not voting:

Messrs. Howell, McHugh, Parkin, Sheets, and Upham, being excused.

So the veto of the Governor was sustained.

Mr. Speaker announced his signature to Council Bill No. 125.

The Committee on Public Printing submitted the following report:

MR. SPEAKER:

Your Committee on Public Printing to whom was referred

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,

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

F. H. ADAMS,
Chairman.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER, }
February 18, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
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."

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 compensation,

Also,

Council Bill No. 180,

A bill for an act regulating the annual license fee relating to the sale of intoxicating liquors,

Which the Council has passed and your favorable consideration is requested.

R. E. WALLACE.
Chief Clerk.

COUNCIL CHAMBER, }
February 19, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
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. 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 the Council has passed and your favorable consideration is respectfully requested.

R. E. WALLACE.
Chief Clerk.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Gronna introduced—
House Bill No. 301.

A bill for an act to establish a Normal School for the Territory of Dakota at the city of Lakota in Nelson county and for the government, management and control of the same,

Which was read the first time.

Mr. Bergman introduced—
House Bill No. 302,

A bill for an act to establish a Normal School for the Territory of Dakota in the city of St. Thomas in Pembina county and for the government, management and control of the same,

Which was read the first time.

Mr. Ryan introduced—
House Bill No. 303,

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. Baldwin introduced—
House Bill No. 304,

A bill for an act to amend Chapter 63 of the Session Laws of 1885, Compiled Laws Section 205, relating to qualifications of persons practicing medicine,

Which was read the first time.

Mr. McNeil introduced—
House Bill No. 305,

A bill for an act to locate, establish and endow a Territorial Normal School at Casselton, Dakota,

Which was read the first time.

Mr. Aikens introduced—
House Bill No. 306,

A bill for an act to amend Subdivision 2 of Section 79 of the Code of Civil Procedure,

Which was read the first time.

Also,

House Bill No. 307,

A bill for an act to amend Sections 725, 732 and 733 of the Code of Civil Procedure,

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

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 Judiciary.

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 second time and

Referred to the Committee on Judiciary.

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,"

Was read the second time and

Referred to the Committee on Judiciary.

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 second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 211,

A bill for an act entitled "An act to prevent the importation of armed men or associations of armed men into this Territory for the purpose of police duty,"

Was read the second time and

Referred to the Committee on Territorial Affairs.

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. 32,

A bill for an act entitled "An act to amend Chapter 69 of the Session Laws of 1885, relating to insurance companies,

Was read the second time and

Referred to the Committee on Insurance.

SECOND READING OF HOUSE BILLS.

House Bill No. 294,

A bill for an act entitled "An act to repeal Chapter 100 of the Session Laws of 1887, relating to the Territorial Militia,

Was read the second time and
Referred to the Committee on Military Affairs.

House Bill No. 295,

A bill for an act appropriating \$1,200 annually for salary of Territorial Treasurer's Deputy,

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

House Bill No. 297,

A bill for an act to provide for incorporating and regulating of co-operation or assessment life endowment and casualty insurance associations and societies,

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

House Bill No. 298,

A bill for an act to amend Section 1, Chapter 20 of the General Laws of 1879, entitled "An act to amend Sections 15 and 16 of Chapter 39 and Section 83 of Chapter 28 of the Political Code,"

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

House Bill No. 299,

A bill for an act relating to the repayment by counties of certain taxes paid by persons whose title to public lands has been invalidated by action of the Interior Department,

Was read the second time and
Referred to the Committee on Territorial Affairs.

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, in conveying one Jennie Hash from Custer county, Dakota, to the Dakota Reform School at Plankinton, Dakota,

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

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
February 19, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
Council Bill No. 69,
A bill for an act to locate and establish the North Dakota Territorial Agricultural College at Valley City,
Which the Council has passed and your favorable consideration is respectfully requested.

R. E. WALLACE,
Chief Clerk.

Mr. Lampman moved
To suspend the rules and that
Council Bill No. 69,
A bill for an act to locate and establish the North Dakota Agricultural College at Valley City,
Be read the first and second times and referred to the proper committee.

Which motion was lost.
House Bill No. 274,
A bill for an act to aid in the enforcement of Statutes relating to the sale of intoxicating liquors,
Was read the second time and
Referred to the Committee on Temperance.

Mr. Speaker announced an informal recess of ten minutes.

The House again called to order,
Mr. Speaker presiding.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

Your Committee on Enrolled and Engrossed Bills have examined

House Bill No. 272,
A bill for an act construing the phrase "successive weeks,"

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

THIRD READING OF HOUSE BILLS.

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,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 33; nays, 9.

Those who voted in the affirmative were:

Messrs, Adams, Aikens, Allen, Baldwin, Bennett, Bixler, Douglas, Elliott, Fletcher, Greene, Gronna, Lampman, Lillibridge, Logan, Mallory, McNeil, Miller, Newman, Palmer, Patridge, Potter, Powell, Price, Royer, Ryan, Smith, Swanston, Turnbull, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Bergman, Burnham, Clark, Cooke, Hunter, Jones, Patton, Ramsdell, Trude,

Absent and not voting:

Messrs. Howell, McHugh, Morris, Parkin, Sheets, Upham.

Messrs Howell, McHugh, Parkin, Sheets and Upham being excused.

So the bill passed and its title was agreed to.

EXECUTIVE COMMUNICATION.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
February 19, 1889. }

To the House of Representatives:

I have the honor to inform your honorable body that I have approved

House Bill No. 33,

Entitled "An act to amend Article 7 of Chapter 12 of the Code of Civil Procedure."

And the said bill has been filed in the office of the Secretary.

Respectfully,

LOUIS K. CHURCH,
Governor.

The time having arrived for consideration of the Resolutions introduced yesterday by Mr Aikens and Mr. Adams,

Mr. Aikens moved

That the House do now resolve itself into Committee of the Whole for the purpose of considering the Resolutions made the special order for this hour.

Mr. Palmer moved

As a substitute that the further consideration of the resolution be deferred until Saturday.

Which motion was lost, and
The original motion being put it prevailed, and
Mr. Speaker called Mr. Cook to the Chair.

When the Committee rose the following report was presented:

Mr. SPEAKER:

Your Committee of the Whole have had under consideration the Resolution offered by Mr. Aikens yesterday and which was made the Special Order for 3 o'clock to-day and recommend that the adoption of the Resolution of Mr. Aikens be indefinitely postponed.

J. B. COOKE,
Chairman.

Mr. Newman moved

That the report of the Committee be adopted.

Ayes and nays demanded.

The roll being called there were ayes, 20; nays, 21.

Those who voted in the affirmative were:

Messrs. Baldwin, Bixler, Clark, Cooke, Douglas, Fletcher, Hunter, Lampman, Lillibridge, McNeil, Newman, Palmer, Patridge, Patton, Ramsdell, Trude, Turnbull, Van Etten, Wellcome, Wellman.

Those who voted in the negative were:

Messrs. Adams, Aikens, Allen, Bergman, Burnham, Elliott, Greene, Gronna, Jones, Logan, Miller, Morris, Potter, Powell, Price, Royer, Ryan, Smith, Swanston, White, Mr. Speaker.

Absent and not voting:

Messrs. Bennett and Mallory.

Messrs. Howell, McHugh, Parkin, Sheets and Upham being excused.

So the motion to adopt the report was lost.

Mr. Speaker announced his signature to Council Bill No. 124.

Mr. Adams moved

That the House do now resolve itself into Committee of the Whole to again consider the resolutions offered yesterday by Messrs. Aikens and Adams.

Which motion was lost.

Mr. Jones moved

To adopt the resolution of Mr. Aikens.

Mr. Newman moved

That the resolution be indefinitely postponed.

Mr. Aikens moved
That the House take an informal recess of fifteen minutes,
Which motion prevailed.
House again called to order, Mr. Speaker in the chair.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
February 19, 1889. }

MR. SPEAKER:

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,

Together with the following message from the governor vetoing the same,

And to inform you that the Council has passed Council Bill No. 197 the objections of the His Excellency, the Governor, to the contrary notwithstanding.

R. E. WALLACE,
Chief Clerk.

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 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.....	<u>\$7,444 07</u>

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 trustees 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 expenditure 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.

Mr. Hunter moved

To amend Mr. Aiken's resolution by adding the following: "That no new additions be added to the now existing Institutions."

Which motion prevailed.

Mr. Adams raised the point of order that the House had passed the order of motions and resolutions,

Which point of order Mr. Speaker overruled, and

Mr. Adams appealed from the decision of the Chair, and

The question being, shall the chair be sustained, and being put,

The motion prevailed and the Chair was sustained.

Mr. Palmer moved to amend Mr. Aiken's resolution as follows:

Amend by striking out the second Section of the preamble and so much of the resolution as refers to the proper maintenance and management of existing institutions for more than one year,

Which motion prevailed.

The question being shall the Resolution as amended be adopted,

Ayes and nays demanded.

The roll being called there were ayes, 23; nays, 20.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Bergman, Burnham, Cooke, Elliott, Greene, Hunter, Jones, Logan, Mallory, Miller, Morris, Potter, Powell, Price, Ramsdell, Royer, Ryan, Smith, Swanston, Turnbull, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Baldwin, Bennett, Bixler, Clark, Douglas, Fletcher, Gronna, Lampman, Lillibridge, McNeil, Newman, Palmer, Patridge, Patton, Trude, Van Etten, Wellcome, Wellman, White.

Messrs. Howell, McHugh, Parkin, Sheets, and Upham being excused.

And so the resolution as amended was adopted.

Mr. Swanston moved

That the vote by which the resolution just carried be reconsidered and that the motion be laid on the table.

Which motion prevailed and

The motion to reconsider was laid on the table.

Mr. Smith moved

That House Bill No. 11,

A bill for an act to locate, establish and endow a Territorial normal school,

Also,

House Bill No. 85,

A bill for an act to establish a Territorial Normal school at Milnor Dakota,

Be indefinitely postponed.

Mr. Adams moved

To lay the motion to postpone on the table,

Which motion was lost and

The original question being put prevailed and

House Bills Nos. 11 and 85 were indefinitely postponed.

Mr. Elliott moved

That further action on the Usury bills be deferred until Thursday at 3 o'clock, and that they be referred to a committee consisting of Messrs. Powell, Patridge and Fletcher.

Mr. White moved

As a substitute motion that the House do now resolve itself into Committee of the Whole for the purpose of considering Special Order

Which motion was lost.

The question being on the motion of Mr. Elliott and being put it prevailed, and

All Usury Bills which were made the Special Order for to-day were deferred until 3 o'clock Thursday next, and Messrs. Powell, Patridge and Fletcher chosen a committee to consider and report upon the same.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER, }
February 19, 1889. }

MR. SPEAKER:

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 Council has passed and your favorable consideration is respectfully requested.

R. E. WALLACE,
Chief Clerk.

- Mr. Fletcher moved
That the House do now resolve itself into Committee of the Whole for the purpose of considering General Orders,
Which motion prevailed and
Mr. Speaker called Mr. Logan to the chair.
When the Committee rose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration

House Bill No. 256,

A Joint Resolution providing payment for the transportation of the mail to and from the capitol.

And recommend that the bill do pass.

Also,

House Bill No. 14,

A bill for an act providing how tickets shall be prepared for elections,

And recommend that the further consideration of the bill be 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,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

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,

And recommend that the further consideration of the bill be indefinitely postponed.

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,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

Council Bill No. 12,

A bill for an act providing for township organization,

And recommend that further consideration of the bill be indefinitely postponed.

Also,

Council Bill No. 169,

A bill for an act amending Section three (3), Chapter fifty (50) of the Political Code,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

Council Bill No. 94,

A bill for an act to amend Section 4, of Chapter 121, of the Laws of 1887, (Section 220 of Compiled Laws,)

And recommend that the bill do pass,

Also,

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,"

And recommend that the bill do pass.

Also,

Council Bill No. 135,

A bill for an act regulating criminal prosecutions in justices courts.

And recommend that the bill be recommitted to the Judiciary Committee.

Also,

House Bill No. 246,

A bill for an act to provide for fees in foreclosure of mortgages of real estate by advertisement,

And recommend that further action be deferred on account of the absence of the author.

Also,

Council Bill No. 73,

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

And recommend that 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.

Together with the amendments reported by the Committee on Counties.

And recommend that the bill as amended do pass.

W. S. LOGAN,
Chairman.

Mr. Burnham moved

To adopt the report of the Committee of the Whole,
Which motion prevailed.

Mr. Smith moved

That the House do now adjourn.

Which motion prevailed and the House
Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

FORTY-FOURTH DAY.

BISMARCK, February 20, 1889.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members being present except Messrs. Clark, Howell, McHugh and Parkin being excused.

The Committee to revise and correct the Journal submitted the following report:

MR. SPEAKER:

Your Committee to revise and correct the Journal have examined the Journal of February 19, 1889, and recommend the following correction on Page 7, line 5, strike out "Mr. Burnham" and insert in lieu thereof "Mr. Bennett," and when so amended recommend the approval of the Journal.

R. L. BENNETT,
O. R. VAN ETTEN.

Mr. Miller, moved
To adopt the report.
Which motion prevailed.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Sheets presented the following petition:
YANKTON, Dak., Feb. 13, 1889.

To the Legislative Assembly of the Territory of Dakota:
Your petitions representing Yankton college, located at

the city of Yankton in the Territory of Dakota, respectfully urge the passage by your honorable body of the bill now pending for your consideration, the object of which is to prohibit the selling of intoxicating liquors within three miles of any College, Normal school or University in this Territory.

Faculty.

JOSEPH WARD,
President.
A. F. BARTLETT,
Prin. Nor. and Prep. Dept.
JOHN SHAW,
Prof. of Latin.
EDWARD M. YOUNG,
Prof. of Music.
W. J. McMURTRY,
Prof. of Greek.
H. H. SWAIN,
Prof. of History.
MRS. E. M. YOUNG,
Instructor of Music.
MRS. F. D. WILDER,
Preceptress.
LOUIS HANNEOUR,
Pro. of French.
FRANK L. STEAD,
Prof. of Music.
MRS. A. L. CAMFIELD,
Matron.

Resident Trustees.

WM. H. H. BEADLE,
Vice President.
EPHRAIM MINER,
Secretary.
H. H. SMITH.
D. B. NICHOLS.
J. M. FOGARTY.
J. C. McVAY.

Mr. Jones presented the following petition from the counties of Charles Mix and others:

To the Eighteenth General Assembly of the Legislature of Dakota:

We, the undersigned residents and voters of the Commonwealth of Dakota, recognizing the needs of the struggling agricultural societies of our Territory, and in view of promoting agriculture through the same, hereby petition your honorable body:

That at the meeting and assembly of the Eighteenth General Assembly of the Legislature of the Territory, there be a law passed granting unto the several agricultural county fairs and associations, the following appropriations:

1. That all county agricultural associations, paying

cash premiums amounting to two hundred dollars, exclusive of all premiums paid for speed, shall receive from the Territorial Treasurer the sum of two hundred dollars in cash.

2. That all county agricultural associations, paying cash premiums to any amount not less than two hundred dollars, shall receive from the Territorial Treasurer an amount equaling the amount of premiums so paid and not greater than the sum of five hundred dollars, and premiums so paid shall be exclusive of all premiums and purses paid for the trial of speed.

3. That only one agricultural association in each county shall be entitled to receive the appropriation specified in the act.

4. That there be appropriated from the general fund of the Territorial Treasury the sum of five thousand dollars annually for each Territorial District fair to be held as provided by law.

5. That there be appropriated annually from the general fund a sufficient amount to defray the expense of Farmers' Institutes, said institutes to be conducted under the direction of the district boards of agriculture.

D. WHITTRIDGE,
And 800 others.

Mr. Miller presented the following petition:

To the Legislative Assembly of the Territory of Dakota:

We, the undersigned residents and citizens of Lake county, Dakota, beg leave to and do hereby petition and ask that Chapter 58 of the Session laws of 1887, relating to the protection of game in Dakota Territory, be so amended that it shall be lawful to shoot prairie chickens on and after the 15th day of August in each year, instead of the 1st day of September as it now is, and that wild ducks and wild geese, which are migratory birds, be excluded from said game law.

And we hereby authorize and request our representative, Hon. C. J. Miller, to do all in his power to procure such amendment.

Very respectfully submitted,
W. M. McGRATH,
And 150 others.

Dated at Madison, Dakota, February 11, 1889.

Which was referred to the Special Committee on Game.

COMMUNICATION FROM THE TERRITORIAL AUDITOR.

The following communication was received from the Territorial Auditor :

Hon. H. H. Keith, Speaker, House of Representatives:

DEAR SIR: Herewith please find copy of a resolution of the House calling for information relative to water supply for the Capitol building. Also answer thereto with copies of vouchers showing expenditures referred to in said resolution and answer.

Respectfully,
JAMES A. WARD,
Auditor.

RESOLUTION.

Resolved, That the board of trustees of public property be and are respectfully requested to inform the House as follows:

1st. The cost of the water mains used in connecting the Capitol with the mains of the Bismarck Water Company.

2nd. The cost of the labor aside from the convict labor, if any was employed.

3rd. The amount paid the Water Company from August 13th, 1888 to date, for water.

4th. The provisions of the contract, if they have one, with the Bismarck Water Company for supplying water to the Capitol.

5th. The distance mains were laid to complete the connection with the Capitol, the number of convicts employed and the probable value of their labor.

6th. And if the expenses incurred in connecting the Capitol with the main of the Bismarck Water Company was paid out of the appropriation made under the provisions of the act entitled "An act for the maintenance of the public offices of the Territory, approved March 11, 1887,"

Which resolution was adopted.

ANSWERS.

First. The total cost of connecting the Capitol building with the city mains was \$1,945.30.

Second. Total cost of labor, \$473.00.

Third. Total amount paid for water since December, 1887, \$23.65; ice, \$36.78.

Fourth. Contract price for water is 35 cents for each 1,000 gallons.

Fifth. Distance mains were laid is 2,350 feet. We have no record of number of convicts employed or the value of their labor.

Sixth. The above expenditure was incurred by Secretary McCormack under authority of law, and was not paid from the special appropriation for maintenance of public offices of the Territory.

BISMARCK, DAK., January 30, 1888.

		Dr.
Territory of Dakota to O. H. Beal & Co.		
1887.		
Nov. 16.	1 1 $\frac{1}{2}$ Gas Cock	\$2 60
	1 $\frac{3}{4}$ Gas Cock	95
	2 Connecting Rods	1 75
	2 1 $\frac{1}{2}$ Ties	90
	2 1 $\frac{1}{2}$ Nipples	30
	3 $\frac{3}{4}$ Nipples	25
	2 1 $\frac{1}{2}$ Elbows	70
	90 feet 1 $\frac{1}{2}$ Gas Pipe	18 00
	Dray	50
	10 Pounds 20 Penny Nails	50
Dec. 12.	79 feet 1 $\frac{1}{2}$ Gas Pipe	9 87
	3 1 $\frac{1}{2}$ Elbows	85
	1 1 $\frac{1}{4}$ Globe Valve	2 25
	1 1 $\frac{1}{4}$ Globe Valve	1 75
Total		\$41 47
Approved February 29, 1888.		

M. L. McCORMACK,
Secretary.

Paid by warrant No. 14,747, March 20, 1888.

BISMARCK, DAK., March 1, 1888.

Territory of Dakota to Bismarck Water Company. Dr.

1888.		
March 1.	To 1 1 $\frac{1}{2}$ -inch. water meter	\$ 57 00
Approved March 5, 1888, on account of water supply.		
		M. L. McCORMACK, Secretary.

Paid by warrant No. 14,752, March 22, 1888.

BISMARCK, Dak., May 1, 1888.

Capitol Building to James People & Co., Dr.

April,	To 3,570 pounds ice	\$ 14 28
		Received payment, JAMES PEOPLES.

Approved May 2, 1888.

M. L. McCORMACK,
Secretary.

Paid by warrant No. 15,387 May 2, 1888.

BISMARCK, Dak., April 1, 1888.

Territory of Dakota to Bismarck Water Company,		Dr.
To water for December 1887.....	\$	4 00
To water for July 1888.....		8 00
To water for February, 1888.....		8 00
To water for March, 1888.....		3 65
		<hr/>
	\$	23 65

Paid,

BISMARCK WATER COMPANY,
By E. H. Bly.

Approved May 2, 1888,

M. L. McCORMACK,
Secretary.

Paid by warrant No. 15,114.

BISMARCK, DAK., Nov. 27, 1887.

The Territory of Dakota to Bismarck Water Company. Dr.

To pipe material, etc., for conducting water
for the use of the Capitol Building at Bis-
marck.

1887.			
Sept. 22.	To 196 pcs. 4-inch pipe, 52,512 pounds at \$37 per 2,000 pounds.....	\$	971 47
	To Freight from Duluth to Bismarck on 52,512 at 30 cents per 1,000 pounds.....		157 53
	To 1 4-inch T connection.....	1.05	
	To 1 6-inch T connection.....	73	
	To 1 4-inch plug.....	9	
	To 1 4-inch tarred 9.....	1.96 at 3½	6 86
	To 2 hydrants.....		70 00
	To Freight on same.....		18 36
	To 14 pigs of lead.....		73 10
	To Freight on same.....		10 99
	To 1 6x6-inch T connection.....	235 at 3½	8 23
	To Freight on same.....		7 05
	To 3 days cartage.....		10 50
	To Engineer's services.....		15 00
	To Freight on 196 pounds specials at 30 cts.		58
			<hr/>
		\$	1,349 67

Approved this 12th day of July, 1888, on account of water sup-
ply for Capitol.M. L. McCORMACK,
Secretary.

Paid by warrant No. 16,527, July 16, 1888.

Before paying this bill Auditor Ward requested an opinion in writing from the Attorney General as to the authority of Secretary McCormack to incur the indebtedness under the law authorizing water supply for the Capitol. A copy of the opinion as given is herewith presented attached.

OFFICE OF ATTORNEY GENERAL, {
FARGO, July 14, 1888. }

Hon. James A. Ward,

Territorial Auditor.

SIR: I have examined bill of Bismarck Water Company against the Territory of Dakota and in my opinion same is a proper charge against the Territory. Under the law the Secretary of the Territory is authorized to contract for the supply of water for the use of the Capitol building. The bill is approved by the Secretary and I think should be paid.

Yours truly,

[Signed.]

CHARLES F. TEMPLETON.

GRAND FORKS, Dak., July 14, 1888.

1889	Territory of Dakota to Mooney & Danaher,	Dr.
Nov. 1st.	To laying of water pipe, hydrants, etc., to Capital building at Bismarck, Dakota.....	
	To laying 2,350 feet of 14 inch cast iron pipe at 20 cents.....	\$ 470 00
	To laying two hydrants at \$5	10 00
	To one and one-half days labor taking out rock, at \$2	3 00
		<u>\$ 483 00</u>

Approved Aug. 1, 1888, acct. water supply.

M. L. McCORMACK,
Secretary.

Assigned to John C. Hollembaek and

\$407.00 paid by warrant No. 16,692 August 2, 1888.

\$75.90 paid by warrant No. 16,693 August 2, 1888.

BISMARCK, DAK., December 1, 1887.

Territory of Dakota to John P. Hoagland. Dr.

1889.				
Nov. 23.	To 6 pieces 2x4x12.....	\$1	20	
	14 pieces 2x12x12.....	2	16	
	1 piece 2x8x7.....		9	
	1 piece 2x12x14.....		28	
	1 piece 2x8x12.....		16	
	1 piece 2x10x7.....		12	
	2 pieces 2x4x16.....	21		\$ 9 70
	For water works.			
	*7 pounds 20 penny nails.....			35
	15 hours carpenter work.....			4 50
				<hr/>
Total.....				\$14 55

Account of water for use of Capitol.

Approved August 13, 1888.

M. L. McCORMACK,
Secretary.

Paid by warrant No. 16,841, August 13, 1888.

BISMARCK, Dak., February 4, 1889.

Territory of Dakota to Northwestern Grain and Fuel Co., Dr.

1888				
Feb. 5,	To water for Capitol as follows:			
July 6,	To ice ticket	\$	6 00	
July 30,	To ice ticket.....		6 00	
Aug. 30,	To ice ticket.....		6 00	
Oct. 27,	To 500 pounds ice		1 50	
1889				
Jan. 16,	To load ice.....		3	
				<hr/>
		\$	22 50	

Approved February 4, 1889.

M. L. McCORMACK,
Secretary.

Paid by warrant No. 18,743 February 4, 1889.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary submitted the following report:

MR. SPEAKER:

The Committee on Judiciary respectfully report that they have had under consideration

House Bill No. 298,

A bill for an act to amend Section 1, Chapter 20 of the General Laws of 1879, entitled "An act to amend Sections 15 and 16 of Chapter 39 and Section 83 of Chapter 28 of the Political Code,"

And return the same with the recommendation that the bill pass.

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,"

And return the same with the recommendation that the bill pass.

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,

And return the same with the recommendation that the bill pass.

Also,

Council Bill No. 66,

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

And return the same with the recommendation that the bill pass.

Also,

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 return the same with the recommendation that the bill do pass, the objections of the Governor to the contrary notwithstanding.

The Committee have also considered the petition presented by Hon. J. V. White and are of the opinion that the bill asked for in said petition would be special legislation within the meaning of the organic act and if passed would be illegal and void.

All of which is respectfully submitted.

M. M. PRICE,
Chairman,

Mr. Gronna moved
 To adopt the report of the Committee on Judiciary.
 Which motion prevailed,
 The question being shall
 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, etc.,

Be passed, the objections of the Governor to the contrary notwithstanding, and

The roll being called there were ayes 36; nays, 6.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Baldwin, Bennett, Bergman, Bixler, Burnham, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Hunter, Jones, Lampman, Morris, Newman, Palmer, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Allen, Lillibridge, Mallory, McNeil, Miller, Turnbull.

Mr. Logan being absent.

Messrs. Clark, Howell, McHugh and Parkin being excused.

So the bill passed, the objections of the Governor to the contrary notwithstanding.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

Your Committee on Enrolled and Engrossed Bills have examined,

House Bill No. 251,

A bill for an act entitled "An act to declare certain provisions for an attorney's fee void, and to provide a reasonable attorney's fee in such cases,"

Also,

House Bill No. 257,

A bill for an act to amend Chapter 73 of the Session Laws of 1887, entitled "An act to provide for the incorporation of cities," and provide for the organization of all cities in the Territory under the General Laws,

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,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

The Committee on Appropriations submitted the following report:

MR. SPEAKER:

Your Committee on Appropriations 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 official duty performed while sheriff of Custer county, Dakota, in conveying one Jennie Hash from Custer county, Dakota, to the Dakota Reform School at Plankinton, Dakota.

Have had the same under consideration and recommend that said bill do pass,

Also,

House Bill No. 291,

A bill for an act to compensate Jos. O. Perkins for certain horses and mules killed by order of the Territorial Veterinary Surgeon.

And recommend that said bill do not pass.

Also,

House Bill No. 287,

A bill for an act to provide for compensation of certain officers of the Legislative Assembly,

Have had the same under consideration and recommend that said bill be indefinitely postponed, and refer to Section 18 of the Organic Act of the Territory of Dakota, which provides that the office referred to in this bill is created by the United States and compensation fixed, and your committee doubts the power of the Legislature to change said compensation.

J. M. GREENE,
Chairman.

Mr. White moved

To adopt the report of the committee.

Mr. Adams moved

To amend the motion of Mr. White by striking out that

portion of the report referring to the pay of the Chaplain.
Which amendment was lost.

The original motion being put prevailed and the report was adopted.

The Committee on Ways and Means submitted the following report:

MR. SPEAKER:

Your Committee on Ways and Means to whom was referred

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,

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

Also,

House Bill No. 288,

A bill for an act to provide for the taxation of express companies,

And recommend that the bill do pass.

Also,

House Bill No. 59,

A bill for an act to amend Sections 61, 62 and 65 of Chapter 28 of the Political Code, relating to the time of tax sales,

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

Also,

House Bill No. 247,

A bill for an act to amend Chapter 28 of the Political Code entitled "Revenue," by striking therefrom certain sections.

Recommend said bill do pass.

CHAS. J. TRUDE,
Chairman.

COMMUNICATION FROM THE ATTORNEY-GENERAL.

The following communication was received from the Attorney-General:

BISMARCK, Feb. 19, 1889.

To the Honorable Speaker of the House of Representatives, Eighteenth Session:

Your Bill No. 97, referred to me I have examined. I find the Organic Act authorizing the Governor of the Ter-

ritory to fill Territorial offices by the appointment of a citizen of the same. The law of Dakota makes the office of notary public a Territorial office, viz: Section 1, Chapter 17, Political Code. A female is not a citizen under the laws of Congress for the purpose of holding office or exercising suffrage. See opinion of Judge Nash of the Supreme Court of Washington Territory and cases therein cited. The case is reported in the Pacific Reporter, the only copy of which at hand has been mislaid; also, the case of Bloomer vs. Todd et al, 19 Pacific Reporter 135. In another sense the Organic Act provides that the Governor may appoint a citizen. If a female is a citizen, and can hold such office, it is unnecessary legislation to pass a law authorizing the Governor to appoint females as Notary Publics. If they are not citizens, any law passed by the Legislature pretending to confer upon the Governor, power to appoint females to these offices is without avail. I am of the opinion that this law is contrary to the Organic Act, and is useless and idle legislation. In any view it may be looked at on account of its peculiar nature and the persons who it is directed to, and I regret very much that the law is not different so that I might support the measure with my opinion, but I cannot permit sentiment nor my own views to bias my judgment, however partially I might desire to construe the law.

Very respectfully yours,

T. L. SKINNER.

The Committee on Insurance submitted the following report:

MR. SPEAKER:

Your Committee on Insurance to whom was referred 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,

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

Amend Section 4 by inserting after the word "amend" in line 8 of said Section 4 the words; "Provided that when so amended the Auditor shall be notified within 30 days of said amendment,

Also amend Section 10 by inserting after the words "Countries" in lines 3 and 4 of said section the following: "Except such secret fraternal societies having subordinate lodges or councils as are now authorized to transact busi-

ness within this territory with the consent of such auditor."

Also amend Section 10 by inserting after the word "business" in line 7 of said section the words "in this Territory;" also, strike out the word "therein" wherever it appears in said line 7 of said section.

Also in line 17 of said Section 10 after the word "society" insert the words as follows: "Excepting such secret fraternal societies having subordinate lodges or councils as are now authorized as aforesaid."

Also in line 51 of said Section 10 after the word "society" insert the following: "Except such fraternal secret societies having subordinate lodges or councils now authorized as aforesaid,"

And as so amended they recommend that the bill do pass.

T. A. DOUGLAS,
Chairman.

Which report was referred to General Orders.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
February, 20, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
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 the said Territory and for the government, management and control the same,

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

R. E. WALLACE,
Chief Clerk.

Mr. Swanston moved

To reconsider the vote by which that part of the report of the Committee of the Whole indefinitely postponing further consideration of House Bill No. 31 be adopted,
Which motion prevailed.

Mr. Fletcher moved

That House Bill No. 48 be called from the committee and placed in General Orders.

Which motion prevailed.

Mr. Jones moved

That the vote taken yesterday adopting that part of the report of the Committee of the Whole by which Council Bill No. 12, a bill for an act providing for township organization was indefinitely postponed be reconsidered.

Which motion prevailed.

Mr. Fletcher moved

That the House take a recess from Thursday evening the 21st till Monday February 25, 1889.

Mr. Mallory moved

To lay the resolution on the table.

Which motion prevailed.

Mr. Wellcome moved

That the communication from the auditor be referred to the Committee on Appropriations.

Which motion prevailed.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER,
February 20, 1889. }

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 65,

A Joint Resolution providing for the appointment of certain committees,

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. 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 Council has indefinitely postponed.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER,
February 20, 1889. }

MR. SPEAKER:

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

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

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,

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. 68,

A bill for an act creating and defining a subdivision of the First (1st) Judicial District.

Which the the Council has passed without change.

R. E. WALLACE,

Chief Clerk.

COUNCIL CHAMBER, }
February 20, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith

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,"

Also,

Council Bill No. 184,

A bill for an act relating to the Compiled Laws,

Also,

Council Bill No. 212,

A bill for an act entitled "An act giving police powers to conductors of railway trains carrying passengers,"

Also,

Council Bill No. 231,

A bill for an act to legalize certain acknowledgments taken by one Frank E. Newton, a notary public,

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.

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

R. E. WALLACE,
Chief Clerk.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Upham introduced—

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 provide penalties for the violation thereof,

Which was read the first time.

Mr. Allen introduced (by request)—

House Bill No. 309,

A bill for a Joint Resolution to provide for the payment to Arthur Linn of a certain sum of money due him as public printer for the Territory of Dakota,

Which was read the first time.

Mr. Aikens introduced—

House Bill No. 310,

A bill for an act to amend Sub-division 4 of Section 752 of the Penal Code of the Territory of Dakota,

Which was read the first time.

Mr. Swanston introduced—

House Bill No. 311,

A bill for an act to amend Section 326 of the Code of Criminal Procedure,

Which was read the first time.

Also,

House Bill No. 312,

A bill for an act to amend Section 64 of the Justices Code,

Which was read the first time.

Also,

House Bill, No. 313,

A bill for an act to amend Section 86 of the Justices Code,

Which was read the first time.

Also,

House Bill No. 314,

A bill for an act to repeal an act entitled "An act regu-

lating the salaries of register of deeds and county treasurers,

Which was read the first time.

Also,

House Bill No. 315,

A bill for an act to amend Section 3, Chapter 31 of the Justices' Code, Session Laws of 1879,

Which was read the first time.

Mr. Newman introduced (by request)—

House Bill No. 316,

A bill for an act entitled "An act to provide for the punishing of persons who subscribe to or make oath to a false statement for the purpose of obtaining money, merchandise or other property,"

Which was read the first time.

Mr. Wellcome introduced—

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,

Which was read the first time.

FIRST READING OF COUNCIL BILLS.

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,

Was read the first time.

Council Bill No. 180,

A bill for an act regulating the annual license fee relating to the sale of intoxicating liquors,

Was read the first time.

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 first time.

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 first time.

Council Bill No. 120,

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

Was read the first time.

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 first time.

Council Bill No. 243,

A bill for an act to amend Section 1, Chapter 145, of Laws of 1885 relating to bounty for tree planting,

Was read the first time.

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 first time.

Council Bill No. 212,

A bill for an act entitled "An act giving police powers to conductors of railway trains carrying passengers,"

Was read the first time.

Council Bill No. 184,

A bill for an act relating to the Compiled Laws.

Was read the first time.

Mr. Bixler moved

To suspend the rules and that

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."

Be read the second time and referred to its appropriate committee,

Which motion prevailed, and

Council Bill No. 120

Was read the second time and

Referred to the Committee on Judiciary.

THIRD READING OF COUNCIL BILLS.

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 placed on its final passage.
The roll being called there were ayes, 36; nays, 4.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Baldwin, Bennett, Bergman, Bixler, Burnham, Cooke, Elliott, Fletcher, Greene, Gronna, Hunter, Lampman, Lillibridge, Logan, Mallory, McNeil, Miller, Newman, Palmer, Patridge, Potter, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Allen, Jones, Morris, Patton.

Absent and not voting:

Messrs. Douglas, Powell, Wellcome, White.

Messrs. Clark, Howell, McHugh and Parkin being excused.

So the bill passed and its title was agreed to.

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 placed on its final passage.

The roll being called there were ayes, 38; nays, 5.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Cooke, Douglas, Elliott, Gronna, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McNeil, Miller, Morris, Palmer, Patton, Potter, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Fletcher, Greene, Newman, Patridge, Turnbull.

Absent and not voting:

Messrs. Clark, Howell, McHugh, Parkin, Powell.

Messrs. Clark, Howell, McHugh and Parkin being excused.

So the bill passed and its title was agreed to.

Council Bill No. 94,

A bill for an act entitled "An act to amend Section 4 of Chapter 121 of the Laws of 1887, Section 220 of Compiled Laws,"

Was read the third time and placed on its final passage.

The roll being called there were ayes, 40; nays, 1.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bixler, Burnham, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna,

Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McNeil, Miller, Morris, Newman, Palmer, Patridge, Patton, Potter, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, Mr. Speaker.

Mr. Bergman, voting in the negative.

Absent and not voting:

Messrs. Adams, Powell, White.

Messrs. Clark, Howell, McHugh, and Parkin being excused.

So the bill passed and its title was agreed to.

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 placed on its final passage.

The roll being called there were ayes, 37; nays, 5.

Those who voted in the affirmative were:

Messrs. Allen, Baldwin, Bergman, Bixler, Burnham, Cooke, Douglas, Elliott, Greene, Gronna, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McNeil, Miller, Morris, Palmer, Patridge, Patton, Powell, Potter, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Aikens, Bennett, Fletcher, Smith.

Absent and not voting:

Messrs. Newman and White.

Messrs. Clark, Howell, McHugh, and Parkin being excused.

So the bill passed and its title was agreed to.

Mr. Speaker announced an informal recess for three minutes.

House again called to order.

Mr. Speaker presiding.

SPECIAL ORDERS.

House Bill No. 275,

A bill for an act to enable townships and incorporated towns and cities to aid in the construction of railroads,

Having been made the Special Order for this hour,

Mr. Newman moved

That the rules be suspended, that House Bill No. 275 be

taken from special orders, read the third time and placed upon its final passage,

Which motion prevailed, and
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 the third time and placed on its final passage.
The roll being called there were ayes, 31; nays, 10.

Those who voted in the affirmative were:

Messrs. Allen, Baldwin, Bennett, Elliott, Fletcher, Greene, Gronna, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McNeil, Miller, Newman, Palmer, Patton, Potter, Powell, Price, Ramsdell, Royer, Sheets, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Aikens, Bixler, Cooke, Douglas, Morris, Patridge, Ryan, Smith, White.

Absent and not voting:

Messrs. Bergman and Burnham.

Messrs. Clark, Howell, McHugh and Parkin being excused.

Mr. Clark being paired with Mr. Swanston.

So the bill passed and its title was agreed to.

Unanimous consent being given

Mr. Price introduced (by request)—

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,

Which was read the first time.

Unanimous consent being given

Mr. Jones introduced—

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,

Which was read the first time.

Mr. Aikens moved

That hereafter all bills which are introduced out of the regular order the member introducing them shall state whether or not they relate in any way to appropriations.

Which motion prevailed.

Unanimous consent being given,

Mr. Bixler introduced—
House Bill No. 320,

A bill for an act to amend Section 1, Chapter 50, General Laws of 1887, entitled "An act to regulate the salaries of registers of deeds and county treasurers,

Which was read the first time.

Unanimous consent being given,

Mr. Price introduced—

House Bill No. 321,

A bill for an act to repeal Chapter 29 of the Special Laws of 1885, entitled an "Act to repeal Subdivision 5 of Chapter 31 of the Session Laws of 1883,"

Which was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 303,

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.

House Bill No. 304,

A bill for an act to amend Chapter 63 of the Session Laws of 1885, Compiled Laws Section 205, relating to qualifications of persons practicing medicine,

Was read the second time and

Referred to the Committee on Public Health.

House Bill No. 306,

A bill for an act to amend Subdivision 2 of Section 79 of the Code of Civil Procedure,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 307,

A bill for an act to amend Sections 725, 732 and 733 of the Code of Civil Procedure,

Was read the second time and

Referred to the Committee on Judiciary.

THIRD READING OF HOUSE BILLS.

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 third time and placed on its final passage.

The roll being called there were ayes, 43; nays 1.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McNeil, Miller, Morris Newman, Palmer, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Mr. Patridge voting in the negative.

Messrs. Clark, Howell, McHugh and Parkin being excused.

So the bill passed and its title was agreed to.

House Bill No. 272,

A bill for an act construing the phrase "successive weeks,"

Was read the third time and placed on its final passage.

The roll being called there were ayes, 44; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McNeil, Miller, Morris Newman, Palmer, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Messrs. Clark, Howell, McHugh and Parkin being excused.

So the bill passed and its title was agreed to.

House Bill No. 252,

A bill for an act authorizing the Territorial Auditor to audit a claim of George F. Ingram against the Territory,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 33; nays, 3.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Bennett, Bergman, Bixler, Burnham, Cooke, Elliott, Greene, Gronna, Hunter, Jones, Lampman, Lillibridge, Logan, Miller, Newman, Palmer, Patton, Potter, Powell, Price, Ramsdel, Royer, Sheets, Trudè, Turnbull, Upham, Van Etten, Wellcome, Wellman, White Mr. Speaker.

Those who voted in the negative were:

Messrs. Douglas, McNeil, Patridge.

Absent and not voting:

Messrs. Adams, Baldwin, Fletcher, Mallory, Morris, Ryan, Smith and Swanston.

Messrs. Clark, Howell, McHugh and Parkin being excused.

So the bill passed and its title was agreed to.

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 third time and placed on its final passage

The roll being called there were ayes, 37; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Cooke, Douglas, Elliott, Fletcher, Greene, Hunter, Lampman, Lillibridge, Logan, McNeil, Miller, Newman, Palmer, Patton, Potter, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Absent and not voting:

Messrs. Gronna, Jones, Mallory, Morris, Patridge, Powell, Smith.

Messrs. Clark, Howell, McHugh and Parkin being excused.

So the bill passed and 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.

Mr. Douglas moved

That the further consideration of the bill be indefinitely postponed.

Which motion was withdrawn.

Mr. Palmer moved

To recommit the bill to General Orders.

Which motion was also withdrawn.

Mr. Douglas moved

To amend House Bill No. 228 as follows:

After the word "year" in Section 1, line 15 of the original bill, insert the following: "In any one congressional township."

The question being on the final passage of the bill,

The roll being called there were, ayes, 40; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Cooke, Douglas, Fletcher, Greene,

Gronna, Hunter, Lampman, Lillibridge, Logan, Mallory, McNeil, Miller, Morris, Palmer, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, Mr. Speaker.

Absent and not voting:

Messrs. Elliott, Jones, Newman, White.

Messrs. Clark, Howell, McHugh and Parkin being excused.

So the bill passed and its title was agreed to.

Mr. Fletcher moved

That the rules be suspended and that House Bill No. 14,

A bill for an act providing how tickets shall be prepared for elections,

Be taken up, read the third time and placed on its final passage.

Which Mr. Speaker ruled out of order.

Mr. Adams moved

That the vote by which that portion of the report of the Committee of the Whole of yesterday wherein it was recommended that the further consideration of House Bill No. 14, be indefinitely postponed, be reconsidered,

Which motion prevailed.

Mr. Adams moved

That the rules be suspended and that House Bill No. 14 be placed upon its third reading and final passage.

Which motion was lost.

Mr. Speaker announced an informal recess of five minutes.

House again called to order, Mr. Speaker presiding.

Mr. Gronna moved

That the House resolve itself into Committee of the Whole for the purpose of considering General Orders.

Which motion prevailed, and

Mr. Speaker called Mr. Wellcome to the chair.

The Committee rose without report.

Mr. Speaker in the chair.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER
February 20, 1889. }

MR. SPEAKER:

I have the honor to transmit 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 Council has passed and your consideration thereof is respectfully requested.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
February 20, 1889. }

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 98,

A bill for an act to define the boundaries of the county of Butte,

Which the Council has amended as follows, to-wit:

Amend Section 1 by striking out the word "twenty" where it occurs in the 13th line and insert in lieu thereof the word "fifteen."

Also amend by inserting after Section 1 the following to be marked Section 2, to-wit:

Section 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 north; thence running east along said parallel to the 103d 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 to the place of beginning.

Amend the title by striking out the word "county" and inserting the word "counties" and by inserting after the words "Butte" the words "and Harding,"

Change the number of Section 2 to Section 3 and Section 3 to Section 4.

And your concurrence therein is respectfully requested.

R. E. WALLACE,
Chief Clerk.

Mr. Patton moved
That the House do now concur in the amendments made
by the Council to

House Bill No. 98,

A bill for an act to define the boundaries of the county
of Butte,

Which motion prevailed, and

The House concurred.

Unanimous consent being granted, Mr. Price withdrew
House Bill No. 321,

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,"

Which he had previously introduced.

Mr. Mallory moved

That the rules be suspended and that

Council Bill No. 133,

A bill for an act to prohibit the manufacture, sale or
giving away of intoxicating liquors except for medical,
scientific and mechanical purposes, and to regulate the
manufacture and sale thereof for such excepted purposes,

Be read the first and second times and referred to its
proper committee,

Which motion prevailed and

Council Bill No. 133,

Was read the first and second times and

Referred to the Committee on Temperance.

Mr. Aikens moved

To suspend the rules and that House Bill No. 133 be read
the third time and placed on its final passage,

Which motion was lost.

Mr. Baldwin moved

That the House do now adjourn,

Which motion prevailed and the House

Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

FORTY-FIFTH DAY.

BISMARCK, February 21, 1889.

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

The Speaker designated Mr. Royer to act as Speaker pro tem for the day.

Prayer by the chaplain.

Roll called.

All members being present except Messrs. Clark, Howell, Lampman, McHugh, Miller, Parkin, Ramsdell, White, Mr. Speaker, who were excused.

The Committee to revise and correct the Journal submitted the following report:

MR. SPEAKER:

Your Committee to Revise and Correct the Journal have examined the Journal of February 20, 1889, and recommend the following corrections: On page 14, line 16, strike out the initial letter "L" and insert in lieu thereof the letter "T." On page 26, line 36, strike out the name "Wellman" and insert in lieu thereof the name "Wellcome;" also, on page 28, lines 7 and 8, strike out the following: "and the House concurred," and with these corrections recommend the approval of the Journal.

R. L. BENNETT.
O. R. VAN ETTEN.

Mr. Newman moved
To adopt the report.
Which motion prevailed.

EXECUTIVE COMMUNICATION.

The following communication was received from the Governor:

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, Togas, 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. Logan moved that
House Bill No. 39,

A bill for an act to establish, locate and build a Soldier's Home in the Territory of Dakota and provide the necessary funds therefor,

Together with the Governor's objections be referred to the Committee on Judiciary and that it be made the Special Order for Wednesday at 3 o'clock,

Which motion prevailed.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

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. 268,

A bill for an act to amend Section 1, Article 19, Chapter 73 of the General Laws of 1887,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

REPORTS OF SELECT COMMITTEES.

The Special Committee on Usury submitted the following report:

MR. SPEAKER:

Your Special Committee on Usury to whom was referred House Bill No. 139,

A bill for an act prescribing the penalty for taking usury,

Have had the same under consideration and recommend that said bill do not pass,

Also,

House Bill No. 43,

A bill for an act declaring usury to be a misdemeanor and providing for the punishment thereof,

Have had the same under consideration and recommend that said bill do not pass,

Also,

House Bill No. 26,

A bill for an act forfeiting bills, bonds, notes and other evidences of indebtedness for the taking of unlawful interest,

Have had the same under consideration and recommend that said bill do not pass,

Also,

Council Bill No. 52,

A bill for an act making the taking of usury a misdemeanor,

And recommend that it do pass.

D. M. POWELL,
Chairman.

Mr. Adams moved

That the vote by which that portion of the report of the Committee on Appropriations which recommended the indefinite postponement of

House Bill No. 287,

A bill for an act to provide for compensation of certain officers of the Legislative Assembly,

Was adopted yesterday. be reconsidered.

Mr. Swanston moved

That the motion of Mr. Adams be laid upon the table.

Ayes and nays demanded.

The roll being called there were ayes 20; nays, 15.

Those who voted in the affirmative were:

Messrs. Aikens, Baldwin, Bennett, Bergman, Burnham, Cooke, Elliott, Fletcher, Greere, Gronna, Hunter, Jones, Logan, Morris, Newman, Patton, Powell, Swanston, Turnbull, Upham, Wellcome.

Those who voted in the negative were:

Messrs. Adams, Douglas, Lillibridge, Mallory, McNeil Palmer, Patridge, Potter, Price, Royer, Ryan, Sheets, Smith, Trude, Van Etten, Mr. Speaker.

Absent and not voting:

Messrs. Bixler and Wellman.

Messrs. Allen, Clark, Howell, Lampman, McHugh, Miller, Parkin, Ramsdell, White and Keith being excused.

So the motion to lay upon the table prevailed.

Mr. Burnham moved

That House Bill No. 284 be called from the committee in charge and made the special order for 4 o'clock p. m. to-day.

Which motion prevailed.

Mr. Adams moved

That House Bill No. 14 be recalled from the Enrolling and Engrossing Committee,

Which motion prevailed.

Mr. Adams moved that

House Bill No. 14.

A bill for an act providing how tickets shall be prepared for elections,

Be referred to a special committee consisting of Messrs. Fletcher, Price and Newman for correction.

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Burnham introduced—

House Bill No. 322.

A bill for an act to provide clerks for probate courts.

Which was read the first time.

Mr. Burnham moved

To suspend the rules and that House Bill No. 322 be read the second time and referred to its appropriate committee.

Which motion prevailed and House Bill No. 322 was read the second time and

Referred to the Committee on Judiciary.

Mr. Lillibridge introduced—

House Bill No. 323,

A bill for an act to legalize oaths administered by and acknowledgements taken by D. G. Jordan, register of deeds for Sully county,

Which was read the first time.

Mr. Lillibridge moved

To suspend the rules and that House Bill No. 323 be read the second time and referred to the proper committee

Which motion prevailed, and

House Bill No. 323,

A bill for an act to legalize oaths administered by and acknowledgements taken by D. G. Jordan, register of deeds for Sully county,

Was read the second time, and

Referred to the Committee on Judiciary.

Mr. Price introduced—

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."

Which was read the first time.

Mr. Newman introduced—

House Bill No. 325,

A bill to create and establish the County of Harrison and for other purposes,

Which was read the first time.

FIRST READING OF COUNCIL BILLS.

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,

Was read the first time.

SECOND READING OF COUNCIL BILLS.

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,

Was read the second time and

Referred to the Committee on Territorial Affairs.

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. 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 Judiciary.

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 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. 243,

A bill for an act to amend Section 1, Chapter 145, of Laws of 1885, relating to bounty for tree planting,

Was read the second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 212,

A bill for an act entitled "An act giving police powers to conductors of railway trains carrying passengers,"

Was read the second time and

Referred to the Committee on Railroads.

Council Bill No. 231,

A bill for an act to legalize certain acknowledgments taken by one Frank E. Newton, a notary public.

Was read the second time and

Referred to the Committee on Judiciary.

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.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills herewith return

House Bill No. 14,

A bill for an act providing how tickets shall be prepared for election.

As requested by the House.

D. M. POWELL,
Chairman.

Unanimous consent being granted the Committee on Territorial Affairs submitted the following report:

MR. SPEAKER:

Your Committee on Territorial Affairs to whom was referred

House Bill No. 189,

A bill for an act amending Section 1, Chapter 10. of the Session Laws of 1887,

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

Amend the title of said bill by adding after the figures "1887," at the end of said title, the following: "Relating to county auditors." Amend Section 1 by inserting after the figures "1887" in the second line of said Section 1 the words, "relating to county auditors;" also, amend said Section 1 by adding after the words "county clerk," at the end of said section, the following: "Provided that this act shall not affect any county wherein the office of county auditor has already been established,"

And as so amended that the bill do pass.

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,

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

Also,

House bill No. 48,

A bill for an act to require county treasurers to deposit funds in designated depositories and providing for interest thereon.

And return it herewith according to the call of the House.

Also,

House Bill No. 209,

A bill for an act antititled "An act amending Sections 324, 325 and 333 of the Code of Civil Procedure in relation to additional and alternate exemptions,

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

Amend Section 3 of said act by adding after the end of said section the following: "Provided that the provisions of this act shall not apply to or affect any indebtedness created prior to the passage and approval of said act,

And as so amended that the bill do pass.

Also,

House Bill No. 128,

A bill for an act to provide for the publication of the laws passed by the Eighteenth Legislative Assembly of the Territory of Dakota,

And recommend that it be placed in General Orders.

JOSEPH ALLEN,
Chairman.

Mr. Lillibridge moved
To adopt the report.
Which motion prevailed.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER, {
February 21, 1889. }

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 27,

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

Which the Council has amended as follows, to-wit:

That Section 1 be amended so as to read as follows:

SECTION 1. That Section 86, SubChapter 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 sixty dollars (\$60) in any one year" and inserting in lieu thereof "\$60 per annum in any one congressional township."

Amend the title so as to read as follows, to-wit: "A bill for an act to amend Section 86, Sub-Chapter 1, Chapter 112, of the Laws of 1883, relating to township government,"

And your concurrence therein is respectfully requested.

R. E. WALLACE,
Chief Clerk.

Mr. Douglas moved

That the House concur in the Council amendment to House Bill No. 27,

A bill for an act to fix the compensation of assessors,
Which motion prevailed.

THIRD READING OF COUNCIL BILLS.

Mr. Hunter moved

That the reading at length of Council Bill No. 12 be dispensed with and that it be placed on its final passage,

Which motion prevailed, and

Council Bill No. 12,

A bill for an act providing for township organization,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 28; nays 7.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bergman, Bixler, Burnham, Cooke, Douglas, Elliott, Fletcher, Gronna, Hunter, Jones, Lillibridge, Logan, Morris, Palmer, Patridge, Powell, Price, Royer, Sheets, Smith, Swanston, Turnbull, Wellcome, Wellman.

Those who voted in the negative were:

Messrs. Bennett, Greene, Mallory, McNeil, Potter, Ryan, Upham.

Absent and not voting:

Messrs. Newman, Patton, Trude, Van Etten.

Messrs. Clark, Howell, Lampman, McHugh Miller, Parkin, Ramsdell, White and Keith being excused.

So the bill passed and its title was agreed to.

Council Bill No. 31.

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

Was read the third time and placed on its final passage. The roll being called there were ayes, 33; nays, 1.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Douglas, Elliott, Fletcher, Greene, Hunter, Jones, Lillibridge, Logan, Mallory, McNeil, Morris, Palmer, Patridge, Patton, Potter, Powell, Price, Royer, Ryan, Swanston, Trude, Turnbull, Upham, Wellman.

Mr. Smith voting in the negative.

Absent and not voting:

Messrs. Gronna, Newman, Sheets, Van Etten, Wellcome, Clark, Howell, Lampman, McHugh Miller, Parkin, Ramsdell, White, Keith.

Messrs. Clarke, Howell, Lampman, McHugh, Miller, Parkin, Ramsdell, White and Keith being excused.

So the bill passed and its title was agreed to.

SECOND READING OF HOUSE BILLS.

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 provide penalties for the violation thereof,

Was read the second time and

Referred to the Committee on Public Health.

House Bill No. 309,

A Joint Resolution to provide for the payment to Arthur Linn of a certain sum of money due him as public printer for the Territory of Dakota,

Was read the second time and

Referred to the Committee on Appropriations.

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 second time and

Referred to the Committee on Judiciary.

Mr. Adams renewed his motion previously made to refer House Bill No. 14 to a Special Committee.

Mr. Jones rose to a point of order

Which the Speaker overruled.

House Bill No. 296.

A bill for an act to regulate common carriers and creating the Railroad and Warehouse Commission of the Territory of Dakota and defining the duties of such commission in relation to common carriers,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 301.

A bill for an act to establish a Normal School for the Territory of Dakota at the city of Lakota in Nelson county and for the government, management and control of the same,

Was read the second time and

Referred to the Committee on Appropriations.

House Bill No. 302,

A bill for an act to establish a Normal School for the Territory of Dakota in the city of St. Thomas in Pembina county and for the government, management and control of the same,

Was read the second time and

Referred to the Committee on Appropriations.

House Bill No. 305,

A bill for an act to locate, establish and endow a Territorial Normal School at Casselton, Dakota,

Was read the second time and

Referred to the Committee on Appropriations.

House Bill No. 303,

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.

Mr. Aikens moved

To suspend the rules that House Bill No. 310 be read the third time and placed on its final passage.

Which motion prevailed, and

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.

Unanimous consent being granted

Mr. Aikens moved

To amend House Bill No. 310 by striking out the following in Section 3:

“From and after its passage and approval” and insert the word “immediately.”

Which motion prevailed.

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 placed on its final passage.

The roll being called there were ayes, 39; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Hunter, Jones, Lillibridge, Logan, Mallory, McNeil, Morris, Newman, Palmer, Patridge, Patton, Potter, Powell, Price, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman.

Messrs. Clark, Howell, Lampman, McHugh, Miller, Parkin, Ramsdell, White and Keith being excused.

So the bill passed and its title was agreed to.

Mr. Powell moved

To suspend the rules and that Council Bill No. 52 be read the third time and placed on its final passage.

Which motion prevailed and

Council Bill 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 and placed on its final passage.

The roll being called there were ayes, 35; nays, 3.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Baldwin, Bennett, Bergman, Bixler, Burnham, Cooke, Douglas, Elliott, Fletcher, Greene, Hunter, Jones, Lillibridge, Logan, Mallory, McNeil, Morris, Newman, Palmer, Patridge, Patton, Potter, Powell, Price, Royer, Ryan, Sheets, Smith, Swanston, Trude, Upham, Van Etten, Wellman.

Those who voted in the negative were:

Messrs. Allen, Turnbull, Wellcome.

Mr. Gronna being absent.

Messrs. Clark, Howell, Lampman, McHugh, Miller, Parkin, Ramsdell, White and Keith being excused.

Messrs. Aikens, Allen, Burnham, Fletcher, Mallory, Palmer and Turnbull explaining their votes.

Mr. Palmer voting under protest.

Mr. Morris moved

To suspend the rules and that,
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,

Be immediately transmitted to the Council without en-
grossment,

Which motion prevailed.

House Bill No. 311,

A bill for an act to amend Section 326 of the Code of
Criminal Procedure,

Was read the second time, and

Referred to the Committee on Judiciary.

House Bill No. 312,

A bill for an act to amend Section 64 of the Justices
Code,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill, No. 313,

A bill for an act to amend Section 86 of the Justices
Code,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 314,

A bill for an act to repeal an act entitled "An act regu-
lating the salaries of register of deeds and county treas-
urers,

Was read the second time and

• Referred to the Committee on Judiciary. •

House Bill No. 315,

A bill for an act to amend Section 3, Chapter 31 of the
Justices' Code, Session Laws of 1879,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 316,

A bill for an act entitled "An act to provide for the pun-
ishing of persons who subscribe to or make oath to a false
statement for the purpose of obtaining money, merchan-
dise or other property,"

Was read the second time and

Referred to the Committee on Judiciary.

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 second time and

Referred to the Committee on Appropriations.

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 second time and

Referred to the Committee on Military Affairs.

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,

Was read the second time and

Referred to the Committee on Charitable Institutions.

House Bill No. 320,

A bill for an act to amend Section 1, Chapter 50, General Laws of 1887, entitled "An act to regulate the salaries of registers of deeds and county treasurers,"

Was read the second time and

Referred to the Committee on Judiciary.

Mr. Speaker announced an informal recess of five minutes.

House again called to order, Mr. Speaker pro tem. presiding.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER, {
February 21, 1889. }

MR. SPEAKER:

I have the honor to return 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.

Which the Council has passed, the objections of His Excellency, the Governor, to the contrary notwithstanding.

R. E. WALLACE,
Chief Clerk.

The Committee on Woman's Suffrage submitted the following report:

MR. SPEAKER:

Your Committee on Woman's Suffrage to whom was referred

House Bill No. 284,

A bill for an act granting women who are tax payers the right of suffrage in the Territory of Dakota,

Have had the same under consideration and return it herewith at the request of the House with the recommendation that the bill do pass.

O. R. VAN ETTEN,
Chairman.

Mr. Burnham moved

That the House do now resolve itself into Committee of the Whole for the consideration of Special Orders.

Mr. Elliott moved

As a substitute that the rules be suspended and House Bill No. 284,

A bill for an act granting women who are tax payers the right of suffrage in the Territory of Dakota,

Be given its third reading and placed on its final passage. Which motion was withdrawn.

Mr. Adams moved

As a substitute that the rules be suspended and that House Bill No. 284 be given its third reading and be placed on its final passage.

Which motion prevailed.

Mr. Wellcome appealed from the decision of the Speaker on the motion of Mr. Adams, and

The question being shall the Speaker be sustained and being put the decision of the chair was sustained.

House Bill No. 284,

A bill for an act granting women who are taxpayers the right of suffrage in the Territory of Dakota,

Was read the third time.

Mr. Swanston moved a call of the House.

Which motion prevailed, and

The roll being called all members responded to their names except Messrs. Greene, Jones, Ryan and Trude, and Messrs Clark, Howell, Lampman, McHugh, Miller, Ramsdell, White and Keith, they being excused.

Mr. Price moved

That further proceedings under the call of the House be dispensed with,

Which motion was lost.

Mr. Aikens moved

That further proceedings under the call of the House be dispensed with,

Which motion was lost.

Mr. Adams moved

That further proceedings under the call of the House be dispensed with,

Which motion prevailed.

Mr. Aikens moved

That Mr. Trude be excused from further attendance for the day,

Which motion prevailed.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, }
February 21, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith

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 the Council has passed and your favorable consideration is respectfully requested.

R. E. WALLACE,
Chief Clerk.

Mr. Elliott moved that

House Bill No. 284,

A bill for an act granting women who are taxpayers the right of suffrage in the Territory of Dakota,

Be made the Special Order for Tuesday at 3 o'clock.

Mr. Swanston moved

To amend the motion by substituting Wednesday for Tuesday.

And the motion as amended prevailed.

Mr. Burnham moved that

House Bill No. 55,

A bill for an act to amend Section 47 of Chapter 27 of the Political Code, Section 1486 Compiled Laws of 1887,

Be made the Special Order for Wednesday at 3 o'clock. Which motion prevailed.

The committee to investigate the Jamestown Asylum present the following report:

To the Council and House of Representatives of the Eighteenth Session, Legislative Assembly Territory of Dakota:

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 charge 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 the 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 sanitaray 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 moneys placed under their control in such manner and in such ways as were contemplated by the Legislature appropriating such funds.

We believe 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 purchase 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 and oversight 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; but 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 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 any other fund for any purpose other than 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 too 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 with the Governor as soon as completed 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,
WILLIAW S. LOGAN.

Mr. Aikens moved

That the reading of the report be dispensed with.
Which motion prevailed.

SPECIAL ORDERS.

Mr. Gronna moved

That the House do now resolve itself into Committee of the Whole for the consideration of General Orders.
Which motion prevailed.

Mr. Speaker called Mr. Gronna to the chair.

When the Committee rose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration

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,

And recommend that the bill do pass.

Also,

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,

And recommend that the bill do pass.

Also,

Council Bill No. 199,

A bill for an act to amend Section 409 of Chapter 3 of the Civil Code,

And recommend that the bill do pass.

Also,

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 the use of the students.

And recommend that the bill do pass.

A. J. GRONNA,
Chairman.

The following report of the Committee of the Whole of yesterday was submitted:

MR. SPEAKER:

Your Committee of the Whole have had under consideration

House Bill No. 46,

A bill for an act entitled "An act authorizing the incorporation of banking associations and for regulating the same."

Together with the amendments reported by the Committee on Banking,

And recommend that the bill be made a Special Order for Tuesday next at 3 o'clock p. m.

Also,

Substitute for House Bill No. 22.

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 the Territory," passed at the Sixteenth Legislative Assembly of the Territory of Dakota and approved March 6, 1885,

And recommend that the bill be made a Special Order for Tuesday next at 4 o'clock.

J. B. WELLCOME,
Chairman.

Mr. Newman moved

To adopt the report of the committee.
Which motion prevailed.

Mr. Swanston moved
That the House do now adjourn,
Which motion prevailed and the House
Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

FORTY-SIXTH DAY.

BISMARCK, February 22, 1889.

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

Mr. Jones moved
That Mr. Morris act as Speaker pro tem.
Which motion prevailed.

In the absence of the Chaplain Mr. Bixler offered prayer.

Mr. Patridge moved
To dispense with the roll call.
Which motion prevailed.

Mr. Jones moved
That the House do now adjourn.
Which motion prevailed and the House
Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

FORTY-SEVENTH DAY.

BISMARCK, February 23, 1889.

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

Mr. Potter moved

That Mr. Royer act as Speaker pro tem.

Which motion prevailed.

In the absence of the Chaplain Mr. Bixler offered prayer.

Mr. Mallory moved

To dispense with the roll call.

Which motion prevailed.

Mr. Trude moved

That the reading of the Journal be dispensed with.

Which motion prevailed.

Mr. Bixler presented the following petition:

To the Honorable Members of the Legislative Assembly of the Territory of Dakota:

The undersigned members of the faculty and of the board of trustees of Redfield college, hereby respectfully petition your honorable body to enact at once the bill now under consideration before you which forbids the sale of intoxicating liquors within three miles of any college, normal school or university in Dakota. The interests of college life demand the passage of such a bill and we hope the present legislature will not adjourn without making it a law. We believe that nothing the legislature can do would better subserve the educational interests of the Territory than this.

• DAVID BEATON, President.

J. W. PARKHILL, Professor of Languages.

W. H. DEMPSTER, Principal of Normal Dep't.

I. A. SHANTON, Principal of Business Dep't.

MRS. R. B. HASSELL, Professor of Mathematics.

MRS. DELLA J. WHEELER, Prin. of Musical Conservat'y.

R. B. HASSEL, Trustee.

W. R. Dawes, Trustee.

E. W. YOUCHT, Treasurer.

Mr. Jones offered the following resolution:

WHEREAS, The people elect representatives to the Legislature to enact wise and needful laws, to the end that the whole people and all interests may be safely governed and judiciously fostered, and

WHEREAS, The present session of the Legislature is rapidly nearing the hour of adjournment without having enacted any laws, excepting the repeal of the Gross Earnings Law, vital to the general interests and welfare of the people, and

WHEREAS, The most important bills introduced—meritorious and remedial in their measure and nature, and calculated to meet the just demands of an aggrieved and outraged commonwealth, are either slumbering on the legislative sidetrack accumulating the rust of neglect, or gathering in the musty committee pigeon hole the dust of the abandoned; Therefore be it

Resolved, By the powerless minority present to-day that we deeply regret the uncalled for absence of many members of the House, and sincerely deplore the power of law-defying corporations through their wily agents and seductive courtesies to give to legislative wheels a clog, and to the last Territorial legislature a junketing fame, and

Further Resolved, In the warning words of Whittier:

“The stern behests of duty
The doom books open thrown
The heaven ye seek—the hell ye fear
Are with yourselves alone.”

Which resolution was lost.

Mr. Aikens moved

That a Committee consisting of Messrs. Morris, Price and Trude be appointed and instructed to telegraph to the Speaker of the House of Representatives of the Territory of Montana the number and the names of the members of the House and Council who went on the Helena Excursion and that the said dispatch be signed by all the members present.

Mr. Price moved as an amendment that the name of Mr. Aikens be added to the committee.

Which amendment prevailed and the original motion prevailed.

Mr. Palmer moved

That the House do now resolve itself into Committee of the Whole to consider General Orders.

Which motion prevailed and

Mr. Speaker called Mr. Palmer to the chair.

The Committee rose without report.

Mr. Ryan moved

That the House do now adjourn,

Which motion prevailed and the House

Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

FORTY-NINTH DAY.

BISMARCK, February 25, 1889.

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

Mr. Speaker being absent

Mr. Mallory moved

That Mr. Royer be elected Speaker pro tem.

Which motion prevailed.

Prayer by the Chaplain.

The roll being called all members were present except Messrs. Allen, Baldwin, Bennett, Clark, Cooke, Elliott, Fletcher, Howell, Lampman, Lillibridge, McNeil, Miller, Newman, Parkin, Powell, Ramsdell, Smith, Swanston, Turnbull, Upham, Wellman, Keith who were excused.

The Committee to revise and correct the Journal submitted the following report:

MR. SPEAKER:

Your Committee to revise and correct the Journal of February 21, 1889, have examined the same and find it correct.

O. R. VAN ETTEN.

Mr. Trude moved

That the report be adopted.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The Committee on Temperance submitted the following report:

MR. SPEAKER:

Your Committee on Temperance to whom was referred Council Bill No. 133,

A bill for an act to prohibit the manufacture, sale or giving away of intoxicating liquors except for medicinal, scientific, mechanical and sacramental purposes, and to regulate the manufacture and sale thereof for such excepted purposes,

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

A. L. PATRIDGE,
Chairman,

The Committee on Judiciary submitted the following report:

MR. SPEAKER:

Your Committee on Judiciary to which was referred House Bill No. 296,

A bill for an act to regulate common carriers and creating the Railroad and Warehouse Commission of the Territory of Dakota and defining the duties of such Commission in relation to common carriers,

Have had the same under consideration and recommend that the same be passed, and further recommend that said bill be put upon its immediate passage and that for that purpose the rules be suspended.

M. M. PRICE,
Chairman.

Mr. Morris moved

That the report be adopted.

Which motion prevailed and House Bill No. 296,

A bill for an act to regulate common carriers and creating the Railroad and Warehouse Commission of the Territory of Dakota and defining the duties of such Commission in relation to common carriers,

Was read the second time and

Mr. Hunter moved

That it be made the Special Order for 3 o'clock to-morrow afternoon.

Mr. White moved the previous question which prevailed and

The question being on the original motion, it prevailed and

House Bill No. 296 was made the Special Order for Tuesday, February 26, 1889, at 3 o'clock p. m.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Aikens introduced—

House Bill No. 326,

A bill for an act to amend Section 1, of Chapter 48, of Session Laws of 1887, entitled "An act to amend Sections 15 and 16 of Chapter 122, of the Laws of 1881," entitled "An act for the registry of electors and to prevent fraudulent voting,"

Which was read the first time.

Mr. Bergman introduced—

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 the duties and compensation of said board and county treasurer,

Which was read the first time.

Mr. Patridge introduced—

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 was read the first time.

Mr. Patton introduced—

House Bill No. 329,

A bill for an act to amend Section 1 of Chapter 38 of the Session Laws of 1887,

Which was read the first time.

Mr. Mallory introduced—

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,

Which was read the first time.

Mr. Mallory moved

That House Bill No. 330 be read the second time and referred to the proper committee.

Which motion prevailed, and

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 second time and
Referred to the Committee on Appropriations.

Mr. Mallory introduced—
House Bill No. 331,

A bill for an act to prescribe the manner of electing members of the Boards of Education throughout the Territory,

Which was read the first time.

Mr. Bixler introduced—
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.

Which was read the first time.

CONSIDERATION OF MESSAGES FROM THE COUNCIL.

COUNCIL CHAMBER,
February 21, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
Council Bill No. 283,

A bill for an act providing interest at 7 per centum per annum on Territorial warrants hereafter issued,

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

R. E. WALLACE,
Chief Clerk.

FIRST 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 first time.

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 first time.

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 first time.

Mr. Adams moved

That Council Bill No. 283 be read the second and third times and placed on its final passage,

Which motion prevailed and

The bill was read the second time. when

Mr. Aikens moved

That the bill be referred to its proper committee,

Which motion prevailed and

The bill was referred to the Committee on Ways and Means.

Mr. Adams moved

That Council Bill No. 69,

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

Be given its second reading and reference,

Which motion prevailed and

The bill was read the second time and

Referred to the Committee on Education.

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,

Was read the first time.

Mr. Patton moved

That 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,

Be read the second time and referred to the proper committee.

Which motion prevailed, and

The bill was read the second time and

Referred to the Committee on Territorial Affairs

THIRD READING OF COUNCIL BILLS.

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 and placed on its final passage.

The roll being called there were ayes, 25; nays, 1.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bergman, Bixler, Burnham, Douglas, Greene, Gronna, Jones, Logan, Mallory, McHugh, Morris, Palmer, Patridge, Patton, Potter, Price, Royer, Ryan, Sheets, Trude, Van Etten, Wellcome, White.

Mr. Hunter voting in the negative.

Absent and not voting:

Messrs. Allen, Baldwin, Bennett, Clark, Cooke, Elliott, Fletcher, Howell, Lampman, Lillibridge, McNeil, Miller, Newman, Parkin, Powell, Ramsdell, Smith, Swanston, Turnbull, Upham, Wellman, and Keith being excused.

So the bill passed and its title was agreed to.

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 placed on its final passage.

The roll being called there were, ayes, 25; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bergman, Bixler, Burnham, Douglas, Greene, Gronna, Hunter, Jones, Logan, Mallory, McHugh, Morris, Palmer, Patridge, Patton, Potter, Price, Royer, Ryan, Sheets, Trude, Van Etten, Wellcome.

Mr. White being absent and not voting.

Messrs. Allen, Baldwin, Bennett, Clark, Cooke, Elliott, Fletcher, Howell, Lampman, Lillibridge, McNeil, Miller, Newman, Parkin, Powell, Ramsdell, Smith, Swanston, Turnbull, Upham, Wellman, Keith being excused.

So the bill passed and its title was agreed to.

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 second time and
 Referred to the Committee on Judiciary.
 House Bill No. 325,
 A bill to create and establish the County of Harrison
 and for other purposes,
 Was read the second time and
 Referred to the Committee on Judiciary.

THIRD READING OF HOUSE BILLS.

House Bill No. 276,
 A Joint Resolution authorizing Adjutant General to
 turn over to the University of Dakota one hundred con-
 demned muskets,

Was read the third time and placed on its final passage.
 The roll being called there were ayes, 25; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bergman, Bixler, Burnham,
 Douglas, Greene, Hunter, Jones, Logan, Mallory, McHugh,
 Morris, Palmer, Patridge, Patton, Potter, Price, Royer,
 Ryan, Sheets, Trude, Van Etten, Wellcome, White.

Mr. Gronna being absent and not voting.

Messrs. Allen, Baldwin, Bennett, Clark, Cooke, Elliott,
 Fletcher, Howell, Lampman, Lillibridge, McNeil, Miller,
 Newman, Parkin, Powell, Ramsdel, Smith, Swanston,
 Turnbull, Upham, Wellman, Keith being excused.

So the bill passed and its title was agreed to.

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,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 25; nays 1.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bergman, Bixler, Burnham,
 Douglas, Greene, Gronna, Jones, Logan, Mallory, McHugh,
 Morris, Palmer, Patridge, Patton, Potter, Price, Royer,
 Ryan, Sheets, Trude, Van Etten, Wellcome, White.

Mr. Hunter voting in the negative.

Absent and not voting:

Messrs. Allen, Baldwin, Bennett, Clark, Cooke, Elliott,
 Fletcher, Howell, Hunter, Lampman, Lillibridge, McNeil,
 Miller, Newman, Parkin, Powell, Ramsdell, Smith, Swan-
 ston, Turnbull, Upham, Wellman, Keith being excused.

So the bill passed and its title was agreed to.

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 placed on its final passage.

The roll being called there were ayes, 23; nays, 3.

Those who voted in the affirmative were:

Messrs. Adams, Bergman, Bixler, Burnham, Greene, Gronna, Hunter, Jones, Logan, Mallory, McHugh, Morris, Palmer, Patridge, Patton, Price, Royer, Ryan, Sheets, Trude, Van Etten, Wellcome, White.

Those who voted in the negative were:

Messrs. Aikens, Douglas, Potter.

Absent and not voting:

Messrs. Allen, Baldwin, Bennett, Clark, Cooke, Elliott, Fletcher, Howell, Lampman, Lillibridge, McNeil, Miller, Newman, Parkin, Powell, Ramsdell, Smith, Swanston, Turnbull, Upham, Wellman, Keith being excused.

So the bill passed and its title was agreed to.

House Bill No. 237,

A bill for an act to amend Section 331 of the Code of Civil Procedure,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 26; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bergman, Bixler, Burnham, Douglas, Greene, Gronna, Hunter, Jones, Logan, Mallory, McHugh, Morris, Palmer, Patridge, Patton, Potter, Price, Royer, Ryan, Sheets, Trude, Van Etten, Wellcome, White.

Absent and not voting:

Messrs. Allen, Baldwin, Bennett, Clark, Cooke, Elliott, Fletcher, Howell, Lampman, Lillibridge, McNeil, Miller, Newman, Parkin, Powell, Ramsdell, Smith, Swanston, Turnbull, Upham, Wellman and Mr. Speaker being excused.

So the bill passed and its title was agreed to.

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 third time and placed on its final passage.

The roll being called there were ayes 23; nays, 2.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bergman, Bixler, Burnham, Douglas, Greene, Jones, Logan, Mallory, McHugh, Morris, Palmer, Patridge, Patton, Potter, Price, Royer, Ryan, Sheets, Trude, Van Etten, White.

Those who voted in the negative were:

Messrs. Gronna, Wellcome.

Absent and not voting:

Messrs. Allen, Baldwin, Bennett, Clark, Cooke, Elliott, Fletcher, Hunter, Lampman, Lillibridge, McNeil, Miller, Newman, Parkin, Powell, Ramsdell, Smith, Swanston, Turnbull, Upham, Wellman, Keith being excused.

So the bill passed and its title was agreed to.

Mr. McHugh moved

That the House do now resolve itself into Committee of the Whole for the consideration of General Orders.

Which motion prevailed.

Mr. Speaker called Mr. McHugh to the chair.

When the Committee rose the following report was presented:

Mr. SPEAKER:

Your Committee of the Whole have had under consideration

House Bill No. 246,

A bill for an act to provide for fees in foreclosure of mortgage of real estate by advertisement,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 189,

A bill for an act amending Section 1, Chapter 10, of the Session Laws of 1887,

Together with the amendments reported by the Committee on Territorial Affairs.

And recommend that the bill as amended do pass.

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 any part thereof may be located a map showing all railroad and right of way owned by said corporations,

And recommend that action on the bill be deferred.

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 practices, and the sale of poisons in the Territory of Dakota,"

Together with the amendments reported by the Committee on Public Health,

And recommend that the bill as amended do pass.

Also,

House Bill No. 209,

A bill for an act antititled "An act amending Sections 324, 325 and 333 of the Code of Civil Procedure in relation to additional and alternate exemptions,"

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

Council Bill No. 182.

A bill for an act entitled "An act to provide for the sale of the perishable property of Dakota's exhibit at the World's Industrial and Cotton Centennial Exposition at New Orleans,"

And recommend that the bill be amended as follows:
Strike out in Section 1 the words "or private."

Also amend section one by striking out the words "to sell at public sale for cash the perishable property" and insert in lieu thereof the words "to divide all remaining articles,"

Also, strike out in the same section the words "and the sum or sums realized from such sale shall be forthwith paid to the Territorial Treasurer for the benefit of the General Fund," and insert in lieu thereof the following: "and that the said exhibit 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."

And that the bill as amended do pass.

Also,

Council Bill No. 164,

A Joint Resolution calling on the Territorial Secretary for information,

And recommend that the further consideration of the bill be indefinitely postponed.

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,

And recommend that the bill be amended by striking out in Section 1 all after the word "nor" in line 5 of the printed bill,

And that the bill as amended do pass.

Also,

House Bill No. 278,

A bill for an act to amend Section 1 of Chapter 133 of the General Laws of 1887, entitled "An act to amend subdivision one of Section 320, Chapter 26 of the Penal Code and also Section 323 of the Penal Code."

Together with the following amendments reported by the Committee on Judiciary:

Amend title to read as follows: "A bill for an act to amend Section 323 of the Penal Code."

Strike out Sections 1 and 2 of the bill and insert in lieu thereof the following:

SECTION 1. That Section 323 of the Penal Code be and the same is hereby amended to read as follows:

"SEC. 323. RAPE IN FIRST DEGREE.] Rape committed upon a female under the age of fourteen years, or incapable, through lunacy or any other unsoundness of mind, of giving legal consent, or accomplished by means of force overpowering her resistance, is rape in the first degree."

"Change the number of Section 3 to Section 2 and of Section 4 to Section 3."

When so amended the committee recommend the passage of the bill.

And recommend that the bill as amended do pass.

Also,

House Bill No. 288,

A bill for an act to provide for the taxation of express companies,

And recommend that the bill be referred to its proper committee for amendment.

Also,

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.

And recommend that the bill do pass.

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,

And recommend that the bill do pass.

Also,

House Bill No. 298,

A bill for an act to amend Section 1, Chapter 20 of the General Laws of 1879, entitled "An act to amend Sections 15 and 16 of Chapter 39 and Section 83 of Chapter 28 of the Political Code,"

And recommend that the bill be amended by adding at the close of Section 1 the words "nor monies paid into the treasury from licenses" and that the bill as amended do pass.

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 Jennie Hart from Custer City in Custer county, Dakota, to the Dakota Reform School at Plankinton, Dakota.

And recommend that the bill do pass.

Also,

House Bill No. 291,

A bill for an act to compensate Jos. O. Perkins for certain horses and mules killed by order of the Territorial Veterinary Surgeon,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

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,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 247,

A bill for an act to amend Chapter 28 of the Political Code entitled "Revenue," by striking therefrom certain sections.

And recommend that the bill do pass.

Also,

House Bill No. 277,

A bill for an act to amend Section 330 of the Penal Code.

And recommend that the bill do pass.

Also,

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,

And recommend that the bill be amended as follows:

In line 12 Section 2 of the printed bill strike out the word "affected" and insert the word "effected."

And recommend that the bill as amended do pass.

Also,

House Bill No. 267,

A bill for an act to provide for the giving of notice before the execution of tax deed by county treasurers,

And recommend that the bill do pass.

Also,

Council Bill No. 27,

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

And recommend that the bill do pass.

Also,

House Bill No. 198,

A bill for an act to repeal Section 4, of Chapter 49, of the Laws of 1879, the same being Section 54, of Chapter 28 of the Political Code.

And recommend that the bill be referred to its appropriate committee.

Also,

House Bill No. 43,

A bill for an act declaring usury to be a misdemeanor and providing for the punishment thereof,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 139,

A bill for an act prescribing the penalty for taking usury,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 26,

A bill for an act forfeiting bills, bonds, notes and other evidences of indebtedness for the taking of unlawful interest,

And recommend that action on the bill be deferred.

P. McHUGH,
Chairman.

Mr. Wellcome moved

That the report of the Committee of the Whole be adopted.

Mr. Gronna moved

To amend the motion by excepting therefrom House Bill No. 246,

Which motion prevailed and

The motion as amended prevailed and

The report as amended was adopted.

Mr. Gronna moved

That the House do now adjourn,

Which motion prevailed and the House

Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

FIFTIETH DAY.

BISMARCK, February 26, 1889.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members being present except Messrs. Allen, Elliott, Howell, Ramsdell and Wellman, they being excused.

The Committee to revise and correct the Journal submitted the following report:

MR. SPEAKER:

Your Committee to revise and correct the Journal have examined that of February 25th, 1889, and recommend the following corrections: On page 10, line 33, strike out the word "same" and insert in lieu thereof the words "said exhibit;" also strike out the figures "24" and insert the figures "25" at the top of all pages of the Journal.

And with these corrections recommend the approval of the Journal.

O. R. VAN ETTEN.

R. L. BENNETT.

Mr. Douglas moved
To adopt the report,
Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

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 Adjutant General to turn over to the University of Dakota one hundred condemned muskets, for drilling purposes,

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,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

The Committee on Judiciary submitted the following report:

MR. SPEAKER:

The Committee on Judiciary have had under consideration the following bills and recommend their passage:

House Bill No. 324,

A bill for an act to repeal Chapter 29 of the Special Laws of 1885, entitled "A bill for an act to repeal Section 5 of Chapter 31 of the Session Laws of 1883,

Also,

House Bill No. 306,

A bill for an act to amend Subdivision 2 of Section 79 of the Code of Civil Procedure,

Also,

House Bill No. 307,

A bill for an act to amend Sections 725, 732 and 733 of the Code of Civil Procedure,

Also,

House Bill No. 312,

A bill for an act to amend Section 65 of the Justice Code,

Also,

House Bill No. 316,

A bill for an act entitled "An act to provide for the punishing of persons who subscribe to or make oath to a false statement for the purpose of obtaining money, merchandise or other property,"

Also,

House Bill No. 290,

A bill for an act creating and defining a subdivision of the Sixth Judicial District,

Also,

Council Bill No. 135,

A bill for an act regulating criminal prosecutions in justice court,

Also,

Council Bill No. 184,

A bill for an act relating to the Compiled Laws,

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. 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. 226,

A bill for an act entitled "An act to provide for appeals and a change in the place of trial in cases before police justices and municipal magistrates,

Also,

Council Bill No. 231,

A bill for an act to legalize certain acknowledgments taken by one Frank E. Newton, a notary public,

The Committee have considered

House Bill No. 322.

A bill for an act to provide clerks for probate courts, And recommend that the bill be amended by striking out the word "three" wherever it appears in said bill after the word "twenty,"

And when so amended recommend that the bill do pass. They have also had under consideration the following bills and recommend that said bills do pass:

House Bill No. 311,
A bill for an act to amend Section 326 of the Code of
Criminal Procedure,

Also,

House Bill No. 314,
A bill for an act to repeal an act entitled, "An act regu-
lating the salaries of register of deeds and county
treasurers,"

Also,

House Bill No. 323,
A bill for an act to legalize oaths administered by and
acknowledgments taken by D. G. Jordan, register of deeds
for Sully county.

M. M. PRICE,
Chairman.

The Committee on Military Affairs submitted the follow-
ing report:

MR. SPEAKER:

Your Committee on Military Affairs to whom was re-
ferred

House Bill No. 318,

A Joint Resolution and Memorial to the Congress of the
United States praying for the maintenance of Fort Abra-
ham Lincoln as a Military Post and for appropriations for
its improvement,

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

WILLIAM S. LOGAN,
Chairman.

The Committee on Education submitted the following re-
port:

MR. SPEAKER:

Your Committee on Education to whom was referred
Council Bill No. 69,

To locate and establish the North Dakota Territorial
Agricultural College at Valley City, Dakota,

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

IRA S. LAMPMAN,
Chairman.

The Committee on Temperance submitted the following
reports:

MR. SPEAKER:

Your Committee on Temperance to whom was referred

Council Bill No. 180,

A bill for an act regulating the annual license fee relating to the sale of intoxicating liquors,

Have had the same under consideration and recommend that Section 4 of said bill be stricken out, and the following inserted in lieu thereof:

SECTION 4. This act shall take effect and be in force from and after its passage and approval,

And when so amended that it do pass.

A. L. PATRIDGE,
Chairman.

MR. SPEAKER:

Your Committee on Temperance to whom was referred House Bill No. 226,

A bill for an act to prevent the sale of intoxicating liquors within certain distances of buildings in the Territory of Dakota,

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

In Section 3 of said bill strike out lines 9 and 19 inclusive, and insert in lieu thereof the following: "And by imprisonment in the county jail not less than thirty days, and shall be fined not less than three hundred dollars for the second offense, and each and every offense thereafter, and imprisonment not less than sixty days in the county jail or Territorial Penitentiary. And any person keeping a place suspected of selling intoxicating liquor, upon complaint of any citizen to proper authorities, they shall have authority to enter such place and search the same, and if more than one gallon of intoxicants are found therein, it shall be positive evidence that said person is guilty of selling intoxicating liquors, and shall be guilty of a misdemeanor, and shall be punished as in this act provided."

And when so amended that it do pass.

A. L. PATRIDGE,
Chairman.

The Committee on Charitable Institutions submitted the following report:

MR. SPEAKER:

Your Committee on Charitable Institutions 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 Deaf Mute School at Sioux Falls, Dakota,

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

H. J. MALLORY.
Chairman.

Mr. McHugh moved
To suspend the rules and that House Bill No. 290 be read the third time and put on its final passage,
Which motion prevailed, and
House Bill No. 290,
A bill creating and defining a subdivision of the Sixth Judicial District

Was read the third time and placed on its final passage.
The roll being called there were ayes, 42; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Fletcher, Greene, Gronna, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Parkin, Patridge, Patton, Potter, Price, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, White, Mr. Speaker.

Mr. Powell being absent.

Messrs. Allen, Elliott, Howell, Ramsdell and Wellman being excused.

So the bill passed and its title was agreed to.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 27,

A bill for an act to amend Section 86, Sub-Chapter 1, Chapter 112 of the Laws of 1883, relating to township government,

Also,

House Bill No. 3,

A bill for an act amending Chapter 13 of the Laws of Seventeenth Legislative Assembly, entitled "An act authorizing and empowering the organized counties of Dakota, to issue and dispose of bonds to provide funds to pay outstanding indebtedness and to provide for the payment of principal and interest thereof,

Also,

House Bill No. 68,

A bill for an act creating and defining a subdivision of the Third Judicial District,

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. 30,

A bill for an act to amend Sections 6, 7 and 8 of Chapter 49 of the General Laws of 1878,

Also,

House Bill No. 98,

A bill for an act to define the boundaries of the counties of Butte and Harding,

Also,

House Bill No. 56,

A bill for an act to amend Section 47 of Chapter 29 of the Political Code,

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

Mr. Speaker announced his signature to House Bills Nos. 30, 27, 3, 68, 49, 98 and 56.

MOTIONS AND RESOLUTIONS.

Mr. Patton moved

To reconsider the vote by which that part of the report of the Committee of the Whole indefinitely postponing the further consideration of House Bill No. 281 was adopted.

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Morris introduced—

House Bill No. 333,

A Joint Resolution providing pay to John P. Gannon for services at the Capitol building during the Eighteenth Legislative Assembly,

Which was read the first time.

Mr. Newman introduced—

House Bill No. 334,

A bill for an act to amend Section 4, of Chapter 38, of the Session Laws of 1887,

Which was read the first time.

Mr. Mallory introduced—

House Bill No. 335.

A bill for an act to create the Dakota Endowment and Loan Guaranty Company,

Which was read the first time.

Mr. Potter introduced—

House Bill No: 336,

A bill for an act to amend Section one (1) of Chapter thirty-eight (38) of the Political Code, relating to homesteads and the conveyance thereof,

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 204,

A bill for an act to establish a Normal School for the Territory of Dakota at the city of Ashton, in Spink county, and for the government, management and control of the same,

Was read the second time and

Referred to the Committee on Appropriations.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 27,

A bill for an act to amend Section 165 of the Code of Civil Procedure,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 38; nays, 2.

Those who voted in the affirmative were:

Messrs. Adams, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Fletcher, Gronna, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Parkin, Patridge, Patton, Potter, Price, Royer, Ryan, Sheets, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens and Smith.

Absent and not voting:

Messrs. Greene, Palmer, Powell.

Messrs. Allen, Elliott, Howell, Ramsdell and Wellman being excused.

So the bill passed and its title was agreed to.

SECOND READING OF HOUSE BILLS.

House Bill No. 326,

A bill for an act to amend Section 1, of Chapter 48, of

Session Laws of 1887, entitled "An act to amend Sections 15 and 16 of Chapter 122, of the Laws of 1881," entitled "An act for the registry of electors and to prevent fraudulent voting,"

Was read the second time and

Referred to the Committee on Privileges and Elections.

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 the duties and compensation of said board and county treasurer,

Was read the second time and

Referred to the Committee on Territorial Affairs.

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 second time and

Referred to the Committee on Banking.

House Bill No. 329,

A bill for an act to amend Section 1 of Chapter 38 of the Session Laws of 1887,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 331,

A bill for an act to prescribe the manner of electing members of the Boards of Education throughout the Territory,

Was read the second time and

Referred to the Committee on Education.

THIRD READING OF HOUSE BILLS.

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 placed on its final passage.

The roll being called there were, ayes, 31; nays, 9.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Baldwin, Bergman, Burnham, Clark, Greene, Gronna, Hunter, Jones, Lampman, Lillibridge, Mallory, McHugh, McNeil, Morris, Newman, Parkin,

Patton, Price, Royer, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, White.

Those who voted in the negative were:

Messrs. Bennett, Cooke, Douglas, Logan, Miller, Palmer, Patridge, Potter, Ryan.

Absent and not voting:

Messrs. Bixler, Fletcher and Powell.

Messrs. Allen, Elliott, Howell, Ramsdell and Wellman being excused.

Mr. Palmer explaining his vote.

So the bill passed and its title was agreed to.

Mr. Swanston moved

That the further consideration of
House Bill No. 206,

A bill for an act to locate and establish a South Dakota Imbecile school,

Be indefinitely postponed,

Which motion prevailed.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respectfully report that

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. 30,

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

Also,

House Bill No. 68,

A bill for an act creating and defining a subdivision of the First Judicial District,

Also,

House Bill No. 98,

A bill for an act to define the boundaries of the counties of Butte and Harding,

Also,

House Bill No. 3,

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

Also,

House Bill No. 27,

A bill for an act to amend Section 86, Sub-Chapter 1, Chapter 112, of the Laws of 1883,

Also,

House Bill No. 49,

A bill for an act to correct the public statutes of the Seventeenth Session of the Legislative Assembly,

Were delivered to His Excellency the Governor for his approval at the hour of 2:35 o'clock p. m., February 26, 1889.

D. M. POWELL,
Chairman.

Mr. Newman moved

That further consideration of
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,"

Be indefinitely postponed.

Mr. Ryan moved

To lay the motion on the table,
Which motion prevailed.

Mr. Newman moved

That House Bill No. 251 be made the Special Order for Saturday next at 3 o'clock p. m.

Mr. Potter moved

To lay the motion on the table.
Which motion prevailed, and
House Bill No. 251,

A bill for an act entitled "An act to declare certain provisions for an attorney's fee void, and to provide a reasonable attorney's fee in such cases,"

Was read the third time and placed on its final passage.

The roll being called there were ayes, 31; nays, 9.

Those who voted in the affirmative were:

Messrs. Baldwin, Bennett, Bixler, Burnham, Cooke, Douglas, Greene, Gronna, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McNeil, Miller, Morris, Palmer, Patridge, Patton, Potter, Powell, Royer, Ryan, Sheets, Smith, Trude, Upham, Van Etten, Wellcome, White.

Those who voted in the negative were:

Messrs. Bergman, Clark, Fletcher, McHugh, Newman, Parkin, Swanston, Turnbull, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Aikens, Price.

Messrs. Allen, Elliott, Howell, Ramsdel and Wellman being excused.

Mr. Sheets explained his vote.

So the bill passed and its title was agreed to.

Mr. Jones moved

That the further consideration of

House Bill No. 97,

A bill for an act entitled "An act empowering the Governor to appoint women notaries public,

Be indefinitely postponed.

Which motion was lost.

Mr. Gronna moved

That House Bill No. 97 be laid on the table.

Which motion was lost.

Mr. Palmer moved

That the consideration of House Bill No. 97 be postponed for one week.

Which motion was lost.

Mr. Aikens moved

The previous question,

Which motion prevailed and

House Bill No. 97,

A bill for an act empowering the Governor to appoint women notaries public,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 22; nays, 19.

Those who voted in the affirmative were:

Messrs. Bennett, Burnham, Cooke, Douglas, Fletcher, Lampman, Lillibridge, Logan, Mallory, McNeil, Miller, Newman, Patridge, Potter, Powell, Price, Royer, Ryan, Sheets, Trude, Upham, Van Etten.

Those who voted in the negative were:

Messrs. Adams, Aikens, Baldwin, Bergman, Clark, Gronna, Hunter, Jones, McHugh, Morris, Palmer, Parkin, Patton, Smith, Swanston, Turnbull, White, Wellcome, Mr. Speaker.

Absent and not voting:

Messrs. Bixler and Greere.

Messrs. Allen, Elliott, Howell, Ramsdell and Wellman being excused.

So the bill passed and its title was agreed to.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER, }
February 26, 1889. }

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 199,

A substitute bill for Council Bill No. 11, being a bill for
an act detaching certain counties from the Seventh Judi-
cial District and attaching them to the Second and Fifth
Judicial Districts,

Which the Council has passed.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
February 26, 1889. }

MR. SPEAKER:

I have the honor to transmit 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 Council has passed and your favorable con-
sideration is respectfully requested.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
February 26, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
Council Bill No. 80,

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

Also,

Council Bill No. 219,

A bill for an act to amend Section 399, Chapter 35 of the
Penal Code, relating to gambling,

Also,

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, amend-
ments and appeals,

Also,

Council Bill No. 264,

A bill for an act entitled "An act to amend an act to lo-
cate, establish and endow a School of Mines for the Terri-
tory of Dakota,"

Also,
 Council Bill No. 205,
 A bill for an act, entitled "An act to raise and harmonize the existing system of public education and abolish the Territorial Board of Education,"
 Which the Council has passed and your favorable consideration thereof is respectfully requested.

R. E. WALLACE,
 Chief Clerk.

Mr. Patridge moved
 That the vote whereby House Bill No. 97 was passed be reconsidered, and that the motion to reconsider be laid upon the table.

Mr. White demanded a division of the question, which was ordered, and the vote by which House Bill No. 97 was passed was reconsidered.

SPECIAL ORDERS.

Mr. Morris moved
 That the House do now resolve itself into Committee of the Whole for the purpose of considering
 House Bill No. 296,

A bill for an act to regulate common carriers and creating the Railroad and Warehouse Commission of the Territory of Dakota and defining the duties of such commission in relation to common carriers,

Mr. Newman moved
 As a substitute motion that the House resolve itself into Committee of the Whole for the purpose of considering House Bill No. 22—Substitute for House Bill No. 22 and House Bill No. 296.

Which motion prevailed and
 Mr. Speaker called Mr. Mallory to the chair.

When the Committee rose the following report was submitted:

MR. SPEAKER:

The Committee of the Whole have had under consideration

House Bill No. 22,

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,

passed at the Sixteenth Legislative Assembly of the Territory of Dakota, and approved March 6, 1885.

And recommend that Section Six be stricken out, and that the further consideration of the bill be indefinitely postponed.

Also,

Substitute for House Bill No. 22,

A bill for an act to amend an act entitled "An act to provide for the establishment of Railroad Commissioners, defining their duties and to regulate the receiving and transportation of freight on railroads in this Territory, passed at the Sixteenth Legislative Assembly of the Territory of Dakota."

And recommend that the further consideration thereof be indefinitely postponed.

Also,

House Bill No. 296,

A bill for an act to regulate common carriers and creating the Railroad and Warehouse Commission of the Territory of Dakota and defining the duties of such Commission in relation to common carriers,

And recommend that further consideration thereof be indefinitely postponed.

H. J. MALLORY,
Chairman.

Mr. Lillibridge moved

To adopt the report of the committee.

Mr. Price moved

As a substitute motion to adopt all the report except that part referring to House Bill No. 296.

Mr. Aikens moved

A call of the House.

Which motion prevailed.

Call of the House was dispensed with, all members being present.

Ayes and nays demanded on the substitute motion of Mr. Price.

The roll being called there were ayes, 26; nays, 16.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Greene, Jones, Lampman, Logan, McNeil, Miller, Morris, Patridge, Potter, Powell, Price, Royer, Ryan, Swanston, Van Etten, White.

Those who voted in the negative were:

Messrs. Fletcher, Gronna, Hunter, Lillibridge, Mallory, McHugh, Newman, Parkin, Patton, Sheets, Smith, Trude, Turnbull, Upham, Wellcome, Mr. Speaker.

Absent and not voting:

Messrs. Allen, Elliott, Howell, Palmer, Ramsdell, Wellman.

Messrs. Allen, Elliott, Howell, Ramsdell and Wellman being excused.

So the amendment was adopted.

The question then being on the motion to adopt the report as amended,

The ayes and nays were demanded.

The roll being called there were ayes, 26; nays, 17.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Greene, Jones, Logan, McNeil, Miller, Morris, Palmer, Patton, Potter, Powell, Price, Royer, Ryan, Swanston, Van Eten, White.

Those who voted in the negative were:

Messrs. Fletcher, Gronna, Hunter, Lampman, Lillibridge, Mallory, McHugh, Newman, Parkin, Patridge, Sheets, Smith, Trude, Turnbull, Upham, Wellcome, Mr. Speaker.

Absent and not voting:

Messrs. Allen, Elliott, Howell, Ramsdell, Wellman, they being excused.

So the report as amended was adopted.

Mr. Speaker announced his signature to Council Bill No. 227.

Mr. Hunter moved

That House Bill No. 296 be referred to the Committee on Judiciary.

Mr. Adams moved

As an amendment that the rules be suspended and that House Bill No. 296 be taken from the Committee of the Whole, given its third reading and placed on its final passage.

Mr. Wellcome rose to a point of order that House Bill No. 296 was not properly before the House.

Which point of order the Speaker held was not well taken.

Mr. Price moved, as a substitute motion,

That the bill be recalled from the Committee of the Whole and referred to the Committee on Judiciary,

Which motion prevailed.

The Committee on Enrolled and Engrossed Bills submitted the following report.

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No, 290,

A bill for an act creating and defining a subdivision of the Sixth Judicial District,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respectfully report that

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 therefor and to provide for the payment of principal and interest of such bonds,

Which has been passed over the Governor's veto, was delivered to the Secretary of the Territory on February 26, 1889.

D. M. POWELL,
Chairman.

Mr. Fletcher moved

That the House do now resolve itself into Committee of the Whole for the purpose of considering

House Bill No. 46,

A bill for an act entitled "An act authorizing the incorporation of banking associations and for regulating the same."

Which motion prevailed and

Mr. Speaker called Mr. Ryan to the chair.

When the Committee rose the following report was submitted:

MR. SPEAKER:

Your Committee of the Whole have had under consideration

House Bill No. 46,

A bill for an act entitled "An act authorizing the incor-

poration of banking associations and for regulating the same."

And recommend that the further consideration thereof be postponed until to-morrow and the bill be referred to the author for correction.

GEO. W. RYAN,
Chairman.

Mr. McHugh moved
To adopt the report of the Committee.
Which motion prevailed.

Mr. McHugh moved
That the House do now adjourn.
Which motion prevailed and the House
Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

FIFTY-FIRST DAY.

BISMARCK, February 27, 1889.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members being present except Messrs. Allen, Howell and Wellman, Messrs. Allin, Howell and Wellman being excused.

The Committee to revise and correct the Journal submitted the following report:

MR. SPEAKER:

Your Committee to revise and correct the Journal have examined the Journal of February 26, 1889, and recommend the following corrections: On page 7, line 23, after the number "49" insert the number "30."

On page 15, line 15, strike out the words "and that" and insert in lieu thereof the word "also" and with these corrections recommend the approval of the Journal.

R. L. BENNETT,
O. R. VAN ETTEN.

Mr. Miller moved
To adopt the report.
Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The Committee on Temperance submitted the following report:

MR. SPEAKER:

Your Committee on Temperance to whom was referred House Bill No. 282,

A bill for an act to amend Section 5 of Chapter 70 of the Session Laws of 1887, entitled "An act to prohibit the sale of intoxicating liquors by local option,"

Have had the same under consideration and recommend that said bill be returned to the introducer for correction.

A. L. PATRIDGE,
Chairman,

Mr. Burnham moved
To adopt the report.
Which motion prevailed.

The Committee on Education submitted the following report:

MR. SPEAKER:

Your Committee on Education to whom was referred House Bill No. 331,

A bill for an act to prescribe the manner of electing members of the Boards of Education throughout the Territory,

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

IRA S. LAMPMAN,
Chairman.

The Committee on Woman Suffrage submitted the following report:

MR. SPEAKER:

Your Committee on Woman Snffrage to whom was referred

House Bill No. 55,

A bill for an act, entitled "An act to amend Section 47 of Chapter 27 of the Political Code, granting women the right of suffrage,

Have had the same under consideration and recommend that said bill be amended so as apply only to township and municipal elections,

And with this recommend that the bill do pass.

O. R. VAN ETTEN,
Chairman.

The Committee on Appropriations submitted the following report:

MR. SPEAKER:

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,

Also,

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,

And recommend that it do not pass for the reason that aforesaid officer was instructed not to go outside of the Territory for witnesses,

Also,

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,

Have had the same under consideration and recommend that said bill do pass, the objections of the Governor to the contrary notwithstanding,

Also,

Council Bill No. 163,

A bill for an act for the maintenance of the public offices of the Territory,

And that it be amended by striking out the words "five thousand" where they occur in Section 1, and insert in lieu thereof the words "twenty-five hundred," and as thus amended it do pass.

Also,

House Bill No. 295,

A bill for an act appropriating \$1,200 annually for salary of Territorial Treasurer's deputy,

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

Also,
 House Bill No. 245,
 A bill for an act to provide for the payment of claims
 for the completion of the records of the Seventeenth Leg-
 islative Assembly.
 And recommend that it do not pass.

J. M. GREENE,
 Chairman.

Mr. Greene moved
 To adopt the report.
 Which motion prevailed.

The question being on the passage 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, Uni-
 versity of Dakota and Dakota Agricultural College,

The objections of the Governor to the contrary notwith-
 standing,

And the same being read, and

The roll being called there were, ayes, 38; nays, 3.

Those who voted in the affirmative were:

Messrs. Aikens, Baldwin, Bennett, Bergman, Bixler,
 Burnham, Clark, Cooke, Douglas, Elliott, Greene, Gronna,
 Jones, Lampman, Lillibridge, Logan, McHugh, Morris,
 Newman, Palmer, Parkin, Patridge, Patton, Powell, Price,
 Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude,
 Turnbull, Upham. Van Etten, Wellcome, White, Mr.
 Speaker.

Those who voted in the negative were:

Messrs. Fletcher, McNeil, Potter.

Absent and not voting:

Messrs. Allen, Hunter, Miller.

Messrs. Howell, Mallory and Wellman being excused.

Mr. Bixler explaining his vote.

Mr. Adams being paired with Mr. Howell.

So the bill passed the objections of the Governor to the
 contrary notwithstanding.

The Committee on Railroads submitted the following re-
 port:

MR. SPEAKER:

Your Committee on Railroads to whom was referred
 House Bill No. 143,

A bill for an act to regulate the conduct of railroads in
 relation to the construction of grain elevators or ware-

houses along side of any of the side tracks and on the right of way,

Have had the same under consideration and recommend that said bill be amended as follows and do pass (amendments attached to bill.)

H. F. HUNTER,
Chairman.

The Committee on Territorial Affairs submitted the following report:

MR. SPEAKER:

Your Committee on Territorial Affairs to whom was referred

House Bill No. 255,

A Joint Memorial to the President-elect of the United States requesting the removal of Louis K. Church, Governor of Dakota,

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

H. H. SHEETS,
Chairman.

Mr. Palmer moved

To suspend the rules that House Bill No. 143 be read the third time and placed on its final passage.

Mr. Jones moved

As a substitute motion that House Bill No. 143 be made the Special Order for to-morrow at 3 o'clock.

Mr. Newman moved

To amend the substitute motion by adding that the bill be printed as amended.

Mr. Newman withdrew his amendment, and
The original motion being put, was lost.

The Committee on Agriculture submitted the following report:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred
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,

Have had the same under consideration and recommend that the substitute for House Bill No. 207 do pass.

J. V. WHITE,
Chairman.

The Committee on Judiciary submitted the following report:

MR. SPEAKER:

The Committee on Judiciary have had under consideration the following bills and recommend their passage:

House Bill No. 296,

A bill for an act to regulate common carriers and creating the Railroad and Warehouse Commission of the Territory of Dakota and defining the duties of such Commission in relation to common carriers,

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,

They return herewith

House Bill No. 198,

And recommend that it be referred to General Orders,

Also,

House Bill No. 44,

A bill for an act to amend Section 656 of the Code of Civil Procedure,

Which the Committee recommend be indefinitely postponed.

M. M. PRICE.

Chairman.

The following minority report on House Bill No. 296 was presented:

MR. SPEAKER:

A minority of your Committee on Judiciary, having had under consideration

House Bill No. 296,

Beg leave to submit the following report:

We recommend that said bill do not pass for the following, among other reasons, to-wit:

1. That said bill has not been read or considered by your Committee on Judiciary in accordance with the order of the House of Representatives recommitting said bill to your Committee. Said bill was recommitted on February 26, 1889, at 5 o'clock p. m. and came up for consideration at a meeting of your Committee on February 27th at 10 o'clock a. m., at which meeting nine of your Committee were present. During said meeting the chairman of your Committee suggested

that House Bill No. 296 be considered, and thereupon said chairman commenced reading the same. That after reading a few sections thereof and before any considerable portion of said bill had been read or considered a majority of your Committee, against the urgent protest of the minority, refused to allow said bill to be further read or discussed, and recommended that your Committee report that said bill do pass. The vote upon said motion being as follows: Those in favor of reporting with a recommendation that said bill do pass, four (4); voting against said motion, three (3); not voting, two (2); so that not only was the reading and intelligent discussion of said bill denied, but the vote recommending the passage thereof was not carried by a majority vote of the members of your committee there present. 2d. Your Committee are advised by competent legal authority, and after a casual examination of some of the provisions of said act, that the same is in direct conflict with and in violation of the Organic Law of Congress governing the several territories and limiting the legislative action in this.

1. That it proposes to delegate to the Railroad and Warehouse Commission thereby created legislative power.

2. It proposes to delegate to said Commission, judicial power in the following instance, among many others. We quote from Section 13 of said bill:

"It shall be the duty of the Commission summarily to investigate the matter complained of in such manner and by such means as it shall deem proper and for the purposes of this act, the Commission shall have the power to require the attendance of witnesses and the production of all books, papers, contracts, agreements and documents relating to any matter under investigation," etc.

3. That it limits and restricts the power and jurisdiction of the courts and denies to railroad corporations the equal protection of the courts provided and enacted by said Organic Law.

For which reasons, your Committee being of the opinion that said bill is unconstitutional and void, and that it is aimed at and intended to prejudice and impede the growing industries of the Territory and that the same has not been considered by, or discussion thereof allowed by your Committee, respectfully request that said bill be committed to said Committee for full and thorough examination.

All of which the minority of your Committee most respectfully submit.

JNO. B. WELLCOME,
C. C. NEWMAN.

Mr. Newman moved
That House Bill No. 70 be returned to the Council for correction.

Which motion prevailed.

REPORT OF SPECIAL COMMITTEE.

The Special Committee on Education submitted the following report:

Mr. Palmer moved

That the reading of the report at length be dispensed with,

Which motion prevailed and the bill was referred to General Orders.

MR. SPEAKER:

Your Committee on Education, to whom was referred House Bill No. 153,

A bill for an act to establish a system of public education and a Department of Public Instruction for the Territory of Dakota,

Have had the same under consideration and recommend that said bill be amended as follows, and when so amended that it do pass:

Section 2, paragraph 11, line 28, after the word "office" insert the words, "or for gross immoralities."

(Section and paragraph refer to the original bill, and the word, line or lines refer to the printed bill.)

B. F. BIXLER,
Chairman.

Sec. 5, line 2, strike out the words "assistant superintendent" and substitute in lieu thereof the words "other member of the Territorial Board of Education," and after the word "Council" in line 4 in the same section "or until their successors are appointed and qualified."

Sec. 6, line 7, after the word "duties" insert the words "provided that the Territorial Superintendent shall not receive more than four hundred dollars in any one year for traveling expenses, and the other members of the board shall not receive more than three hundred dollars each in any one year."

Sec. 8, line 7, strike out the word "day" and insert in lieu thereof the word "Monday."

Sec. 12, line 11, shall be amended to read as follows: "The Superintendent's salary shall be paid quarterly as the salaries of other county officers are paid."

Sec. 14, line 11, after the word "prescribe" insert the word "by." Also, in Sec. 17, line 7, strike out the word "successful," also Sec. 18, line 9, after the word "clerk" strike out the word "or" and substitute in lieu thereof the word "of."

Sec. 20, line 13, insert after the word "total" the following sentence: He shall also make a list of all the deaf and dumb, or partially deaf or dumb, persons in the county of seven years of age and not over twenty, to the superintendent of deaf and dumb school, together with the name and postoffice address of the parent or guardian of each.

Sec. 20, beginning with line 28 shall be amended to read as follows:

RECEIPTS BY FUNDS.

The balance at the close of last year in each of the various funds .....	.....
The amount received into the tuition fund.....	.....
The amount received into the building fund.....	.....
The amount received into the miscellaneous fund.....	.....
 Total amount received .....	.....

EXPENDITURES BY FUNDS.

Amount paid from tuition fund, teacher's wages .....	.....
Amount paid from building fund, school houses .....	.....
Amount paid from building fund, school house sites ..	.....
 Total paid from building fund .....	.....
Amount paid from miscellaneous fund for furniture...	.....
Amount paid from miscellaneous fund for apparatus and fixtures.....	.....
Amount paid from miscellaneous fund for interest on bonds .....	.....
Amount paid from miscellaneous fund for redemption of bonds.....	.....
Amount paid from miscellaneous fund for school officers .....	.....
Amount paid from miscellaneous fund for purposes not before included.....	.....
 Total paid from miscellaneous fund .....	.....
Entire expenditure for the township.....	.....

SOURCES OF RECEIPTS.

Balance from last year .....	.....
Received from township taxes.....	.....
Received subdistrict tax.....	.....
Received by apportionment.....	.....
Received from sale of bonds .....	.....
Received from all other sources.....	.....

Total receipts.....

Sec. 21, line 12, strike out the word "appointment" and insert in lieu thereof the word "apportionment."

Sec. 22, strike out all that follows the word "laws" in line 4.

Sec. 24, strike out all that part of the section that follows the word "districts" in line 9, and insert in lieu thereof the sentence, "The director shall perform such other duties as are prescribed by the rules and regulations of the school board of the township."

Sec. 28, line 4, after the word "laws" strike out the words "and who have children of school age under their control."

Sec. 29, line 4, after the word "or" and before the word "township" insert the word "school," and strike out all that part of line 4 that follows the word "clerk."

Sec. 23, strike out the lines 17, 18, 19 and 20 appearing as clause 4 of said section and renumber the clauses of the section.

Sec. 40, strike out lines 19, 20, 21, 22, 23 and 24 appearing as clause 5 of said section and insert in lieu thereof the following: To employ all teachers for the schools of the corporation and to order the chairman or clerk to execute contracts with all persons so employed.

Sec. 40 shall be further amended by adding paragraph 13, which shall read as follows:

13. It shall be a misdemeanor for a township or district school board to fence any school house or lot with barb wire.

Section 44, strike out lines 14, 15, 16, 17 and 18 and insert in lieu thereof the following:

Sir: You are hereby notified that the school board of...school township has levied a tax of...mills upon the dollar of valuation of all real and personal property in said school township for school purposes and it is distributed as follows:

For the tuition fund....mills.

For the building fund....mills.

For the miscellaneous fund....mills.

Sec. 46, line 7, after the word "member" insert the words "by the clerk and chairman."

Sec. 47, line 3, after the word "corporation" insert the word "is."

Sec. 49, line 21, after the word "a" insert the word "in."

Sec. 52, line 4, after the word "county" insert the following words, "superintendent and county treasurer a complete list of the officers of the school township."

Sec. 69, paragraph 4, line 19, strike out the words "is to" and insert in lieu thereof the word "shall."

Sec. 70, line 8, after the word "month" insert the words "of the teacher."

Sec. 72, line 3, after the word "void" insert the sentence, "No teacher shall receive any compensation for teaching during any time he is not the holder of a valid certificate of qualification."

Sec. 74, line 4, after the word "effects" insert the word "of."

Sec. 76, line 1, after the word "pupil" insert the words "from school."

Sec. 84, line 15, after the word "furniture" strike out the words "more than ten per cent."

Sec. 87, line 9, after the word "corporation" insert the words "as herein provided."

Sec. 89, line 5, after the word "township" insert the words "except in cases where a part of the congressional township lies without the Territory of Dakota."

Sec. 108, line 8, after the word "school" insert the word "house," and in line 9, after the word "purposes," insert the following, "nor for any private purpose whatsoever. And any person or persons violating the provisions of this clause shall be deemed guilty of a misdemeanor."

Sec. 120, line 7, strike out the word "themselves" and insert in lieu thereof the word "himself."

Sec. 123, line 11, strike out the words "or any brother or sister of any member thereof."

Sec. 130, lines 1 and 2 amended to read as follows: All counties heretofore under the district system of schools may adopt the provisions of this act by a majority vote of the electors of the county, and the county superintendent, through the county auditor, is hereby authorized to call for a vote on this question at any general election.

Line 9 of the same section after the word "arbitration" insert the words, "and this act shall take effect in such counties the first of July following such election."

Sec. 140, line 3, after the word "required" insert the words "to be built."

Sec. 141, line 1, after the word "taxable" insert the word "real."

Section 173 amended to read as follows:

Sec. 173. All acts and parts of acts heretofore enacted relating to schools and designated as follows are hereby repealed: Chapter 40 of the Political Code of 1877, Chapter 14 of the Session

Laws of 1879, Chapter 24 of the Session Laws of 1881, Chapter 69 of the Session Laws of 1881, Chapters 44, 45 and 46 of the Session Laws of 1883, Chapter 47 of the Session Laws of 1887, and all acts and parts of acts amendatory of any of the acts here named or dependent upon any of the acts, as well as all other acts or parts of acts in conflict with any part of this act, but such repeal shall not affect the validity of any contract heretofore entered into or any act done, or any right accruing, or any suit pending, but all rights and liabilities under said act shall continue and may be enforced as if said repeal had not been made, nor shall said repeal affect the right to any office or change the term or tenure thereof except as in this act especially provided; but this act shall so far as applicable be used for the adjustment and settlement of all matters provided for herein and in proceedings thereto, not impairing the obligation of any contract or affecting any vested or legal right.

The following sections shall be added as an amendment for the government of those counties in the territory now organized under the district system.

Sections 1 to 7 of this act apply generally to all counties of the territory.

Sec. 8. The qualified voters of the several districts in counties organized under the district system shall, at the annual school election on the third Tuesday of June of every second year, beginning with the year 1891, and at the same time and in the same manner that the directors are chosen, as provided in Sections 28 and 32 of this act, elect one county superintendent of schools, either male or female, whose term of office shall be for two years, beginning with the first Monday in October following the election. When an election is held for county superintendent of public schools, the result of such vote shall be placed in a sealed envelope and delivered by the clerk of the district to the county clerk in person, within three days after the election. The term of office of the present county superintendent is hereby extended one year from the first Monday in October, 1890.

Sec. 9. Upon receiving the returns from the various districts of the votes cast for county superintendent, the county clerk shall immediately issue a certificate of election to the person having the highest number of votes in the county, according to the face of the returns made to him.

Sections 10 to 22 of this act apply generally to counties under the township and district systems.

TO DIVIDE COUNTY INTO DISTRICTS.

Sec. 23. It shall be the duty of the county superintendent of schools, in addition to other duties required of him, to divide his county into school districts, and subdivide and re-arrange the boundaries of the same, when petitioned by two-thirds of the citizens residing in the districts or district to be effected by such

change. If he believes said change to be for the good of the public schools and to furnish the county commissioners of such county with a written description of the boundaries of each district, which description must be filed in the register of deeds' office before such district shall be entitled to proceed with its organization by the election of school district officers. It shall be his duty to keep on file in his office all petitions and remonstrances, which shall show the date of reception and the action had thereon, and it shall be his further duty on the division of, or change of district boundaries, to notify the clerks of the district interested of the change made. Whenever it shall be deemed necessary to form a district from parts of two or more counties, it shall be the duty of the county superintendent of each county in which any part of the proposed joint district shall be situated, to unite in laying out such district; and each county superintendent, assisting shall file a description of said joint district in the county clerk's office of his county.

WHAT PETITION FOR DIVIDING DISTRICT SHALL STATE.

Sec. 24. Every petition for dividing a district or rearranging the boundaries of districts shall state distinctly the reasons for the proposed change, and shall be supported by the affidavits of three or more voters residing within the districts concerned, stating that the facts set forth in the petition are true, and that the names signed thereto are those of two-thirds of the citizens entitled to sign such petition, residing within the area to be affected by such change.

WHEN MAY DECLARE FORMATION OF SCHOOL DISTRICT VOID.

Sec. 25. If any school district shall fail or neglect, for two successive years, to hold the school meetings required by law, maintain its organization by a duly qualified board of officers, and support a public school five months in each year, or shall neglect to organize according to law, and maintain a public school five months within one year after its formation by the county superintendent, said officer may declare the formation of said district null and void, and may then annex the lands in said district to such other districts as he deems best for the education of the children residing therein.

WHEN MAY RE-ARRANGE DISTRICT.

Sec. 26. Whenever five heads of families in one district shall unite in a petition, supported by affidavits, stating that their children are debarred from school privileges by reason of the improper size or form of the district, or by the distance to the school house, or by natural obstacles, the superintendent of the county may, in his discretion, order such re-arrangement of the district boundaries as may remedy their grievance, and such change shall become valid when approved by the board of county commissioners.

FORMATION OF NEW DISTRICTS—APPEALS.

Sec. 27. Whenever a school district shall be formed in any county, the county superintendent of schools of such county shall, within fifteen days thereafter, prepare a notice of the formation of such district, describing its boundaries and stating the number thereof, and appointing a time and place for the district meeting. He shall cause the notice thus prepared to be posted in at least five public places in the district, at least ten days before the time appointed for such a meeting; and when a joint district is formed from portions of two or more counties, the county superintendents of each county from which any portion of the new district is taken shall unite in giving the customary notices, and the new district shall be numbered by the superintendent of the county having the highest number of districts. Any citizen aggrieved by the action of the county superintendent of schools in the formation of the district in which he resides, shall have the right to appeal from his decision to the board of county commissioners, who shall have the power to hear and determine said appeal if taken within sixty days from the time of the formation or change of the district.

SCHOOL DISTRICT MEETINGS.

POWER OF SCHOOL DISTRICT MEETING.

Sec. 28. The inhabitants qualified to vote at a school district meeting lawfully assembled shall have power:

1. To appoint a chairman to preside at said meeting in the absence of the director.
2. To adjourn from time to time; provided, however, that no annual meeting shall be adjourned for more than thirty days.
3. To choose persons having the proper qualifications to fill the offices of clerk, director and treasurer.
4. To designate, by vote, a site for a district school house.
5. To vote a tax annually, not exceeding one per cent. on the taxable property in the district, as the meeting shall deem sufficient, to purchase or lease a site and to build, hire or purchase a school house and to keep the same in repair. All funds so raised shall be known and used as the building fund.
6. To vote a district tax annually, not exceeding one and one-half per cent. on the taxable property of the district, for pay of teachers' wages in the district. All funds so raised shall be known and used as the tuition fund.
7. To vote such a tax as may be necessary to furnish the school house with blackboards, outline maps, stoves, furniture and apparatus necessary for illustrating the principles of science, or to discharge any debts or liabilities of the district lawfully incurred, or for fuel and other necessary expenses; provided, that said tax shall not exceed one-half per cent in any year, and may be applied to any other purpose by a vote of the district at any

regularly called meeting. All funds so raised shall be known and used as the miscellaneous fund.

8. To authorize and direct the sale of any school house site or property belonging to the district when the same shall no longer be needful for the district.

9. To give such direction and make such provision as may be deemed necessary in relation to the prosecution or defense of any suit or proceeding in which the district may be a party.

ORGANIZATION OF DISTRICTS.

WHEN DEEMED ORGANIZED—PENALTY FOR REFUSING OFFICE.

Sec. 29. Every school district shall be deemed duly organized when the officers constituting the district board shall be elected and qualified. Every person duly elected as member of the district school board of any school district, who shall wilfully refuse or neglect, without sufficient cause, to accept such office, and serve therein, or who, having entered upon the duties of his office, shall neglect to perform any duty required of him by the provisions of this act, shall forfeit the sum of twenty-five dollars to the school district fund, which amount may be recovered by the district in civil action before any justice of the peace in the county where such district is located, and shall be appropriated to the support of the schools in his district by whom such action was prosecuted.

OFFICERS—WHEN ELECTED.

Sec. 30. The officers of each district shall be the director, clerk and treasurer, who shall be qualified voters of the district, one of whom shall be elected at each annual meeting to serve for three years and until his successor is elected and qualified; except that in the meetings called to organize new districts the director shall be chosen to serve for one year, the clerk for two years and the treasurer for three years.

POWERS OF ORGANIZED DISTRICTS.

Sec. 31. Every school district organized in pursuance of this act shall be a body corporate and shall possess the usual powers of corporation for public purposes, by the name and style of School District No. (such number as may be designated by the county superintendent) county, (the name of the county in which the district is situated) Territory of Dakota, and in that name may sue and be sued, capable of contracting and being contracted with, and hold such real and personal estate as it may come in possession of by will or otherwise, or is authorized to be purchased by the provisions of this act; but this section shall not be construed to prevent altering district boundaries in the manner herein provided.

ANNUAL MEETING—SPECIAL MEETING.

Sec. 32. An annual school meeting for each district shall be held at the school house or at the place usually occupied for school purposes, or where no school has been held in said district then at some central place in the district, on the last Tuesday in June, at such hour as the district board may direct. Annual school meetings shall be called by the district clerk ten days previous to the time of such meeting; who shall post three notices of the time and place of holding such meeting in three of the most public places in said district. But if the district clerk shall refuse or neglect to notify the annual school meeting, as provided in the next section, a special meeting may be called as provided in the next section, at which time it shall be lawful to elect school district officers and transact any other business usually done at the annual school meetings. Special school meetings may be held at any time by the order of a majority of the district board, for which ten day's notice shall be given by the district clerk, said notice stating the business to be acted upon by said meeting. Special school meetings may also be held at the call of any five legal voters of the district who shall subscribe and post three notices in three of the most public places in the district, ten days previous to the call of the meeting. Said notices to specify the business to be acted upon by said school meeting.

Sec. 33. WHEN NO ANNUAL MEETING IS HELD AT THE TIME APPOINTED.] Whenever the time for holding the annual meeting in any district shall pass without such meeting being held, the clerk or in his absence, any member of the district board, within twenty days after the time for holding said annual meeting shall have passed, may give notice of a special meeting by putting up three written notices thereof in three public places within the district, at least five days previous to the time of meeting. But if said meeting shall not be notified within thirty days aforesaid the county superintendent may give notice of such meeting in the manner provided by forming new districts, and the officers chosen at such special meeting shall hold their respective offices until the next annual meeting, and until their successors are elected and qualified.

Sec. 34. VACANCIES.] When any vacancy occurs in any office of a school district by death, resignation, ceasing to be a resident of a district, failure to elect or otherwise, the fact of such vacancy shall be immediately certified to the county superintendent by the clerk of the school district, or, if that be the vacant office, by the director, or if two offices become vacant at the same time, by the remaining officer, and the county superintendent shall immediately appoint in writing some qualified elector of the school district who shall qualify and serve until the next annual election of the school district, when a successor shall be chosen for the unexpired term, if any, or for the succeeding term. The county superintendent

shall at the same time notify in writing the county clerk and the clerk of the school district of every such appointment.

QUALIFICATIONS OF OFFICERS.

Sec. 35. The treasurer of every school district shall, before entering upon duty as such, give bond to such corporation conditioned that he will faithfully and impartially discharge the duties of his office (naming it in full), and render a true account of all moneys, credits, accounts and property of every kind that shall come into his hands as such treasurer, and pay and deliver the same according to law. Such bond shall be in a penal sum, equal to double the amount of money, as near as can be ascertained, to come into his hands as such treasurer in any one year, and shall have two or more sufficient sureties, to be approved by the director and clerk of the district. In case the director or clerk, or either of them, neglect or refuse to approve such bond and the sureties thereto, such treasurer may present the same to the county superintendent or the judge of the probate court, or the clerk of the district court of the county, and serve notice thereof upon the director or clerk, or the one thereof who refused or neglected to approve the bond; and due proof of such service being made to the officer to whom the bond was presented for approval, he shall, unless good cause for delay appear, proceed to hear and determine the sufficiency of the bond sureties thereto, and may approve the same, and such approval shall be in all respects valid. The director and clerk, or the county superintendent, may at any time require a new and additional bond from such treasurer, and shall require a new or additional bond whenever the amount of money to come into the hands of such treasurer shall be equal to three-quarters of the penal sum of such bond, or upon the failure, death or removal from the county of any one of the sureties, or for other sufficient reason.

FORFEITURE OF BOND.

Sec. 36. All such bonds shall be filed with the county clerk, and in case of the breach of any condition thereof, the director (and in case of his failure or refusal so to do, the county superintendent) shall cause an action to be commenced and prosecuted thereon in the corporate name of the school district, and any money collected shall be paid into the county treasury to be applied to the use of schools as part of the special fund of said district. If such director and county superintendent both fail or refuse to bring such action upon the breach of the bond, then any taxpayer of the district may cause such action to be commenced and prosecuted; and the necessary expense of such action shall be paid, unless otherwise ordered by the court, out of the special fund of the district.

OATH OF TREASURER.

Sec. 37. Each treasurer shall take and subscribe on the back of his bond, or a paper attached thereto, to be certified by the officer administering it, an oath that he will faithfully and impartially perform all the duties of his office (naming it fully) as provided by the condition of his bond written within.

OATH OF SCHOOL OFFICERS.

Sec. 38. Every director and clerk of a school district shall, before entering upon his duties, take and subscribe, upon the back of his certificate of election or appointment, or upon paper attached thereto, an oath that he will faithfully and impartially perform all the duties of his office (naming it fully), which oath shall be filed with the county clerk.

AFFIRMATION.

Sec. 39. Any person who is conscientiously scrupulous of taking an oath may be allowed to make affirmation, adding at the end thereof the following: "This I do affirm under the pains and penalties of perjury."

PROCEEDINGS TO RECOVER MONEYS.

Sec. 40. If any person shall refuse or neglect to pay over any money in his hands as treasurer of a school district to his successor in office, such successor must without delay bring action upon the official bond of such treasurer for the recovery of such money.

DUTY OF DIRECTOR.

Sec. 41. The director of each district shall preside at the district meetings, and shall sign orders drawn by the clerk, authorized by the district meeting, or by the district board, upon the treasurer of the district for moneys collected or received by him to be disbursed therein. He shall appear for and in behalf of the district in all suits brought by or against the district, unless other direction shall be given by the voters of such district at a district meeting.

ENGLISH LANGUAGE TO BE USED AND TAUGHT.

Sec. 42. All reports and records of district officers and proceedings of district meetings shall be in the English language; and if any money belonging to any district shall not be expended for supporting a school in which the English language shall not be taught exclusively, the county superintendent, or any tax-payer of the district, may in a civil action in the name of the district, recover said money from the officer expending it.

DUTY OF DISTRICT CLERK.

Sec. 43. The clerk of each district shall record the proceedings

of his district in a book provided by the district for that purpose, and enter therein copies of all reports made by him and the treasurer to the county superintendent, and he shall keep and preserve all records, books and papers belonging to his office and deliver the same to his successor in office.

WHEN VOTERS MAY APPOINT A CLERK.

Sec. 44. The said clerk shall be clerk of all district meetings; but if such clerk shall not be present, or being present shall refuse to act at such district meeting, the voters present may appoint a clerk for such meeting who shall certify the proceedings thereof, and the same shall be recorded by the clerk of the district.

CLERK TO CALL DISTRICT MEETINGS.

Sec. 45. It shall be the duty of the clerk to give at least ten days' notice previous to any annual or special district meeting, by posting up notices thereof at three or more public places in the district, one of which notices shall be affixed to the outer door of the school house, if there be one in the district, and said clerk shall give like notice of every adjourned meeting when such meeting shall have adjourned for a longer period than one month. Every notice for a special district meeting shall specify the object for which such meeting is called.

DISTRICT TAX—NOTICE TO COUNTY TREASURER.

Sec. 46. It shall be the duty of the district clerk on or before the 15th day of August in each year, to notify the county clerk of the amount of tax, if any, voted at the last annual meeting, and of any tax levied by the district board to pay judgment, of which notice has not been previously given, which notice shall be substantially in the following form:

District clerk's office, school district No., of..... county, Dakota Territory.

(date).....18....

To the county clerk of.....county, Dakota Territory:

I hereby notify you that at a district meeting of district No., held on the.....day of....., 18...., at.....the district voted the following tax:

For building fund .....	.....mills.
For tuition fund.....	.....mills.
For miscellaneous fund .....	.....mills.
Total.....	.....mills.

on the dollar of valuation of real and personal property for school purposes for the coming year, and you are hereby ordered to enter such tax on the county tax list for collection on the property in this district.

DISTRICT BOARD—MAY BUILD AND SELL SCHOOL BUILDINGS.

Sec. 47. The district board shall purchase or lease such site for

a school house as shall have been designated by voters at a district meeting in the corporate name thereof and shall build, hire or purchase such school house as the voters of the district in a district meeting shall have agreed upon, out of the funds provided for that purpose; and make sale of any school house, site, or other property of the district, and if necessary execute a conveyance of the same in the name of their office when lawfully directed by the voters of such district at any regular or special meeting, and shall carry into effect all lawful orders of the district.

PROCEEDINGS TO OBTAIN SITE FOR SCHOOL HOUSE.

Sec. 48. It shall be lawful for any board of district officers to take and hold any land not exceeding one acre, legally chosen as a school house site by a lawful district meeting. If the owner of such land refuse or neglect to grant such site to the district, or cannot be found, the superintendent of that county shall upon application appoint three disinterested persons of said county unless a smaller number is agreed on by the parties, who, after taking an oath before him to faithfully and impartially perform the duties imposed on them by this section, shall inspect said real estate and assess damages said owner will sustain by taking the same for school uses, (written notice having been previously given to the owner of the time of appraisal) and said assessors shall file their written report with the county superintendent giving the exact description of the land and the amount of damages assessed. If said school board shall, before taking said land for school uses deposit with the county treasurer for the use of said owner, the amount of money so assessed as damages, they shall be thereby authorized to build a house thereon in the name of the district, and maintain the right to said premises; Provided, That appeal from said assessment may be taken within twenty days by either party to the district court: And, Provided, That no site shall be thus taken within forty rods of any residence, the owner whereof objects to its being placed nearer, and not in any orchard, garden or public park. But this section shall not apply to any incorporated town.

TITLE OF GROUNDS TO BE FOR SCHOOL PURPOSES ONLY.

Sec. 49. The title acquired to such school site shall be for school purposes only and if not used for said purpose of maintaining a public school thereon, for two successive years, the title shall revert to the owner of the fee, upon repayment of the original sum paid, with value of improvements made by the district, and without interest.

MAY ADMIT NON-RESIDENT SCHOLARS.

Sec. 50. The district board shall have power with the consent of the teacher to admit scholars from other districts and remove scholars for disorderly conduct, and when scholars are admitted

from other districts, the district board may, in their discretion, require a tuition fee from such scholars; and the district officers shall visit their school and aid the teacher in preserving good order and obedience to the rules, whenever the teacher shall require their assistance. (Amended February 17, 1881, which see.)

COMPENSATION OF SCHOOL DISTRICT OFFICERS.

Sec. 51. [1877.] No school district officer mentioned in this act shall receive any compensation for his services out of the territorial or county school fund, but a regularly convened district meeting may by vote allow the district board such compensation as they shall deem proper.

DIRECTOR'S DUTY—SCHOOL BOARD TO SUPPLY BOOKS TO POOR CHILDREN.

Sec. 52. [1879] It shall be the duty of the director to ascertain whether any children in the district between the ages of eight and fourteen years are deprived of school privileges while a school is being taught in the district, and learn and report to the board the causes of any such absence. If any parent or guardian shall make application to the director of his district, stating that his child is unable to attend school from lack of books, and that the parents or guardian of such child are too poor to provide the same, the district board may, in their discretion, supply to said pupils whatever books and slates the teacher may designate as being necessary to said pupils' attendance at school; and the said board may in like manner provide for children having no parent or guardian within reasonable distance.

SCHOOL MONEY AND FUNDS—FUNDS, HOW DESIGNATED.

Sec. 53. All money received by the school district from district taxes, from subscription, donation, sale of property, penalties or any other source whatever, except from apportionment by the county or territory, shall be called the special school fund; and all moneys apportioned by the county superintendent from the county school fund, or from the Territory of the United States, shall be called the tuition fund. The treasurer shall keep one general account wherein shall be set down upon the debit side all the money he shall receive as such treasurer from all sources whatever, each item of entry showing plainly the source of the particular payment to him, with the date thereof; and he shall set down upon the credit side all the money he shall pay out for all purposes whatever, each item thereof showing to whom and for what purpose each payment was made, with the date thereof. The total of the debit side shall always be balanced by the total of the credit side, with the funds on hand added thereto. At the beginning of every school year he shall open such accounts anew for that year, and the first item shall be an entry

on the debit side of the balance on hand, if any, from the preceding year.

TREASURER'S ACCOUNTS, HOW KEPT.] He shall also keep a separate set of accounts of different classes of receipts and expenditures, showing severally the following:

RECEIPTS.

- The amount received into special fund from all sources.
- The amount received by apportionment.
- The amount received from sale of bonds.
- The amount received from all other sources.

EXPENDITURES.

- The amount paid for school houses, sites, furniture and appendages.
- The amount paid for teachers' wages.
- The amount paid for incidental expenses.
- The amount paid as interest on bonds.
- The amount paid upon debts and liabilities not included in other items.

The several accounts shall be kept separately and are not required to balance, but the accounts for different classes of receipts shall be kept separately from the accounts of different classes of expenditures, but every entry in each shall fully and clearly designate its source or purpose, with the date.

WARRANTS, HOW SIGNED, ETC.

Sec. 54. The clerk shall draw and sign all warrants for the payment of money for any purpose legally ordered by the board, whether for the regular school purposes of the district, to pay judgments or other authorized payments, except principal and interest on bonds, which shall be paid on presentation of the coupons and bonds as when provided for them. The director shall sign all such warrants, and they shall be paid by the treasurer in the order of their presentation, and when presented, so long as there is any money whatever in the treasury, except money raised and necessary to pay interest on bonds or the principal of bonds, for which purposes sufficient funds shall always be reserved and so applied. Every warrant shall specify the purpose for which the money was paid, and the person, firm or corporation to whom paid. In case the treasurer has no money applicable to the payment of the warrant he shall endorse it "presented this.....and not paid for want of funds," inserting the date of presentment in the blank, and sign the endorsement, and if he has money to pay a portion of the amount he shall pay so much of the warrant and shall endorse thereon the date and amount paid and add "the balance not paid for want of funds," and sign the same, and interest at eight per cent. per annum shall accrue upon the amount unpaid of all warrants substantially so endorsed, from the date of such indorsement.

[Amended March 13, 1885: "No warrant shall be issued except for an indebtedness incurred prior to its issue."]

PAYMENT OF WARRENTS.

Sec. 55. A memorandum shall be made and kept by the treasurer of all such indorsements and of the name and postoffice address of the then holder of the warrant, and whenever sufficient money is received in the treasury to pay these warrants or any one of them, the treasurer shall immediately notify by letter, postage paid, such holder thereof, and interest shall cease on such warrant at the end of seven days after such notice is sent. The treasurer shall reserve and use a sufficient amount of money to pay all such indorsed warrants, from the first money received thereafter for any purpose, except money received or held to pay interest and principal on bonds.

COUNTY TREASURER TO MAKE PAYMENT.

Sec. 56. All money received under the two preceding sections, by tax or from other sources, shall constitute a county general tuition fund; and the county treasurer shall, on the first Mondays in January, April, July and October in each year, furnish the county superintendent of public schools with a statement of all the money in the county treasury belonging to this fund, and he shall pay the same upon the order of the said superintendent to the treasurers of the respective school corporations of the county.

APPORTIONMENT OF SCHOOL FUNDS.

Sec. 57. The county superintendent shall, as soon as he receives the statement of the county treasurer, provided for in the preceding section, apportion such amounts to the several public school corporations within the county in proportion to the number of children residing in each between seven and twenty years of age, as the same shall appear from the last annual reports thereof, and he shall immediately notify by mail, in writing, each school treasurer of the amount of money due his school corporation, and he shall draw his orders upon the county treasurer in favor of the several school treasurers aforesaid for the amount so apportioned to each school corporation, and he shall deliver said orders to said treasurers upon their application, taking their receipt therefor.

ORDER FOR MONEY NOT TO BE DELIVERED, WHEN.

Sec. 58. The county superintendent shall not deliver said order for money so apportioned to any treasurer unless the bond and oath of such treasurer, duly approved and certified, are on file in the office of the county clerk, or, in case of boards of education, a certificate from the secretary or clerk of the board that the treasurer thereof has duly qualified.

DUTY OF COUNTY TREASURER TO COLLECT TAXES.

Sec. 59. It shall be the duty of the county treasurer to collect the taxes for school purposes at the same time and in the same manner that the county and territorial taxes are collected; and full power is hereby given him to sell the property, or any property, for school taxes, the same as is now by law provided for other taxes; and he shall execute a tax deed upon tax sales of property made for school taxes the same as is provided in the case of other taxes; and he shall receive the same fees as is provided in case of other taxes. He shall collect all delinquent school taxes as by law provided for other taxes, and shall pay the same over to the school treasurer entitled thereto, less his fees and cost of collecting; and if any county treasurer shall refuse to deliver over on the order of the superintendent any money in his possession, or shall use, or permit to be used, for any other purposes than are specified in this act, any school money in his possession, he shall, on conviction thereof, be adjudged guilty of a misdemeanor, and punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding one year.

REFUNDING TAXES IMPROPERLY COLLECTED.

Sec. 60. Whenever any error may be discovered in any school tax or tax list, the district school board may order any money so improperly collected to be refunded, and nothing in this act shall prevent or limit the power of any board of county commissioners or any mayor and council of any city, or president and trustees of any town or village to exercise all the powers given them by law to equalize tax lists, correct errors and refund any tax or abate any part thereof.

CITY SCHOOLS ENTITLED TO PROPORTION OF SCHOOL FUNDS.

Sec. 61. The public schools of every city, town or village which may be regulated by special law in the charter thereof, or by other special acts or by any general act providing boards of education therefor, shall be entitled to receive their share of the county general tuition fund; provided, that the clerk or secretary of the board of education thereof shall make the regular annual reports to the county superintendents, required of the school corporations. This provision shall apply to all graded and high schools.

Sec. 62. Any school corporation may accept and receive donations directly, and accurate account shall be made of all such funds by the officers or corporations that handle or use them.

QUARTERLY PAYMENT OF SCHOOL FUNDS.

The treasurer of each school district shall apply for and the county treasurer shall pay over to him all of the school money collected for such district, when notified by the county clerk, in writing, that such school treasurer has qualified and filed his oath and bond as provided by law. But one such notice of qualifica-

tion is required during the term of each school treasurer, and when a new one is appointed for any reason, or the incumbent has become disqualified, the clerk of the proper school board and the county superintendent, shall so inform the county clerk, who shall also inform the county treasurer. Such payments shall be made four times per year, of the amount on hand as reported by the treasurer. Any person who so draws school money from the county treasury who is not at the time a duly qualified treasurer of the school corporation for which he draws the money, and authorized to act as such, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not less than twenty-five dollars and not more than double the amount of the money so drawn if beyond twenty-five dollars, which fine shall, when collected, be paid into the special school fund of the district for which the money was unlawfully drawn.

WHEN TREASURER GUILTY OF EMBEZZLEMENT.

Sec. 64. Every treasurer of a school district who shall loan any portion of the money in his hands belonging to such district, whether for consideration or not, or who shall expend any portion thereof for his own or any other person's private use; is guilty of embezzlement, and shall upon conviction be punished as provided by law. And no treasurer of a school district shall pay over or deliver the school money in his hands to any officer or person, or to any committee to be expended by him or them, but all public school funds shall be paid out only by the proper treasurer as hereinbefore provided.

WHO ENTITLED TO SCHOOL PRIVILEGES.

Sec. 65. The common schools provided for by this act shall be at all times equally free, open and accessible to all children over seven and under twenty years of age, residents of the school districts where they are held, or entitled to attend the school under any special provision of this act, subject to the regulations herein made, and to such as the several school boards of the districts may prescribe, which shall always be equal and just, and never in conflict with the law.

BRANCHES TO BE TAUGHT.

Sec. 66. In every common school there shall be taught to the pupils of sufficient capacity to properly attend to the same, the following branches of a common English education: Orthography, reading, writing, geography, arithmetic, English language lessons and grammar, and United States history and physiology and hygiene. Section 111 of the law governing township counties will also be in force in counties under district counties; Provided, That a more advanced course of studies may be prescribed by the district boards for the graded schools herein provided.

CLERK TO PROVIDE TEACHER'S REGISTER.

Sec. 67. The clerk of every school district shall provide one suitable school register for each school therein, and keep the same as part of the records of his office, except during each term of school, when the teacher shall keep said register and record therein each day the attendance of each pupil and the absence of those enrolled, and all other items necessary for making report.

CLERK'S REPORT.

Sec. 68. The clerk of each school district shall, on or before the first day of August in each year, make, sign and transmit, or deliver, to the county superintendent a report in writing, covering the preceding school year, and including all the facts and statistics of the school districts which are required by the preceding section to be included in the county superintendent's report, and in the same order therein required, except any item therein peculiar to the county, and not belonging to the district. He shall also report the branches studied in the graded and ungraded schools separately; the names and addressess of the district school officers and the dates when their terms severally expire; and all other facts and statistics which the county superintendent may require for his report to the Territorial Superintendent.

TREASURER'S REPORT.

Sec. 69. On or before the 15th day of July in each year the treasurer of each school district shall make, sign and deliver to the clerk of the same, and deliver or transmit to the county clerk, a report in writing which shall cover all the financial accounts and transactions of the school district for the preceding school year, and shall show by items the following:

RECEIPTS BY FUNDS.

The balance at the close of last year in each of the various funds.

The amounts received into the tuition fund.

The amount received into the building fund.

The amount received into the miscellaneous fund.

Total amount received.

EXPENDITURES BY FUNDS.

Amount paid from tuition fund, teacher's wages.

Amount paid from building fund, school houses.

Amount paid from building fund, school house sites.

Total paid from building fund.

Amount paid from miscellaneous fund for furniture.

Amount paid from miscellaneous fund for apparatus and fixture.

- Amount paid from miscellaneous fund for interest on bonds.
- Amount paid from miscellaneous fund for redemption of bonds.
- Amount paid from miscellaneous fund for school officers.
- Amount paid from miscellaneous fund for purposes not before included.
- Total paid from miscellaneous fund.
- Total expenditure for the township.

SOURCES OF RECEIPTS.

Balance from last year .....	.....
Received from township taxes.....	.....
Received subdistrict tax.....	.....
Received by apportionment.....	.....
Received from sale of bonds.....	.....
Received from all other sources.....	.....
<hr/>	
Total receipts .....	.....

The total expenditures added to the balance on hand shall equal the total receipt, but the balance on hand must not be added as part of the total expenditures. He shall also supply the clerk of the school district with any other fact which his books would show required by the clerk in his report.

SCHOOL BOARD TO EXAMINE TREASURER'S REPORTS.

Sec. 70. Before the date of the treasurer's report or upon that date, the district school board shall hold a session, to be called by the clerk, and the treasurer shall then submit to the board all his books, accounts and vouchers, and the board shall carefully examine the same and the items thereof and compare the report therewith, and if they find the same to be correct and to agree they shall indorse upon triplicate copies of the report duly signed by the treasurer, the following: "Examined, compared and found correct this.....day of....., 18....," and sign such indorsement upon each copy. They shall also cause the clerk to make entry in the record book of their proceedings the fact of such examination and comparison, and the fact whether or not the books, accounts, vouchers and reports are found correct. If the reports are so found correct one copy shall be immediately delivered to the clerk of the school district, who shall receipt in writing therefor; another shall be immediately transmitted or delivered to the county clerk; and the third shall be retained personally by the treasurer. The clerk of the school district shall copy the report received by him in his record book, together with the indorsement thereon, and file it in his office. If the county clerk fails to receive the copy sent to him the clerk shall upon notice send him a certified copy of the report on file in his office, together with the indorsement.

TREASURER'S ACCOUNT.

Sec. 71. Every treasurer shall keep a regular account with each school corporation in which he shall charge himself with all taxes collected by levy of the district board, and all sums apportioned to the district by the county superintendent or other authority, and all other sums received for the school district; and he shall credit himself with all payments made to the treasurer of the school district, distinguishing between the items paid by apportionment, those from local taxes, and those from other sources. To these credits, to balance the account, he shall add all items for legal fees, for collection and other duties. These accounts shall be kept for each school year separately, beginning July 1st and ending with June 30th of the following year. At the first meeting of the board of county commissioners after the close of a school year he shall submit an abstract of these several accounts.

Sec. 72. * * * The clerk's reports shall be retained in the files of the county superintendent's office, and those of the treasurers shall be filed by the county clerk. The superintendent shall have access to and the privilege of examining all treasurer's reports, and the accounts of the county treasurer with the school corporation. * * * * *

"All boards of education, independent school districts and other school boards shall make regular annual reports to the county superintendent who shall in time report to the Territorial Superintendent. This provision shall apply to all graded and high schools."

PENALTY FOR FALSE REPORT.

Sec. 73. Every clerk or treasurer of a school district who shall wilfully sign or transmit a false report to the county superintendent, or wilfully sign, issue or publish a false statement of facts, purporting or appearing to be based upon books, accounts or records, or of the affairs, resources and credit of the school district, shall, upon conviction, be punished by a fine not exceeding fifty dollars, or by imprisonment not exceeding fifteen days in the county jail.

PENALTY FOR REFUSING TO DELIVER BOOKS, ETC.

Sec. 74. Every clerk or treasurer of a school district, who shall wilfully neglect or refuse to deliver to his successor in office whether elected or appointed to a regular term, a vacancy declared, or temporarily during his suspension, all records, books, papers, accounts, money and other property belonging thereto and to the district, shall, upon conviction, be fined not less than five dollars nor more than fifty dollars; and the successor shall prosecute without delay upon the official bond of such officer for the recovery of all such money.

OFFICERS TO QUALIFY BEFORE PERFORMING DUTY.

Sec. 75. No officer of a school district shall perform any duties

of the office, nor receive any of the property, money, books or papers belonging to the office, nor any money from the county treasurer, or warrant therefor, until he has fully qualified as required by law.

OFFICE, WHEN DEEMED VACANT.

Sec. 76. If any officer, elected or appointed, of a school district shall fail to qualify or to give bonds as required for one month after his election, the office shall be deemed vacant, and a successor appointed by the county superintendent. Whenever a treasurer of a school district, by election or appointment, becomes his own successor, he shall give new bonds, and all such officers shall qualify anew upon entering upon a new term. If from sickness or any other cause, such officer shall become incapacitated or unable to attend to the duties of his office, the fact shall be certified to the county superintendent by the remaining officer or officers of the school district, and a successor shall be appointed as to a vacancy. Ceasing to be a resident of the district for a period of thirty days shall be deemed an immediate vacation of the office.

RESPONSIBILITY FOR MONEY LOST.

Sec. 77. If any treasurer of a school district shall, by neglect, lose, or suffer to be lost, any money belonging thereto, which has been received from the county treasurer, said treasurer shall forfeit to such district the full amount of money so lost, and it may be recovered by an action upon his official bond.

PENALTY FOR MONEY LOST.

Sec. 78. Every treasurer of a school district who shall loan any part of the money in his hands belonging to the district, whether for a consideration or not, or who shall expend any part thereof for his own or any other person's private use, is guilty of embezzlement, and shall, upon conviction, be punished as provided by law.

DUTY OF COUNTY TREASURER.

Sec. 79. The county treasurer shall collect all moneys due the county for school purposes from fines, penalties for crimes or other acts or failures, forfeitures, licenses, proceeds from the sale of estrays, from exemption from military duty, and all other moneys from any source or by any law due to said school fund, and shall add the same to the proceeds of the county general school tax in his report to the county superintendent for apportionment. He shall collect all delinquent school taxes as by law provided for other taxes, and at the same time, and he shall pay the same over to the treasurers of school corporations entitled thereto, less his fees and costs of collecting; and if any county treasurer shall refuse to deliver over any money in his possession upon legal order, or shall use or permit to be used, for any other

purposes than are specified in this act, any school money in his possession, he shall, on conviction thereof, be adjudged guilty of a misdemeanor, and punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year. [See Sec. 53, page 24.]

TAX TO PAY JUDGMENT.

Sec. 80. Whenever any final judgment shall be obtained against any school corporation, the board thereof shall levy a tax upon the taxable property in the corporation for the payment thereof; such tax shall be collected as other school taxes, but no execution shall issue against any school corporation. Such tax or taxes shall not be greater than two per cent. in any one year, and any surplus funds in the treasury of the school corporation may be appropriated to the payment of a judgment. If the school board shall fail or refuse to levy such tax the judgment creditor may apply to the board of county commissioners, who shall cause such tax to be levied upon the property of the school district. When collected it shall be paid over by the county treasurer to the judgment creditor, whose receipt therefor shall be delivered the same as money to the treasurer of the school corporation by the county treasurer. Such levy may be repeated until the judgment is paid.

JURISDICTION OF JUSTICES.

Sec. 81. Justices of the peace shall have jurisdiction in all cases in which a school corporation is a party interested, when the amount claimed by the plaintiff does not exceed one hundred dollars, and the parties shall have the right to appeal as in other cases.

FINES, HOW COLLECTED.

Sec. 82. All fines and penalties not otherwise provided for in this act shall be collected by action in any court of competent jurisdiction.

ASSESSOR TO FURNISH CERTIFICATE.

Sec. 83. Every township or county assessor shall, on or before the 15th day of June in each year, furnish to the clerk of each school corporation the property of which he assesses, a certificate of the valuation of all real property and all personal property and the total of these, subject to taxation within the corporation for the current year.

WORDS, HOW CONSTRUED.

Sec. 84. Words giving a joint majority to three or more public officers or other persons, are construed as giving such authority to a majority of them, unless it be otherwise expressed in the section or law giving the authority; and when a decision or direction is made by a majority of such officers or persons, it is

the duty of the one to whom its execution belongs by law to execute the same in all respects as if he had favored the particular decision or direction, or as if it were authorized unanimously.

DATE OF SCHOOL DISTRICT ANNUAL MEETING.

Sec. 85. The school district annual meeting shall be held upon the third Tuesday in June of each year, with like notice therefor as now required by law, and with the powers provided by law.

Sec. 86. "All school corporations and districts in all the counties in the territory shall keep open and maintain public schools for not less than six months each school year, where said corporation or district contains twenty or more pupils, and the levy allowed by law upon the assessed valuation is sufficient for that purpose."

TREASURER'S ANNUAL STATEMENT.

Sec. 87. Besides the requirements herein provided for the reports of officers or corporations for school purposes, the treasurer of every school district shall submit to the annual school meeting of his district the statement, with the items thereof, herein required for the reports of school treasures, and shall exhibit the vouchers for all disbursements, and shall be prepared to make answer to the school meeting concerning the financial condition of the district and any feature thereof.

WHEN SCHOOL DISTRICT COMPELLED TO MAINTAIN SCHOOL, FORFEITURE.

Sec. 88. Every organized school district which has fifteen or more persons of school age and which has taxable property amounting by assessment to four thousand dollars or more, shall erect or otherwise provide a school house, which with site and furniture is worth not less than seven hundred dollars, and shall maintain a regular public school therein for not less than five months in each school year. Such school house shall be placed upon the grounds held by the district for school purposes, whether by purchase or condemnation, as provided by law, and the title to the house and furniture shall vest in the school district only, and neither in the whole or part in any other owner. The school shall be a regular, free, public school as required by law and shall be taught by a regularly qualified teacher.

IF NOT PARENTS MAY SEND TO OTHER SCHOOL.

Sec. 89. In case of failure of any school district to make provision as set forth in Section 65 of this act, it shall be lawful for the parents of the children living in said district to send the same to any school in the county; provided however, that if the district so designated, shall not be overcrowded with its own pupils. The district so receiving pupils from other districts shall be entitled to receive 50 cents per week for every pupil so received.

Sec. 90. The following numbered sections of this act will apply generally to the counties organized under the township system and to the counties under the district system: Section 66, Sections 69 to 79, inclusive, Sections 100 to 127, inclusive, Section 130 and Section 131. Sections 132 to 174 inclusive, apply to all the counties in the territory, except that in the district counties where the word "township" occurs the word "district" shall be substituted, and where the word "chairman" occurs the word "director" shall be substituted.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER,
February 27, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
Council Bill No. 122,

A bill for an act to provide for a system of Territorial accounts,

Also,

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. 253,

A bill for an act entitled "An act to change the name of Groton college,"

Also,

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,

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

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER,
February 27, 1889. }

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 70,

A bill for an act to permit county commissioners to compromise delinquent taxes,

Which the Council has amended as follows, to-wit:

Amend Section 1 by inserting after the word "lots." in line 2 of printed bill, the words, "or other real estate."

Also 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 your concurrence therein is respectfully requested.

R. E. WALLACE,
Chief Clerk.

Mr. Wellcome moved

To adopt the minority report of the Committee on Judiciary and that House Bill No. 296 be re-referred to the Committee on Judiciary.

Mr. Price moved

To amend the motion by striking out the word "minority" and inserting the word "majority,"

Which motion prevailed and

The majority report was adopted and referred back to the Committee on Judiciary.

Mr. Jones moved

To reconsider the vote by which the report of the Judiciary Committee was adopted.

Mr. Newman moved

To lay the motion on the table.

Which motion was lost, and

The original motion being put prevailed.

Mr. Jones moved

To adopt the majority report of the Committee on Judiciary,

Which motion prevailed.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills have examined

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 practices, and the sale of poisons in the Territory of Dakota."

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,

And recommend that the bill be amended by striking out in Section 1 all after the word "nor" in line 5 of the printed bill,

Also,

House Bill No. 278,

A bill for an act to amend Section 1 of Chapter 133 of the General Laws of 1887, entitled "An act to amend subdivision one of Section 320, Chapter 26 of the Penal Code and also Section 323 of the Penal Code."

Also,

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. 267,

A bill for an act to provide for the giving of notice before the execution of tax deed by county treasurers,

Also,

House Bill No. 189,

A bill for an act amending Section 1, Chapter 10, of the Session Laws of 1887,

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. 298,

A bill for an act to amend Section 1, Chapter 20 of the General Laws of 1879, entitled "An act to amend Sections 15 and 16 of Chapter 39 and Section 83 of Chapter 28 of the Political Code,"

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,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

The Committee on Judiciary submitted the following report:

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 provided 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 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' Orphans' 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 the 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., seventy 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, can not build a monument in honor of the soldier? 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 soldier and citizen 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 Feb. 27, 1889.

M. M. PRICE,
Chairman.

Mr. Royer moved

To adopt the report.

Which motion prevailed.

Mr. Patton moved

A call of the House.

Which was ordered and

The roll being called all members present except the members excused.

The call was thereupon dispensed with.

The question being shall

House Bill No. 39

Be passed, the objections of the Governor to the contrary notwithstanding, and

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,

Was read, together with the objections of the Governor, and placed on its final passage.

The roll being called there were ayes, 33; nays, 10.

Those who voted in the affirmative were:

Messrs. Aikens, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Douglas, Elliott, Fletcher, Greene, Gronna, Hunter, Jones, Lampman, Lillibridge, McHugh, Newman, Palmer, Parkin, Patton, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Trude, Upham, Wellcome, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Cooke, Logan, McNeil, Miller, Morris, Patridge, Potter, Smith, Turnbull, Van Etten.

Absent and not voting:

Messrs. Allen, Howell, Mallory, Wellman, they being excused.

Messrs. Lillibridge, Logan and Van Etten explaining their votes.

Mr. Adams being paired with Mr. Howell.

So the bill passed, the objections of the Governor to the contrary notwithstanding.

Mr. Speaker announced his signature to Council Bill No. 199.

REPORTS OF SELECT COMMITTEES.

The Special Committee to whom was referred House Bill No. 46, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House Bill No. 46,

A bill for an act entitled "An act authorizing the incorporation of banking associations and for regulating the same,"

For amendment, beg to recommend the following:

In line 33, of Section 5, of the printed bill, after the word "procedure," insert the following: "But the Territorial Auditor may withhold from any association his certificate authorizing the commencement of business when-

ever he has reason to suppose that the shareholders have formed the same for any other than the legitimate objects contemplated by this act."

In line 5 of Section 10 after the word "and" strike out "the" and insert "each", and after the word "stockholders" strike out "of each" and insert "in any bank," and in line 7 of the same section strike out all the words after "him" to end of the section. In line 4 of Section 18 strike out the word "twenty-five" and figure "(25)" and insert "fifteen" and "(15)" in figures.

That the following sections be added to the bill in its proper place:

SEC. 21. All banks heretofore organized under any law of this Territory or any bank that may be organized under existing laws prior to the going into effect of this act shall be subjected to all of the provisions of this act from and after June 1, 1889.

That Section 21 shall be numbered 22 and number 22 shall be numbered 23.

And with these amendments recommend that the bill do pass.

J. H. FLETCHER,
Chairman.

The Special Committee to whom was referred House Bill No. 14, submitted the following report:

MR. SPEAKER:

Your Committee to whom was referred
House Bill No. 14,

Beg to report that they recommend that the bill be amended to read as follows:

SECTION 1. All election ballots shall be written on plain white paper or printed with black ink with a space of not less than one-fifth of an inch between each name on plain white newspaper, without any device or mark by which one ticket may be known or distinguished from another except the words at the head of the tickets; and it shall be unlawful for any person to print for distribution at the poles, or distribute to any elector or voter, any ballot printed or written contrary to the provisions herein, but this section shall not be construed to prohibit the erasure, correction or insertion of any name by pencil or with ink or printed sticker upon the face of the printed ballot.

SEC. 2. Where a ballot with a certain designated heading contains printed thereon, in place of another, a name not found on the regular ballot having such heading, such name shall be regarded by the judges as having been placed thereon for the purpose of fraud, and such ballot shall not be counted for the name so found."

All of which is respectfully submitted.

J. H. FLETCHER,
Chairman.

The Special Committee on Game submitted the following report:

Mr. SPEAKER:

Your Committee on Game to whom was referred House Bills Nos. 130, 90 and 136,

Bills for acts to amend Section 2, Chapter 58 of the Session Laws of 1887, entitled "An act for protection of game,"

Have had the same under consideration and recommend that said bills do not pass, but herewith submit a substitute bill to amend Section 2, Chapter 58 of the Session Laws of 1887, entitled "An act for the protection of game."

And also recommend substitute bill for the protection of game in lieu of all bills submitted to us.

Also,

House Bill No. 132,

A bill for an act to prevent trespass by hunters and others,

And recommend it do not pass.

Also,

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,"

And recommend it do not pass.

D. F. ROYER,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Mallory moved

That the rules be suspended and that Substitute for House Bill No. 207

Be read the third time and placed on its final passage.

Which motion prevailed and

Substitute for House Bill No. 207,

A bill for an act to encourage the organization and

maintenance of county or local agricultural societies in the territory of Dakota,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 40; nays, 3.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Baldwin, Bennett, Bergman, Bixler, Burnham, Cooke, Elliott, Fletcher, Greene, Gronna, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Morris, Newman, Palmer, Parkin, Patridge, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Turnbull, Upham, Van Etten, Wellcome, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Clark, Patton, Miller.

Absent and not voting:

Messrs. Allen, Douglas, Trude.

Messrs. Howell and Wellman being excused.

So the bill passed and its title was agreed to.

Mr. Trude presented the following resolution:

WHEREAS, House Bill No. 98 was transmitted to the Governor yesterday, and

WHEREAS, Said bill was not properly engrossed and enrolled and differs from the original bill as passed by the House and Council, therefore be it

Resolved, That the chief clerk of the House be instructed to request the Governor to return said bill for the purpose of correcting the error in engrossment.

Which resolution was adopted.

Mr. Lillibridge moved

That House Bill No. 323 be re-referred to the Committee on Judiciary.

Which motion prevailed.

SPECIAL ORDERS.

Mr. Hunter moved

That the House do now resolve itself into Committee of the Whole for the consideration of Special Orders.

Mr. Adams moved

As a substitute motion that

House Bill No. 55,

A bill for an act to amend Section 47 of Chapter 27 of the Political Code, Section 1486, Compiled Laws of 1887,

Also,

House Bill No. 284,

A bill for an act granting women who are tax payers the right of suffrage in the Territory of Dakota,

Be read the third time and placed on its final passage,
Which motion prevailed.

Mr. Jones moved

That House Bill No, 55 be re-referred to the Committee on Woman Suffrage for amendment.

Mr. Swanston moved

As a substitute motion, that the bill be printed,
Which motion was lost.

The motion of Mr. Jones being put it was lost.

Mr. Aikens moved

That the Committee be permitted to correct the bill.
Which motion prevailed.

Mr. Gronna moved

That the further consideration of House Bill No. 55 be indefinitely postponed.

Ayes and nays demanded on the motion to postpone.

The roll being called there were ayes, 17; nays, 20.

Those who voted in the affirmative were:

Messrs. Adams, Bergman, Clark, Fletcher, Greene, Gronna, Hunter, Jones, McHugh Parkin, Patton, Smith, Swanston, Trude, Upham, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Baldwin, Bennett, Bixler, Burnham, Cooke, Douglas, Elliott, Lampman, Lillibridge, Logan, Mallory, McNeil, Miller, Morris, Newman, Palmer, Patridge, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Turnbull, Van Etten, Wellcome.

Absent and not voting:

Messrs. Allen, Howell, Wellman.

Messrs. Howell, and Wellman, being excused.

So the motion to indefinitely postpone was lost.

Mr. Patridge moved

That the clerk be instructed to insert the amendment after the word "her" in Section 1 and that the bill be placed on its passage.

Mr. Swanston moved

As a substitute motion that the bill be referred to the Committee on Judiciary for amendment.

Ayes and nays demanded on the substitute motion of Mr. Swanston.

The roll being called there were ayes, 21; nays, 24.

Those who voted in the affirmative were:

Messrs. Bennett, Bixler, Burnham, Clark, Cooke, Elliott, Fletcher, Greene, Gronna, Jones, Lampman, Lillibridge, Logan, Palmer, Patridge, Patton, Potter, Powell, Swanston, Turnbull, Van Etten.

Those who voted in the negative were:

Messrs. Adams, Aikens, Baldwin, Bergman, Douglas, Hunter, Mallory, McHugh, McNeil, Miller, Morris, Newman, Parkin, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Trude, Upham, Wellcome, White, Mr. Speaker.

Mr. Allen being absent and not voting:

Messrs. Howell and Wellman being excused.

Mr. Van Etten explaining his vote.

So the motion of Mr. Swanston was lost.

Mr. Elliott moved

That the House take an informal recess of 10 minutes.

Which motion was lost and

The question being on the final passage of

House Bill No. 55,

A bill for an act to amend Section 47, of Chapter 27, of the Political Code, (Section 1486 Compiled Laws of 1887.)

The roll being called there were ayes, 10; nays, 34.

Those who voted in the affirmative were:

Messrs. Douglas, Greene, Lampman, Lillibridge, Patridge, Potter, Powell, Price, Sheets, Van Etten.

Those who voted in the negative were:

Messrs. Adams, Aikens, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Elliott, Fletcher, Gronna, Hunter, Jones, Logan, Mallory, McHugh, Miller, Morris, Newman, Palmer, Parkin, Patton, Ramsdell, Royer, Ryan, Smith, Swanston, Trude, Turnbull, Upham, Wellcome, White, Mr. Speaker.

Absent and not voting:

Messrs. Allen, Powell, Wellman.

Messrs. Bixler, Mallory, Sheets and Van Etten explaining their votes.

Mr. Howell being paired with Mr. McNeil.

So the bill was lost.

House Bill No. 284,

A bill for an act granting women who are taxpayers the right of suffrage in the Territory of Dakota,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 19; nays, 22.

Those who voted in the affirmative were:

Messrs. Bennett, Burnham, Cooke, Douglas, Elliott, Lampman, Lillibridge, Logan, Mallory, Newman, Patridge, Potter, Powell, Price, Ramsdell, Royer, Sheets, Van Etten, White.

Those who voted in the negative were:

Messrs. Adams, Aikens, Bergman, Bixler, Clark, Fletcher, Gronna, Hunter, Jones, McHugh, Miller, Palmer, Parkin, Patton, Ryan, Smith, Swanston, Trude, Turnbull, Upham, Wellcome, Mr. Speaker.

Absent and not voting:

Messrs. Allen, Baldwin, Greene, Morris.

Messrs. Howell and Wellman being excused.

Mr. Gronna explaining his vote.

Mr. Howell being paired with Mr. McNeil.

So the bill was lost.

Mr. Speaker announced an informal recess for 5 minutes
House called to order.

Mr. Speaker presiding.

Mr. Speaker announced his signature to House Bill No. 199.

Mr. Price moved

To suspend the rules that House Bill No. 324 be read the third time and placed on its final passage,

Which motion prevailed, and

House Bill No. 324,

A bill for an act to repeal Chapter 29 of the Special Laws of 1885, entitled "A bill for an act to repeal Section 5 of Chapter 31 of the Session Laws of 1883,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 32; nays, 4.

Those who voted in the affirmative were:

Messrs. Adams, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Hunter, Jones, Lampman, Logan, Mallory, McHugh, Morris, Newman, Parkin, Patridge, Powell, Price, Royer, Ryan, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, White.

Those who voted in the negative were:

Messrs. Gronna, McNeil, Miller, Ramsdell.

Absent and not voting:

Messrs. Aikens, Allen, Fletcher, Greene, Lillibridge, Palmer, Patton, Potter, Sheets.

Messrs. Howell and Wellman being excused.

So the bill passed and its title was agreed to.

Mr. Gronna introduced the following resolution:

WHEREAS, Considerable time has been taken up by this House to consider the so called woman suffrage bills and

WHEREAS, Our time is now limited, having only eight days left of this session, and some of our most important bills have not yet been considered; Therefor be it

Resolved, That no woman suffrage bill shall be received or considered by this House during the present session.

Mr. Parkin moved
To adopt the resolution.

Mr. Aikens moved
To lay the motion to adopt on the table,
Which motion prevailed.

The Committee on Engrossed and Enrolled Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

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.

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 199.

A bill for an act to detach the counties of Stanley, Sterling and Nowlin from the Seventh Judicial District and to attach them to the Fifth Judicial District and to Hughes county for judicial purposes, and also to detach the counties of Pratt and Presho from said Seventh District and to attach them to the Second Judicial District and to Brule county for judicial purposes.

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Morris introduced—

House Bill No. 337,

A bill for an act to provide for the levy and collection of a tax upon dogs.

Which was read the first time.

Mr. Bergman introduced—

House Bill No. 338,

A bill for an act to establish a Territorial board of corrections and charities for the Territory of Dakota,

Which was read the first time.

Mr. Sheets introduced—

House Bill No. 339,

A Joint Resolution providing for the printing and distribution of 100,000 copies of the Sioux Falls Constitution.

Which was read the first time.

Mr. Aikens moved

That all Council Bills be passed to their second reading and be referred to their appropriate committees

Which motion prevailed.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 122,

A bill for an act to provide for a system of Territorial accounts,

Was read the first and second times and

Referred to the Committee on Territorial Affairs.

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 first and second times and

Referred to the Committee on Territorial Affairs.

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 first and second times and

Referred to the Committee on Towns and Cities,

Council Bill No. 253,

A bill for an act entitled "An act to change the name of Groton College,"

Was read the first and second times and

Referred to the Committee on Education.

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,

Was read the first and second times and

Referred to Committee on Judiciary.

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 first and second times and

Referred to Committee on Appropriations.

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 first and second times 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 first and second times and

Referred to the Committee on Judiciary.

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 first and second times and

Referred to the Committee on Insurance.

SECOND READING OF COUNCIL BILLS.

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,

Was read the second time.

Mr. McHugh moved

That Council Bill No. 190 be referred to a Special Committee consisting of the members of North Dakota.

Which motion prevailed and

Mr. Speaker appointed Mr. McHugh as chairman.

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.

Was read the second time and

Referred to the Committee on Education.

SECOND READING OF HOUSE BILLS.

House Bill No. 333,

A Joint Resolution providing pay to John P. Gannon for services at the Capitol building during the Eighteenth Legislative Assembly,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 334,

A bill for an act to amend Section 4, of Chapter 38, of the Session Laws of 1887,

Was read the second time and

Referred to the Committee on Counties.

House Bill No. 336,

A bill for an act to amend Section one (1) of Chapter thirty-eight (38) of the Political Code, relating to homesteads and the conveyance thereof,

Was read the second time and

Referred to the Committee on Judiciary.

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 second time and

Referred to the Committee on Judiciary.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills respectfully report that

House Bill No. 199,

A bill for an act to detach the counties of Stanley, Sterling and Nowlin from the Seventh Judicial District and to attach them to the Fifth Judicial District and to Hughes county for judicial purposes, and also to detach the counties of Pratt and Presho from said Seventh District, and to attach them to the Second Judicial District, and to Brule county for judicial purposes.

Was delivered to His Excellency the Governor for his

approval at the hour of 4:35 o'clock p. m., February 27, 1889.

D. M. POWELL.

Chairman.

THIRD READING OF HOUSE BILLS.

House Bill No. 298,

A bill for an act to amend Section 1 of Chapter 20 of the General Laws of 1879, entitled "An act to amend Sections 15 and 16 of Chapters 39 and Section 83 of Chapter 28 of the Political Code,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 23; nays, 14.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bennett, Burnham, Cooke, Fletcher, Jones, Lampman, Logan, Mallory, McNeil, Miller, Morris, Palmer, Patridge, Potter, Powell, Price, Ramsdell, Ryan, Smith, Turnbull, Van Etten.

Those who voted in the negative were:

Messrs. Bixler, Douglas, Elliott, Gronna, Hunter, Lillibridge, McHugh, Newman, Parkin, Swanston, Trude, Upham, Wellcome, White.

Absent and not voting:

Messrs. Allen, Baldwin, Bergman, Clark, Greene, Patton, Royer, Sheets, Mr. Speaker.

Messrs. Howell and Wellman being excused.

Mr. Gronna explaining his vote.

So the bill passed and its title was agreed to.

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 third time and placed on its final passage.

The roll being called there were ayes, 35; nays, 4.

Those who voted in the affirmative were:

Messrs. Adams, Baldwin, Bennett, Bixler, Burnham, Cooke, Douglas, Elliott, Fletcher, Gronna, Hunter, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Palmer, Parkin, Patridge, Potter, Powell, Ramsdell, Royer, Ryan, Smith, Swanston, Trude, Turnbell, Upham, Van Etten, Wellcome, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Jones, Morris, Price.

Absent and not voting:

Messrs. Allen, Bergman, Clark, Greene, Newman, Patton, Sheets.

Messrs. Howell and Wellman being excused.

So the bill passed and its title was agreed to.

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 third time and placed on its final passage.

The roll being called there were ayes, 41; nays, 1.

Those who voted in the affirmative were:

Messrs. Adams, Baldwin, Bennett, Bergman, Bixler, Burnham, Cooke, Douglas, Elliott, Fletcher, Gronna, Hunter, Jones, Lampman, Lillibridge, Logan, McHugh, McNeil, Miller, Morris, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, White, Mr. Speaker.

Mr. Clark voting in the negative.

Absent and not voting:

Messrs. Aikens, Allen, Greene, Mallory.

Messrs. Howell and Wellman being excused.

So the bill passed and its title was agreed to.

House Bill No. 277,

A bill for an act to amend Section 330 of the Penal Code,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 40; nays, 3.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Baldwin, Bennett, Bergman, Bixler, Burnham, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McNeil, Miller, Morris, Newman, Palmer, Patridge, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Van Etten, Wellcome, White, Mr. Speaker.

Absent and not voting:

Messrs. Allen, Clark, Parkin.

Messrs. Howell and Wellman being excused.

So the bill passed and its title was agreed to.

House Bill No. 189,

A bill for an act amending Section 1 of Chapter 10 of Session Laws of 1887,

Was read the third time.

Mr. Aikens moved

To recommit House Bill No. 189.

Mr. Adams rose to point of order that the roll call had been commenced,

Which the Speaker held was well taken.

The question being shall the bill pass,

The roll being called, there were ayes 14; nays 29.

Those who voted in the affirmative were:

Messrs. Adams, Bergman, Bixler, Burnham, Clark, Cook, Gronna, McHugh, Palmer, Patton, Ramsdell, Sheets, Trude Upham.

Those who voted in the negative were:

Messrs. Aikens, Baldwin, Bennett, Douglas, Elliott, Fletcher, Greene, Hunter Jones, Lillibridge, Mallory, Miller, Morris, Newman, Patridge, Potter, Powell, Price, Royer, Ryan, Smith, Swanston, Turnbull, Van Etten, Wellcome, White, Mr. Speaker.

Absent and not voting:

Messrs. Allen, Lampman and McNeil.

Messrs. Howell and Wellman being excused.

So the bill was lost.

Mr. Aikens moved

That House Bill No. 189, be recommitted for amendment.

Which motion prevailed.

And House Bill No. 189, was recommitted to the committee on Territorial Affairs.

House Bill No. 278,

A bill for an act to amend Section 1, of Chapter 133, of the General Laws of 1887, entitled "An act to amend subdivision 1, of Section 320, Chapter 26, of the Penal Code, and also Section 323, of the Penal Code,"

Was read the third time and placed on its final passage.

The roll being called, there were ayes 44; nays none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Green, Gronna, Hunter, Jones, Lampman, Lillibridge, Logan, Mallory, McHugh, McNeal, Miller, Morris, Newman, Palmer, Parkin, Patridge, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, White, Mr. Speaker.

Absent and not voting:

Messrs. Allen and Patton.

Messrs. Howell and Wellman being excused.

So the bill passed and its title was agreed to.

Mr. Aikens moved

That House Bill No. 289 be recalled from the Committee on Enrolled and Engrossed Bills and given its third reading and placed on its final passage.

Which motion prevailed and
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 placed on its final passage.

The roll being called there were ayes, 33; nays, 8.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Fletcher, Greene, Gronna, Hunter, Jones, Lampman, Lillibridge, McHugh, Morris, Newman, Palmer, Patridge, Patton, Powell, Price, Ramsdell, Royer, Sheets, Swanston, Trude, Van Etten, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Logan, Mallory, McNeil, Miller, Potter, Ryan, Smith, Turnbull.

Absent and not voting:

Messrs. Allen, Elliott, Parkin, Upham, Wellcome.

Messrs. Howell and Wellman being excused.

Mr. Mallory explaining his vote.

So the bill passed and its title was agreed to.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 98,

A bill for an act to define the boundaries of the counties of Butte and Harding,

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

The Speaker announced his signature to Council Bill No. 40 and House Bill No. 98.

Mr. Fletcher moved

That the House do now resolve itself into Committee of the Whole for the consideration of General Orders.

Which motion prevailed and
Mr. Speaker called Mr. McHugh to the chair.

When the Committee rose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration

House Bill No. 46,

A bill for an act entitled "An act authorizing the incorporation of banking associations, and for regulating the same,

And recommend that the bill as amended do pass.

Also,

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 along side of their tracks, and on their rights of way,

And recommend that the bill do pass as amended.

Also,

House Bill No. 254,

A bill for an act to define the boundaries of Day county,

And recommend that the bill do pass.

Also,

House Bill No. 211,

A bill for an act providing for a lien upon grain for threshing the same,

And recommend that the bill do pass.

Also,

Council Bill No. 69,

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

And recommend that the bill do pass.

Also,

Council Bill No. 66,

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

And recommend that the bill do pass.

Also,

House Bill No. 124,

A bill for an act to amend Section 1 of Chapter 118 of the Session Laws of 1881,

And recommend that the bill do pass.

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,"

And recommend that the bill do pass.

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,"

And recommend that the bill do pass,

Also,

House Bill No. 263,

A bill for an act to amend Section two (2) of Chapter one (1) of the Political Code,

And recommend that the bill do not pass.

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,

And recommend that the bill do not pass.

Also,

House Bill No. 243,

A bill for an act to amend Section 47, of Chapter 27, of the Political Code relating to the eligibility of persons to hold office.

And recommend that it be further amended by striking out the words "judge of probate," and as so amended that the bill pass.

Also,

Council Bill No. 211,

A bill for an act entitled "An act to prevent the importation of armed men or associations of armed men into this Territory for the purpose of police duty,

And recommend that the bill be indefinitely postponed.

P. McHUGH,
Chairman.

Mr. Newman moved
To adopt the report.
Which motion prevailed.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respectfully report that

House Bill No. 98,

A bill for an act to define the boundaries of the counties of Butte and Harding,

Was delivered to His Excellency the Governor, for his approval, at the hour of 5 o'clock p. m., February 27th, 1889.

D. M. POWELL,
Chairman.

Mr. Newman moved

To reconsider the vote by which House Bill No. 206 was indefinitely postponed.

Mr. Patton moved

To lay the motion to reconsider on the table.

Which motion prevailed.

Mr. White moved

That when the House adjourn that it adjourn to meet at 11 o'clock a. m. to-morrow.

Which motion prevailed.

Mr. Burnham moved

That the House do now adjourn.

Which motion prevailed and the House

Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

FIFTY-SECOND DAY.

BISMARCK, February 28, 1889.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members being present except Messrs. Howell, Lillibridge and Wellman, they being excused.

The printed Journal of yesterday not having arrived the reading of the Journal was dispensed with.

Mr. Patridge moved

To reconsider the vote by which the Journal of February 26, 1889, was approved.

Mr. Mallory moved

As a substitute motion that the Journal of Feb. 26th. be corrected as follows:

To strike out the following on page 14 of the Journal of February 26, 1889:

"Mr. White demanded a division of the question, which was ordered, and the vote by which House Bill No. 97 was passed was reconsidered," and to insert the following in lieu thereof: "Which motion prevailed."

Which motion prevailed.

Mr. White moved

That the House do now resolve itself into Committee of the Whole for the purpose of considering General Orders.

Which motion prevailed and

Mr. Speaker called Mr. McHugh to the chair.

When the Committee rose the following report was submitted:

MR. SPEAKER:

Your Committee of the Whole have had under consideration

House Bill No. 296,

A bill for an act entitled "An act to regulate common carriers and creating the Railroad and Warehouse Commission of the Territory of Dakota and defining the duties of such commission in relation to common carriers,"

And report that they have considered ten sections of the bill and report progress and ask leave to sit again.

P. McHUGH,
Chairman.

Mr. Newman moved
To adopt the report.
Which motion prevailed.

Mr. Swanston moved
To take a recess till 2 o'clock p. m.

Mr. Greene moved
As a substitute that the House take a recess for fifteen minutes.

Which substitute motion prevailed.

House called to order.

Mr. Speaker in the chair.

Mr. Newman moved
That the House take a recess till 2 o'clock.
Which motion was lost.

Mr. Speaker called Mr. McHugh to the chair to continue the consideration of House Bill No. 296.

When the Committee rose the following report was submitted:

MR. SPEAKER:

Your Committee of the Whole have had under consideration

House Bill No. 296,

A bill for an act entitled "An act to regulate common carriers and creating the Railroad and Warehouse Commission of the Territory of Dakota and defining the duties of such Commission in relation to common carriers,"

And recommend that Section 3 be amended as follows:

Strike out all of Section 3 in subdivision 6 after the word "land" to the end of the subdivision.

And that when so amended the bill do pass.

That the rules be suspended and that the bill be given its third reading and placed on its final passage immediately, and that the reading of the bill be dispensed with.

P. McHUGH,
Chairman.

Mr. Gronna moved
To adopt the report.
Which motion prevailed.

The question being upon the passage of
House Bill No. 296,

A bill for an act entitled "An act to regulate common carriers and creating the Railroad and Warehouse Commission of the Territory of Dakota and defining the duties of such Commission in relation to common carriers,"

Was read the third time and placed on its final passage.

The roll being called there were ayes, 23; nays, 19.

Those who voted in the affirmative were:

Messrs. Aikens, Bennett, Bergman, Bixler, Burnham, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Jones, Lampman, Logan, McHugh, Miller, Morris, Patridge, Potter, Powell, Price, Royer, Van Etten.

Those who voted in the negative were:

Messrs. Allen, Clark, Hunter, Mallory, McNeil, Newman Palmer, Parkin, Patton, Ramsdell, Ryan, Sheets, Smith, Trude, Turnbull, Upham, Wellcome, White, Mr. Speaker.

Absent and not voting:

Messrs. Howell, Lillibridge and Wellman, being excused.

Mr. Adams being paired with Mr. Lillibridge and Mr. Baldwin with Mr. Swanston.

Messrs. Allen, Fletcher, Hunter, Jones, Lampman, Sheets, Smith and Van Etten explaining their votes.

So the bill passed and its title was agreed to.

Mr. Speaker announced his signature to Council Bills Nos. 94, 73, 31, 108, 40, 12, and House Bill No. 70.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary submitted the following reports:

MR. SPEAKER:

The Committee on Judiciary submit the following report:

The Committee recommend the passage of
Council Bill No. 80.

A bill for an act to attach Hettinger County to the County of Stark for judicial purposes.

They return herewith
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.

And recommend that said bill be referred to General Orders.

They also return
House Bill No. 333,

A Joint Resolution providing pay to John P. Gannon for services at the Capitol building during the Eighteenth Legislative Assembly,

And recommend that said resolution be referred to the Committee on Appropriations.

M. M. PRICE,
Chairman.

MR. SPEAKER:

The Committee on Judiciary to which was referred
Council Bill No. 120,

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

Have had the same under consideration and report it back to the House 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 when so amended the committee recommend that the rules be suspended and the bill placed on its third reading and final passage.

M. M. PRICE,
Chairman.

Mr. Allen moved
That the report be adopted.
Which motion prevailed.

Mr. Allen moved
To adopt the amendments.
Which motion prevailed.

The question being on the final passage of
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,

The bill was read the third time and

The roll being called there were ayes, 36; nays, 4.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Greene, Gronna, Lampman, Logan, Mallory, McHugh, McNeil, Miller, Newman, Palmer, Parkin, Patridge, Potter, Price, Ramsdell, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Fletcher, Patton, White.

Absent and not voting:

Messrs. Jones, Morris, Powell and Royer.

Messrs. Howell, Lillibridge and Wellman being excused.

So the bill passed and its title was agreed to.

EXECUTIVE COMMUNICATIONS.

The following communications were received from the Governor:

EXECUTIVE OFFICE,
February 28, 1889. }

To the Speaker of the House of Representatives:

I have the honor to inform your honorable body that I have approved

House Bill No. 3.

Entitled "An act amending Chapter 13 of the Laws of the Seventeenth Legislative Assembly, entitled 'An act authorizing and empowering the organized counties of Dakota, to issue and dispose of bonds to provide funds to pay outstanding indebtedness and to provide for the payment of principal and interest thereof,'"

Also,

House Bill No. 27,

Entitled "An act to amend Section 86, Sub-chapter 1, Chapter 112, of the Laws of 1883, relating to township government,"

Also,

House Bill No. 49,

Entitled "An act to correct the Public Statutes of the Seventeenth Session of the Legislative Assembly,"

Also,

House Bill No. 56,

Entitled "An act to amend Section 47 of Chapter 29 of the Political Code,"

Also,

House Bill No. 68,

Entitled "An act creating and defining a subdivision of the Third Judicial District."

And the said bills have been filed in the office of the Secretary.

Respectfully,

LOUIS K. CHURCH,
Governor.

EXECUTIVE OFFICE, }
February 28, 1889. }

To the Speaker of the House of Representatives:

I have the honor to inform your honorable body that I have approved

House Bill No. 199,

Entitled "An act to detach the counties of Stanley, Sterling and Nowlin from the Seventh Judicial District and to attach them to the Fifth Judicial District and to Hughes county for judicial purposes, and also to detach the counties of Pratt and Presho from said Seventh District and to attach them to the Second Judicial District and to Brule county for judicial purposes."

And the said bill has been filed in the office of the Secretary.

Respectfully,

LOUIS K. CHURCH,
Governor.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 97,

A bill for an act entitled "An act empowering the Governor to appoint women notaries public,"

Also,

Council Bill No. 182.

A bill for an act authorizing the Commissioner of Immigration to donate the property left from Dakota's 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,

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 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,'"

And find the same correctly engrossed.

Also,

House Bill No. 70,

A bill for an act to permit county commissioners to compromise delinquent taxes.

And find the same correctly engrossed and enrolled.

Also,

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.

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

The Committee on Ways and Means submitted the following report:

MR. SPEAKER:

Your Committee on Ways and Means to whom was referred

Council Bill No. 283,

A bill for an act providing interest at seven per centum per annum on Territorial warrants hereafter issued,

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

CHAS. J. TRUDE,
Chairman.

The Committee on Education submitted the following report:

MR. SPEAKER:

Your Committee on Education to whom was referred

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,

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

Also,

Council Bill No. 253,

A bill for an act entitled "An act to change the name of Groton College,"

And recommend that the same do pass.

IRA S. LAMPMAN,
Chairman.

Mr. Trude moved

To suspend the rules and that Council Bill No. 283 be read the third time and placed on its final passage,

Which motion prevailed, and

Council Bill No. 283.

A bill for an act providing interest at 7 per centum per annum on Territorial warrants hereafter issued,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 40; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Douglas, Elliott, Fletcher, Greene, Gronna, Hunter, Lampman, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Parkin, Patridge, Patton, Potter, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, White, Mr Speaker.

Absent and not voting:

Messrs. Cooke, Jones, Palmer, Powell, Wellcome.

Messrs. Howell, Lillibridge and Wellman, being excused.

So the bill passed and its title was agreed to.

Mr. Fletcher moved

That the vote by which House Bill No. 298 was passed yesterday be reconsidered.

Mr. Aikens moved

To lay the motion on the table.

Mr. Aikens withdrew his motion and the original motion being put prevailed.

The Committee on Territorial Affairs submitted the following report:

MR. SPEAKER:

Your Committee on Territorial Affairs to whom was referred

House Bill No. 259,
 A bill for an act regulating the business of building and
 loan corporations,
 Have had the same under consideration and recommend
 that said bill do pass.

JOSEPH ALENL,
 Chairman.

Mr. Price moved
 To suspend the rules and that House Bill No. 259 be read
 the third time and placed on its final passage,
 Which motion prevailed, and
 House Bill No. 259,
 A bill for an act regulating the business of building and
 loan corporations,

Was read the third time.

There being no objections

Mr. Cooke moved

To amend Section 2 by striking out the words and figures
 "\$10 ten dollars per day" and insert in lieu thereof the
 words and figures "\$5 five dollars per day."

Which motion prevailed.

The question being on the final passage of the bill as
 amended.

The roll being called there were ayes, 33; nays, 4.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Berg-
 man, Bixler, Burnham, Cooke, Greene, Hunter, Lampman,
 Logan, Mallory, McHugh, Newman, Palmer, Parkin, Pat-
 ridge, Potter, Powell, Price, Ramsdell, Royer, Ryan, Smith,
 Trude, Turnbull, Upham, Van Etten, Wellcome, White.

Mr. Speaker.

Those who voted in the negative were:

Messrs. Clark, Fletcher, Gronna, Patton.

Absent and not voting:

Messrs. Douglas, Elliott, Jones, McNeil, Miller, Morris,
 Sheets, Swanston.

Messrs. Howell, Lillibridge and Wellman being excused.

So the bill passed and its title was agreed to.

The Committee on Enrolled and Engrossed Bills submit-
 ted the following report:

MR. SPEAKER:

Your Committee on Enrolled and Engrossed Bills respect-
 fully report that

House Bill No. 70,

A bill for an act to permit county commissioners to compromise delinquent taxes,

Was delivered to His Excellency the Governor for his approval at the hour of 3:35 o'clock p. m., February 28, 1889.

D. M. POWELL,
Chairman.

Mr. Logan moved

To suspend the rules and that House Bill No. 318 be read the third time and placed on 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,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 42; nays, none

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Elliott, Greene, Gronna, Hunter, Jones, Lampman, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Turnbull, Upham, Van Etten, Wellcome, White, Mr. Speaker.

Absent and not voting:

Messrs. Douglas, Fletcher, Trude.

Messrs. Howell, Lillibridge and Wellman being excused.

Mr. Fletcher moved

That House Bill No. 274, be recalled from the Temperance Committee and be given its third reading and placed on its final passage.

Mr. Patridge moved

As a substitute that House Bill No. 133, be recalled from General Orders and that it be read the third time and placed on its final passage.

Which motion the Speaker ruled out of order and

Mr. Fletcher's motion being put it was lost.

The Committee on Territorial Affairs submitted the following report:

MR. SPEAKER:

Your Committee on Territorial Affairs to whom was referred

Council Bill No. 122,

A bill for an act to provide for a system of Territorial accounts,

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

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 outstanding indebtedness and to provide for the payment of the same,"

And recommend that the bill do pass.

Also,

House Bill No. 189,

A bill for an act amending Section 1, of Chapter 10, of the Session Laws of 1887, relating to county auditors,

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

Strike out all after the enacting clause and insert the following in lieu thereof:

SECTION 1. That Section 1, of Chapter 10, of the General Laws of 1887, relating to county auditors, be and the same is hereby amended by adding thereto the following: "Provided, further, That this act shall not apply to counties wherein the total assessed valuation does not exceed five hundred thousand dollars.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

And as so amended they recommend that the bill do pass.

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 compensation,

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

Also,

House Bill No. 327,

A bill for an act to provide for the appointment of a county board of auditors and for the loaning and deposit of county funds and the duties and compensation of said board, and county treasurer,

And recommend that it be amended as follows:

Amend Section 1 by striking out the word "three" in line 10 of original bill and insert in lieu thereof the word "four," and as so amended that it do pass.

Also,

Council Bill No. 201,

A bill for an act entitled "An act to provide for filing the bond of township assessors and the duties of township clerks,"

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

Also,

Council Bill No. 243,

A bill for an act to amend Section 1, Chapter 145, of the Session Laws of 1885.

And recommend that the bill do pass.

H. H. SHEETS,
Chairman pro tem.

Mr. White moved
To adopt the report,
Which motion prevailed.

Mr. Speaker announced his signature to Council Bill No. 27.

Mr. Swanston moved
To suspend the rules and that House Bill No. 189 as amended, be read the third time and placed on its final passage,

Which motion prevailed, and

House Bill No. 189,

A bill for an act amending Section 1 of Chapter 10 of Session Laws of 1887.

Was read the third time and placed on its final passage.
The roll being called, there were ayes 40; nays 3.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Cooke, Elliott, Fletcher, Green, Gronna, Hunter, Jones, Lampman, Logan, Mallory, McHugh, McNeal, Miller, Morris, Newman, Palmer, Parkin, Patton, Potter, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude,

Turnbull, Upham, Van Etten, Wellcome, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Clark, Patridge, Powell.

Absent and not voting:

Messrs. Adams and Douglas.

Messrs. Howell, Lillibridge and Wellman being excused.

So the bill passed and its title was agreed to.

Mr. Sheets asked unanimous consent to introduce a resolution,

Which motion was granted and

Mr. Sheets introduced—

House Bill No. 340,

A Joint Resolution providing for the printing and distribution of 100,000 copies of the Sioux Falls constitution and making appropriation therefor,

Which was read the first time.

Mr. Sheets moved

To suspend the rules and that House Bill No. 340 be given its second and third reading and placed on its final passage,

Which motion was lost.

Mr. White moved

That the rules be suspended and that Council Bill No. 129 be read the third time and put on its final passage.

Which motion was lost.

MOTIONS AND RESOLUTIONS.

Mr. White moved

That Council Bill No. 129 be made the Special Order for to-morrow at 3 o'clock.

Which motion prevailed.

Mr. Burnham moved

That so much of the report of the Committee of the Whole, made and adopted yesterday, which indefinitely postponed Council Bill No. 211, be reconsidered.

Mr. Newman moved to lay the motion on the table.

Ayes and nays demanded.

The roll being called there were ayes, 25; nays, 20.

Those who voted in the affirmative were:

Messrs. Baldwin, Bennett, Douglas, Elliott, Fletcher, Hunter, Mallory, McHugh, McNeil, Miller, Newman, Palmer, Parkin, Patridge, Patton, Powell, Price, Ramsdell

Royer, Sheets, Smith, Swanston, Trude, Wellcome, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Aikens, Allen, Bergman, Bixler, Burnham, Clark, Cooke, Greene, Gronna, Jones, Lampman, Logan, Morris, Potter, Ryan, Turnbull, Upham, Van Ethen, White.

Absent and not voting:

Messrs. Howell, Lillibridge, and Wellman, they being excused.

So the motion to lay on the table prevailed.

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

WHEREAS, The House can vote more intelligently on the report of the Joint Committee appointed to investigate the Jamestown Insane Hospital if it first hears the evidence read as taken by said committee; therefore

Resolved, That when the House adjourn it be to meet at 7:30 p. m. this evening for the sole purpose of hearing read the evidence taken by the Joint Committee, appointed to investigate said Hospital.

Resolved, That the House members of the Joint Committee appointed to investigate the Jamestown Insane Hospital be and they are hereby directed to report all the evidence taken by them in investigating said Hospital to the House at 7:30 p. m. to-night.

Mr. Newman moved

To lay the resolution on the table.

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Clark introduced—

House Bill No. 341,

A bill for an act to locate and establish a Hospital for the Insane, idiots and incurable insane of the Territory of Dakota west of the Missouri river,

Which was read the first time.

Mr. Swanston moved

That House Bill No. 341 be rejected.

Which motion prevailed.

Mr. Newman introduced—

House Bill No. 342,

A bill for an act to amend Section 3,000 of the Compiled Laws of the Territory of Dakota,

Which was read the first time.

Mr. McHugh introduced—

House Bill No. 343,

A bill for an act to provide clerks of probate court in this Territory,

Which was read the first time.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER, }
February 27, 1889. }

MR. SPEAKER:

I have the honor to inform you that the Council has concurred in the House amendments to Council Bill No. 40.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
February 28, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
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.

Also,

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. 209,

A bill for an act abolishing foreclosure of mortgages on real estate by advertisement,

Also,

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

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER,
February 28, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 39,
A bill for an act to establish and build a Soldiers' Home
in the Territory of Dakota and provide the necessary funds
therefor,

Which the Council has passed the objections of His Ex-
cellency, the Governor, to the contrary notwithstanding.

R. E. WALLACE,
Chief Clerk.

FIRST 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 first time.

Mr. Aikens moved

That all Council Bills be passed to their second reading
and that they be referred to their appropriate committees.

Which motion prevailed.

Council Bill No. 47,

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

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 209,

A bill for an act abolishing foreclosures of mortgages on
real estate by advertisement.

Was read the first and second times and

Referred to the Committee on Judiciary.

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.

Was read the first and second times and

Referred to the Committee on Ways and Means.

Council Bill No. 233,

A bill for an act to preserve the waters of Tongue River
and its tributaries for domestic and drinking purposes.

Was read the first and second times and

Referred to the Committee on Public Health.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 66,

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

Was read the third time and placed on its final passage.

The roll being called there were, ayes, 39; nays, 1.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Clark, Cooke, Douglas, Elliott, Greene, Gronna, Jones, Lampman, Logan, Mallory, McNeil, Miller, Morris, Newman, Palmer, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham. Van Etten, Wellcome, White, Mr. Speaker.

Mr. Fletcher voting in the negative.

Absent and not voting:

Messrs. Adams, Burnham, Hunter, McHugh, Parkin.

Messrs. Howell, Lillibridge and Wellman being excused.

So the bill passed and its title was agreed to.

Mr. Speaker announced an informal recess of 10 minutes. House again called to order.

Mr. Speaker in the chair.

Council Bill No. 69,

A bill for an act to locate and establish the North Dakota Territorial Agricultural college,

Was read the third time.

Mr. Hunter moved

That the further reading at length of Council Bill No. 69 be dispensed with, that it be read by its title and placed on its final passage.

Which motion prevailed.

Mr. Burnham moved

That the further consideration of Council Bill No. 69 be indefinitely postponed.

Mr. Newman moved

To lay the motion to indefinitely postpone on the table.

Ayes and nays demanded on the motion to lay on the table.

The roll being called there were ayes, 29; nays, 3.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Baldwin, Bennett, Bergman, Clark, Cooke, Elliott, Fletcher, Gronna, Lampman, Logan, Mallory, McHugh, McNeil, Miller, Newman, Palmer, Par-

kin, Patridge, Powell, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Wellcome.

Those who voted in the negative were:

Messrs. Bixler, Burnham, Douglas, Hunter, Morris, Price, Ramsdell, Van Etten.

Absent and not voting:

Messrs. Patton, Potter, Royer, White.

Mr. Aikens being paired with Mr. Wellman, Mr. Jones with Mr. Lillibridge, Mr. Greene with Mr. Howell.

Mr. Speaker not voting.

Mr. Patridge explaining his vote.

So the motion to lay on the table prevailed.

Mr. Jones moved

That Council Bill No. 69 be referred to a committee consisting of the members of North Dakota.

Mr. Gronna moved

To lay the motion on the table.

Which motion prevailed.

The question being on the passage of Council Bill No. 69.

The roll being called there were ayes, 32; nays, 6.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Baldwin, Bennett, Bergman, Clark, Cooke, Douglas, Elliott, Fletcher, Gronna, Lampman, Logan, Mallory, McHugh, McNeil, Miller, Newman, Palmer, Parkin, Patridge, Powell, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Wellcome, Van Etten, Mr Speaker.

Those who voted in the negative were:

Messrs. Bixler, Burnham, Hunter, Morris, Price, Ramsdell.

Absent and not voting:

Messrs. Patton, Potter, Royer, White.

Messrs. Gronna and Van Etten explaining their votes.

Mr. Aikens was paired with Wellman.

Mr. Greene was paired with Howell.

Mr. Jones was paired with Lillibridge.

So the bill passed and its title was agreed to.

Mr. Adams moved

That the vote by which Council Bill No. 69 was passed, be reconsidered and that the motion to reconsider be laid on the table.

Mr. Gronna asked a division of the question.

Mr. Adams withdrew his motion.

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,"

Was read the third time and placed on its final passage.
The roll being called there were ayes, 21; nays, 20.

Those who voted in the affirmative were:

Messrs. Aikens, Baldwin, Bennett, Bixler, Clark, Greene, Gronna, Hunter, Newman, Patridge, Powell, Price, Royer, Ryan, Smith, Swanston, Trude, Turnbull, Upham, Wellcome, White.

Those who voted in the negative were:

Messrs. Adams, Allen, Bergman, Burnham, Cooke, Douglas, Elliott, Fletcher, Jones, Mallory, McHugh, McNeil, Miller, Morris, Palmer, Potter, Ramsdell, Sheets, Van Etten, Mr. Speaker.

Absent and not voting:

Messrs. Lampman, Logan, Parkin, Patton.

Messrs. Howell, Lillibridge, and Wellman being excused.
So the bill passed and its title was agreed to.

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,"

Was read the third time and placed on its final passage.
The roll being called there were ayes, 38; nays, 2.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Elliott, Fletcher, Gronna, Hunter, Jones, Logan, Mallory, McHugh, Miller, Morris, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Mr. Speaker.

Those who voted in the negative were:

Messrs. Smith, White.

Absent and not voting:

Messrs. Douglas, Lampman, Greene, McNeil and Newman.

Messrs. Howell, Lillibridge and Wellman being excused.
So the bill passed and its title was agreed to.

Mr. McHugh moved

That the further consideration of
Council Bill No, 210,

A bill for an act to amend Section 11, Chapter 5 of Political Code, relating to vacancies in office,

Be indefinitely postponed.

Which motion prevailed.

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 placed on its final passage.

The roll being called there were ayes, 43; nays, 1.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Hunter, Jones, Lampman, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Parkin, Patridge, Patton, Potter, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, White, Mr. Speaker.

Mr. Gronna voting in the negative.

Mr. Powell being absent and not voting.

Messrs. Howell, Lillibridge and Wellman being excused.

So the bill passed and its title was agreed to.

THIRD READING OF HOUSE BILLS.

House Bill No. 257,

A bill for an act to amend Chapter 73 of the Session Laws of 1887, entitled "An act to provide for the incorporation of cities." and provide for the organization of all cities in the Territory under the General Laws,

Was read the third time,

Mr. Aikens moved

To indefinitely postpone the further consideration of House Bill No. 257.

Which motion prevailed.

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 delivery of grain thereupon,

Was read the third time.

Mr. Aikens moved

That the further consideration of House Bill No. 235 be indefinitely postponed.

Mr. Cook moved

To lay the motion on the table.

Which motion prevailed and

House Bill No. 235 was placed on its final passage.

The roll being called there were ayes, 42; nays, 2.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Hunter, Jones, Lampman, Logan, Mallory, McHugh, McNeil, Miller, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens and Morris.

Mr. Gronna being absent.

Messrs. Howell, Lillibridge and Wellman being excused.

So the bill passed and its title was agreed to.

House Bill No. 267,

A bill for an act to provide for the giving of notice before the execution of tax deed by county treasurers.

Was read the third time.

Mr. Adams moved

That the further consideration of House Bill No. 267 be indefinitely postponed.

Which motion was lost and

House Bill No. 267 was placed on its final passage.

The roll being called there were ayes, 28; nays, 12.

Those who voted in the affirmative were:

Messrs. Allen, Baldwin, Bennett, Bixler, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Hunter, Logan Mallory, Miller, Morris, Newman, Parkin, Potter, Powell, Ramsdell, Ryan, Sheets, Smith, Upham, Van Etten, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Burnham, Lampman, McHugh, McNeil, Patridge, Patton, Price, Royer, Swanston, Trude, Turnbull.

Absent and not voting:

Messrs. Aikens, Bergman, Jones, Palmer and Wellcome.

Messrs. Howell, Lillibridge and Wellman being excused.

Messrs. Patridge and Swanston explaining their votes.

So the bill passed and its title was agreed to.

Mr. Adams moved

To reconsider the vote by which House Bill No. 296 was passed and that the motion to reconsider be laid on the table.

Mr. McHugh moved

That the House do now adjourn.

Which motion prevailed and the House Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

FIFTY-THIRD DAY.

BISMARCK, March 1, 1889.

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

The Speaker presiding.

Prayer by Prof. Lewis McClouth.

Roll called.

All members being present except Messrs. Howell, Royer and Wellman, they being excused.

The Committee to revise and correct the Journal made the following report:

MR. SPEAKER:

Your Committee to revise and correct the Journal have examined the Journal of February 27, 1889, and find the same correct; also examined the Journal of February 28, 1889, and find the same correct.

And recommend the approval of the Journals.

R. L. BENNETT,
O. R. VAN ETTEN.

Mr. Adams moved

That the Journal of February 28, 1889, be corrected to read that he would have voted "aye" on the passage of House Bill No. 296, and Mr. Lillibridge would have voted "nay."

Mr. Trude moved

To lay the motion of Mr. Adams on the table.

Which motion was lost.

The original motion of Mr. Adams being put prevailed.

Mr. Jones moved

That the Journal of February 28, 1889, be corrected to read that he would have voted "nay" and Mr. Lillibridge would have voted "yea" on the passage of Council Bill No. 69.

Which motion prevailed and

The report of the Committee to revise and correct the Journal was adopted.

EXECUTIVE COMMUNICATIONS.

The following communications were received from the Governor:

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.

Mr. Miller moved

To refer the message together with House Bill No. 30 to its proper committee,

Which motion prevailed, and
The communication was referred to the Committee on
Ways and Means.

Mr. Jones moved

That the Rule No. 44 be strictly enforced except as to
ladies.

Ayes and nays demanded.

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

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Baldwin, Bennett, Bergman,
Clark, Cooke, Greene, Gronna, Jones, Logan, McHugh,
Miller, Morris, Palmer, Patton, Potter, Powell, Price,
Ryan, Swanston, White.

Those who voted in the negative were:

Messrs. Allen, Bixler, Burnham, Douglas, Elliott,
Fletcher, Hunter, Lampman, Lillibridge, Mallory, Mc-
Neil, Newman, Parkin, Patridge, Ramsdell, Sheets, Smith,
Trude, Turnbull, Upham, Van Etten, Wellcome.

Absent and not voting:

Messrs. Howell, Royer, Wellman, they being excused.

Mr. Van Etten explaining his vote.

Mr. Speaker not voting.

So the motion was lost.

REPORTS OF STANDING COMMITTEES.

The Committee on Temperance submitted the following
report:

MR. SPEAKER:

Your Committee on Temperance to whom was referred
House Bill No. 274,

A bill for an act to aid in the enforcement of the Statutes
relating to the sale of intoxicating liquors,

Have had the same under consideration and recommend
that said bill be referred to General Orders.

A. L. PATRIDGE,
Chairman.

The Committee on Counties submitted the following re-
port:

MR. SPEAKER:

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,

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

Also,

House Bill No. 334,

A bill for an act to amend Section 4 of Chapter 38 of the Session Laws of 1887,

And recommend that it do not pass.

Also,

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,

And recommend that it do pass.

A. J. GRONNA,
Chairman,

The Committee on Judiciary submitted the following report:

MR. SPEAKER:

The Committee on Judiciary to which was referred House Bill No. 315,

A bill for an act to amend Section 3, Chapter 31 of the Justices' Code, Session Laws of 1879,

Have had the same under consideration and report it back to the House with amendments thereto attached and recommend the passage of the bill as amended.

M. M. PRICE,
Chairman.

Amend title of House Bill No. 315 to read as follows:

"A BILL

For an act to amend Section three (3) of Chapter thirty-one (31) of the Session Laws of 1879, entitled "An act to amend Section ninety, ninety-one and ninety-two of Justices' Code."

Amend Section 1 of House Bill No. 315 to read as follows:

SECTION 1. That Section three (3) of Chapter thirty-one (31) of the Session Laws of 1879, entitled "An act to amend Sections ninety, ninety-one and ninety-two of Justices' Code" be and the same is hereby amended to read as follows:

SEC. 3. DUTY OF JUSTICE IN CASE OF APPEAL.] That Section ninety-two of the Justices' Code be and hereby is amended so as to read as follows: "Sec. 92. Upon receiving the notice of appeal, and on payment of one dollar for

the return of the justice and filing an undertaking as required in the next section and after settlement or adoption of statement if any, the justice must within five days transmit to the clerk of the district court if the appeal be on questions of fact or both law and fact, and a new trial in the District Court be demanded in the notice of appeal, a certified copy of his docket, the pleadings, all notices, motions and other papers filed in the cause, the notice of appeal and the undertaking filed, and the justice may be compelled by the District Court, by an order entered, upon motion to transmit such papers and may be fined for neglect or refusal to transmit the same. Provided, however, that a failure of said justice to transmit such proceedings and transcript as aforesaid shall in no way prejudice the rights of other plaintiff or defend-ant, upon the hearing of said appeal before the District Court of the county or subdivision.

A certified copy of such order may be served on the justice by the party or his attorney. In the District Court either party may have the benefit of all legal objections made in the Justices Court.

Mr. Gronna moved

The adoption of the report of the Committee on Judiciary. Which motion prevailed.

The Committee on Railroads submitted the following report:

MR. SPEAKER:

Your Committee on Railroads to whom was referred Council Bill No. 212,

A bill for an act entitled "An act giving police powers to conductors of railroad trains carrying passengers,"

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

H. F. HUNTER,
Chairman.

The majority of the Committee on Appropriations submitted the following report:

Majority report of the House Committee on appropriations:

MR. SPEAKER:

The majority of your Committee on Appropriations, having had under consideration

House Bills Nos. 174, 164, 148, 111, 169, 157, 191, 192, 208, 292, and

Council Bills Nos. 234 and 248,

The same being bills for the maintenance of the various educational, charitable and penal institutions of the Territory, beg leave to report that they have carefully examined the same and desire to submit the accompanying bill covering the maintenance of the aforesaid institutions. This bill has been drafted after a thorough examination of the reports and needs of our public institutions, and in our estimation the bill does justice to both the institutions and the people of the Territory. The undersigned recommend the passage of the accompanying bill and also that the same be made special order for to-day, March 1st.

J. V. WHITE,
P. P. PALMER,
R. L. BENNETT,
D. B. WELLMAN,
JOHN D. PATTON,
WILLIAM A. LOGAN,
JNO. B. WELLCOME,
JOSEPH ALLEN.

The minority of the Committee on Appropriations submitted the following report:

MR. SPEAKER:

The undersigned members of your Committee on Appropriations beg leave to submit a minority report on House Bills Nos. 174, 164, 148, 111, 169, 157, 191, 192, 208, 292, and

Council Bills Nos. 234 and 248.

We respectfully submit that the amount of appropriations recommended by the majority for the support and maintenance of the University of Dakota, to-wit: \$90,500, is far in excess of the amount actually needed for said institution and in our judgment the appropriation should be commensurate with the actual needs of the institution, and the ability of the taxpayers who are obliged to support the same.

Two years ago the sum of \$36,200 was appropriated for the maintenance of this institution and the report of the directors of said institution shows that there is a surplus now remaining in each fund.

The fact that there has been an increase in the number of students does not warrant such extravagant increase of appropriation. From the report of the institution we find that quite a large number of students in said university

are from the states, being educated at the expense of the tax payers of this Territory, and when we further consider the fact that a large number of the farmer tax-payers of this Territory who have sons and daughters to educate, and are not able to send them to this institution because of their limited means, but still are obliged to pay taxes to support this and other public institutions, that it is unfair and unjust to make an appropriation for the benefit of foreign students when the same is not needed for the benefit of boys and girls of our own Territory. It will further be seen that the foreign students are mostly in the higher classes thereby requiring more expensive teachers. We are in no sense in favor of crippling the school but we believe that the people whom we represent demand economy at our hands in the expenditure of their money. We therefore recommend that an appropriation of \$60,320 for this institution is all that is necessary.

We also respectfully submit that the amount of appropriation recommended by the majority for the support and maintenance of the University of North Dakota at Grand Forks is also in excess of the amount actually needed for said institution.

Two years ago the amount appropriated for this institution was \$44,000, and the report made by the regents of said institution shows a surplus out of said appropriation of \$7,445.07 now on hand, and notwithstanding this fact the majority recommend an appropriation of \$73,300. This, in our judgment is unwarranted and uncalled for, and the reasons given above in reference to the appropriation for the University of Dakota in the main apply to this institution and we recommend that the sum of \$57,000 is an ample appropriation for this institution.

We also respectfully submit the sum of \$30,700 for the Madison Normal School; and the sum of \$31,700 for the Normal School at Spearfish, and the sum of \$33,500 for the Dakota Agricultural College at Brookings, and the sum of \$31,214 for the School of Mines at Rapid City, is all that is necessary for the maintenance of each of said institutions as above set forth. We also respectfully submit that the sum of \$14,000 for the Dakota Reform School at Plankinton, and the sum of \$29,260 for the Dakota School for Deaf Mutes at Sioux Falls is necessary for the maintenance of each of said institutions as herein named.

We also respectfully submit that the sum of \$67,100 for

the Dakota Penitentiary at Sioux Falls and the sum of \$53,600 for the Territorial Penitentiary at Bismarck and the sum of \$105,075 for the Dakota Hospital for the Insane at Yankton and the sum of \$104,500 for the Hospital for the Insane at Jamestown, a just and proper amount for the maintenance of each of said institutions.

We also respectfully submit that we have carefully considered the wants of each institution separately and independent of each other and each on its merits, and recommend that the various amounts above set forth be appropriated for each institution and to this end have drafted a bill for an appropriation for each of the aforesaid institutions, specifying the character of the appropriation for each institution, and recommend the passage of said bill as a substitute bill for each of the foregoing House and Council bills.

Respectfully Submitted,

J. M. GREENE,
C. J. MILLER,
O. C. POTTER.

Mr. Patton moved

To adopt the majority report.

Mr. Patridge moved

As a substitute motion that both the reports of the Committee on Appropriations be accepted and printed.

Mr. Jones moved

As an amendment to the subsequent motion that the reports be made the special order for 4 o'clock this afternoon,

Which motion as amended prevailed.

Mr. McHugh moved

To suspend the rules and that House Bill No. 343 be taken up, read the second and third times and placed on its final passage.

Which motion prevailed, and

House Bill No. 343,

A bill for an act to provide clerks of probate courts in this Territory,

Was read the second and third times and placed on its final passage.

The roll being called there were ayes, 39; nays, 4.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Hunter, Lampman, Lillibridge, Mallory, McHugh, McNeil, Morris, Newman, Palmer, Parkin, Pat-

ridge, Patton, Powell, Price, Ramsdell, Ryan, Sheets, Smith, Swanston, Trude, Upham, VanEtten, Wellcome, White, Mr Speaker.

Those who voted in the negative were:

Messrs. Logan, Miller, Potter, Turnbull.

Absent and not voting:

Messrs. Bennett, and Jones.

Messrs. Howell, Royer and Wellman being excused.

So the bill passed and its title was agreed to.

Mr. Fletcher moved

To suspend the rules and that House Bill No. 46

Be read the third time and placed on its final passage.

Which motion prevailed.

Mr. Aikens moved

To suspend the rules and that Council Bill No. 220

Be read the third time and placed on its final passage.

Which motion prevailed.

Mr. Patton moved

To suspend the rules and that Council Bill No. 225 be read the third time and placed on its final passage.

Which motion prevailed.

Mr. Lillibridge moved

To suspend the rules and that House Bill No. 203 be read the third time and placed on its final passage.

Which motion prevailed.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 13,

A bill for an act to amend Sections 14 and 147, of Chapter 27, of the Political Code, of the Territory of Dakota,

And find the same correctly engrossed and enrolled.

D. M. POWELL,

Chairman.

Mr. Speaker announced his signature to Council Bill No. 13.

The Committee on Enrolled and Engrossed Bills submitted the following report.

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respectfully report that

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,

Which has been passed over the Governor's veto, was filed in the office of the Secretary of the Territory March 1st, 1889.

D. M. POWELL,
Chairman.

MR. SPEAKER:

Your Committee on Enrolled and Engrossed Bills have examined:

House Bill No. 46,

A bill for an act entitled "An act authorizing the incorporation of banking associations and for regulating the same."

Also,

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 along side of their tracks, and on their rights of way,"

Also,

House Bill No. 254,

A bill for an act to define the boundaries of Day county,

Also,

House Bill No. 211,

A bill for an act providing for a lien upon grain for threshing the same,

Also,

House Bill No. 124,

A bill for an act to amend Section 1 of Chapter 118, of the Session Laws of 1881,

Also,

House Bill No. 243,

A bill for an act to amend Section 47 of Chapter 27 of the Political Code relating to the eligibility of persons to hold office,

Also,

House Bill No. 263,

A bill for an act to amend Section two (2) of Chapter one (1) of the Political Code,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

MR. SPEAKER:

The Committee on Engrossed Bills examined
Council Bill No. 120,

A bill for an act entitled "An act to provide security to
the public against errors, omissions and defects in ab-
stracts of title to reale state,"

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

Mr. White moved

That the house do now resolve itself into Committee of the
Whole for the consideration of Special Orders.

Which motion prevailed, and

Mr. Speaker called Mr. Fletcher to the chair.

When the Committee rose the following report was pre-
sented:

MR. SPEAKER:

Your Committee of the Whole have had under consid-
eration

Council Bill No. 129,

A bill for an act to provide 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,

And recommend that the bill do pass; and further rec-
ommend that the bill be immediately read the third time
and placed on its final passage.

J. H. FLETCHER,
Chairman.

Mr. McHugh moved

To adopt the report and that the bill be read by its title
the third time and placed on its final passage,

Which motion prevailed, and

Council Bill No. 129,

A bill for an act to provide 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 by its title and placed on its
final passage.

The roll being called on the final passage of the bill,
there were ayes, 34; nays, 5.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Bennett, Bixler, Burn-

ham, Cooke, Elliott, Fletcher, Greene, Hunter, Jones, Logan, McNeil, Miller, Morris, Newman, Palmer, Parkin, Patridge, Potter, Powell, Price, Ramsdell, Ryan, Sheets, Smith, Swanson, Turnbull, Upham, Van Etten, Wellcome, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Baldwin, Gronna, McHugh, Patton, Trude.

Absent and not voting:

Messrs. Bergman, Clark, Douglas, Lampman, Lillibridge and Mallory.

Messrs. Howell, Royer and Wellman being excused.

So the bill passed and its title was agreed to.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER, }
March 1, 1889. }

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 221,

A bill for an act to create and establish the county of Meade, and for other purposes,

Which the Council has passed without change.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
March 1, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 36,

A bill for an act, entitled "An act to amend Chapter 28 of the Political Code relating to revenue,"

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.

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

R. E. WALLACE,
Chief Clerk.

EXECUTIVE COMMUNICATION.

The following communication was received from the Governor:

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 depre-
ciation 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 commis-
sioners 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 commis-
sioners 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 de-
linquent taxes under the elastic provisions of this bill ex-
pressed in the words "or otherwise."

Respectfully,
LOUIS K. CHURCH,
Governor.

Mr. Ryan moved

That the message of the Governor, together with the bill,
be referred to the proper committee.

Which motion prevailed and
The same was referred to the Committee on Territorial
Affairs.

The Committee on Enrolled and Engrossed Bills sub-
mitted the following report:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills re-
spectfully report that

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 delivered to His Excellency the Governor for his
approval at the hour of 3:15 o'clock p. m., March 1, 1889.

D. M. POWELL,
Chairman.

The Speaker announced an informal recess of ten min-
utes.

House called to order, Mr. Speaker presiding.

Mr. McHugh moved

That the vote by which House Bill No. 296, passed yes-
terday be reconsidered.

Mr. Aikens moved a call of the House and

A call of the House was ordered

Mr. McHugh moved

To dispense with further proceedings under call of the
House.

Ayes and nays demanded.

The roll being called there were ayes, 17; nays, 24.

Those who voted in the affirmative were:

Messrs. Allen, Baldwin, Gronna, Hunter, Lillibridge,
Mallory, McHugh, Newman, Parkin, Sheets, Smith, Swan-
ston, Trude, Turnbull, Upham, Van Etten, Wellcome.

Those who voted in the negative were:

Messrs. Adams, Aikens, Bennett, Bergman, Bixler,
Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene,
Jones, Logan, McNeil, Miller, Morris, Patridge, Patton,
Potter, Powell, Price, Ryan, White.

Absent and not voting:

Messrs. Palmer and Ramsdell.

Messrs. Howell, Lampman, Royer and Wellman being
excused.

Mr. Speaker not voting.

So the motion was lost.

Mr. McHugh moved

To excuse Mr. Royer from attendance on this day's session.

Mr. Aikens rose to a point of order that no business could be done under call of the House,

Which the Speaker held was well taken.

Mr. Mallory moved

That further proceedings under call of the House be dispensed with.

Ayes and nays demanded.

The roll being called there were ayes, 15; nays, 28.

Those who voted in the affirmative were:

Messrs. Allen, Bennett, Greene, Gronna, Hunter, Mallory, McHugh, Newman, Palmer, Parkin, Ramsdell, Trude, Turnbull, Upham, Wellcome.

Those who voted in the negative were:

Messrs. Adams, Aikens, Baldwin, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Jones, Lillibridge, Logan, McNeil, Miller, Morris, Patridge, Patton, Potter, Powell, Price, Ryan, Sheets, Smith, Swanston, Van Etten, White.

Absent and not voting:

Messrs. Howell, Lampman, Royer, Wellman, they being excused.

Mr. Speaker not voting.

So the motion to dispense with call of the House was lost.

Mr. Speaker announced his signature to Council Bill No. 69.

Mr. Price moved

That further proceedings under call of the House be dispensed with.

Which motion prevailed,

The question being shall the vote by which House Bill No. 296 passed, be reconsidered.

Mr. White moved

To lay the motion to reconsider on the table,

Ayes and nays demanded.

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

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bergman, Bixler, Burnham Clark, Cooke, Douglas, Greene, Jones, Logan, McNeil, Miller.

Morris, Patridge, Patton, Potter, Powell, Price, Ryan, Van Etten, White.

Those who voted in the negative were:

Messrs. Allen, Baldwin, Elliott, Fletcher, Gronna, Hunter, Lampman, Lillibridge, Mallory, McHugh, Newman, Palmer, Parkin, Ramsdell, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Wellcome, Mr. Speaker.

Absent and not voting:

Messrs. Howell, Royer, Wellman, they being excused, Mr. Bennett being paired with Mr. Howell.

So the motion to lay on the table was lost.

Mr. Patton moved

That the House do now adjourn.

Which motion prevailed and the House Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

FIFTY-FOURTH DAY.

BISMARCK, March 2, 1889.

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

The Speaker presiding.

Prayer by Rev. Kline.

Roll called.

All members being present except Messrs. Bergman, Howell, and Lampman.

The following communication was read at this time:

HOUSE OF REPRESENTATIVES, }
March 2, 1889. }

MR. SPEAKER:

I regret to say that it will be impossible for me to take my seat in the House to-day, on account of sickness.

55H

I regret that my short and unavoidable absence yesterday produced such confusion, as there was not, nor is there any desire on my part to dodge any vote, and I believe that it was the first time during the session that I was not present to answer to my name.

And were I able, it would give me satisfaction to place on record my attitude toward any bill.

Yours sincerely,

IRA S. LAMPMAN.

The Committee to revise and correct the Journal submitted the following report:

MR. SPEAKER:

Your Committee to revise and correct the Journal have examined the Journal of March 1, 1889, and recommend the following corrections: On page 1, line 10, insert the name Howell. Also, on page 2, at the bottom of the page, strike out the following: "Council Bill No. 69," and insert the following in lieu thereof: "House Bill No. 30."

And with these corrections recommend the approval of the Journal.

R. L. BENNETT,
O. R. VAN ETTEN.

Mr. Mallory moved

That the Speaker be delegated with authority to use the power of the House to excuse members from attendance.

Mr. Jones moved

To lay the motion on the table,

Which motion was lost.

Mr. Elliott moved

As a substitute motion that the House endorse the action of the Speaker in the past as to members which he has excused,

Which motion prevailed.

Mr. Mallory moved

That the Speaker be delegated with authority to use the power of the House to excuse members from attendance hereafter.

Mr. Morris moved

To lay the motion on the table.

Mr. Adams rose to a point of order that the motion of Mr. Mallory was not in order.

Overruled by the Speaker.

The motion of Mr. Morris being put, was lost.

Mr. Elliott moved

As a substitute motion that the same courtesies be granted the Speaker in the future as in the past.

Ayes and nays demanded.

Mr. White moved

That the substitute motion and all similar motions be laid on the table.

Ayes and nays demanded.

The roll being called there were ayes, 17; nays, 25.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bixler, Burnham, Cooke, Douglas, Jones, Logan, McNeil, Miller, Morris, Patridge, Patton, Potter, Powell, Price, White.

Those who voted in the negative were:

Messrs. Allen, Baldwin, Bennett, Clark, Elliott, Fletcher, Greene, Gronna, Hunter, Lillibridge, Mallory, McHugh, Newman, Parkin, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome.

Absent and not voting:

Messrs. Bergman, Howell, Lampman, Palmer and Wellman, Mr. Speaker not voting.

So the motion to lay on the table was lost.

The substitute motion of Mr. Elliott being put, prevailed.

MESSAGES FROM THE COUNCIL.

The following communications were received from the Council:

COUNCIL CHAMBER,
March 2, 1889. }

MR. SPEAKER:

I have the honor to return 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,"

Which the Council has passed unchanged.

Also to inform you that the Council has concurred in the amendments to Council Bill No. 182.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
 March 2, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
 Council Bill No. 24,

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

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.

Also,
 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. 269,

A bill for an act establishing the Dakota Industrial College at Aberdeen, Dakota.

Also,
 Council Bill No. 291,

A bill for an act abolishing the Territorial Board of Education,

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

R. E. WALLACE,
 Chief Clerk.

Mr. Patridge moved

To adopt the report of the Committee to revise and correct the House Journal.

Which motion prevailed.

Mr. Palmer moved

That the House do now resolve itself into a Committee of the Whole for the purpose of considering appropriation bills.

Mr. Adams moved

As a substitute motion that the House proceed now to consider the motion of Mr. McHugh of yesterday to reconsider the vote by which House Bill No. 294 was passed.

Mr. Newman rose to a point of order, "that the substitute motion was not in order."

Which point of order the Speaker sustained.

Mr. Adams appealed from the decision of the chair.

Ayes and nays demanded on the appeal from the chair.

The roll being called there were ayes, 33; nays, 11.

Those who voted in the affirmative were:

Messrs. Allen, Baldwin, Bennett, Clark, Douglas, Elliott, Fletcher, Greene, Gronna, Hunter, Lillibridge, Mallory, McHugh, Newman, Palmer, Parkin, Patridge, Patton, Potter, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White.

Those who voted in the negative were:

Messrs. Adams, Aikens, Bixler, Burnham, Cooke, Jones, Logan, McNeil, Miller, Morris, Powell.

Absent and not voting:

Messrs. Bergman, Howell, Lampman.

Mr Speaker not voting.

So the decision of the Chair was sustained.

The question being on the motion of Mr. Palmer,

Ayes and nays demanded,

The roll being called there were ayes, 27; nays, 17.

Those who voted in the affirmative were:

Messrs. Allen, Baldwin, Bennett, Clark, Elliott, Fletcher, Greene, Gronna, Hunter, Lillibridge, Mallory, McHugh, Miller, Newman, Palmer, Parkin, Patridge, Patton, Ramsdell, Royer, Ryan, Sheets, Smith, Trude, Turnbull, Upham, Wellcome.

Those who voted in the negative were:

Messrs. Adams, Aikens, Bixler, Burnham, Cooke, Douglas, Jones, Logan, McNeil, Morris, Potter, Powell, Price, Swanston, Van Etten, Wellman, White

Absent and not voting:

Messrs. Bergman, Howell, Lampman,

Mr. Speaker not voting.

So the motion of Mr. Palmer prevailed.

Mr. Aikens appealed from the decision of the chair, stating that a two-thirds vote was required to carry the motion and that the motion was lost, and

The question being shall the chair be sustained and being put,

The ruling of the chair was sustained and

Mr. Speaker called Mr. McHugh to the chair.
The Committee rose without report.

REPORTS OF STANDING COMMITTEES.

The Committee on Ways and Means submitted the following report:

MR. SPEAKER:

Your Committee on Ways and Means 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,

Together with the objections of the Governor,

Have had the same under consideration and recommend that said bill do pass, the objections of the Governor to the contrary notwithstanding, as we consider that the objections of the Governor are not well taken.

CHAS. J. TRUDE,
Chairman.

Mr. Newman moved

To adopt the report,

Which motion prevailed and

The question being upon the passage of the bill, the objections of the Governor to the contrary notwithstanding.

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,"

Was read, together with the objections of the Governor, and put on its final passage.

The roll being called there were ayes, 35; nays, 9.

Those who voted in the affirmative were:

Messrs. Allen, Baldwin, Bennett, Bixler, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Hunter, Lillibridge, Logan, McHugh, Miller, Newman, Palmer, Parkin, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Trude, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Burnham, Jones, Mallory, McNeil, Morris, Patridge, Smith, Turnbull.

Absent and not voting:

Messrs. Bergman, Howell, Lampman.

Mr. Aikens being excused.

So the bill passed, the objections of the Governor to the contrary notwithstanding.

COMMUNICATIONS FROM THE COUNCIL.

The following communications were received from the Council:

COUNCIL CHAMBER,
March 1, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
Council Bill No. 268,

A bill for an act to limit the terms of Territorial officers,
directors, regents and trustees,
Which the Council has passed.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER,
March 2, 1889. }

MR. SPEAKER:

I have the honor to inform the House of Representatives
that the Council has refused to concur in the House
amendments to

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 the Council has appointed as a committee of con-
ference, Messrs. Ericson, Walsh and Hughes.

R. E. WALLACE,
Chief Clerk.

Mr. Douglas moved

That the Speaker appoint a committee of conference in
conformity to the message from the Council.

Which motion prevailed.

The Committee on Railroads submitted the following re-
port:

MR. SPEAKER:

Your Committee on Railroads to whom was referred
House Bill No. 223,

A bill for an act providing that railroad corporations shall
furnish suitable facilities for loading and unloading cars.

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

In line 20, Section 1, strike out the word "railroad" and insert the word "side,"

In line 21, Section 1, add after the word "track" the words "at such station,"

And recommend that the bill pass as amended.

H. F. HUNTER,
Chairman.

The Committee on Territorial Affairs submitted the following report:

MR. SPEAKER:

Your Committee on Territorial Affairs to whom was referred

House Bill No. 70,

A bill for an act to permit county commissioners to compromise delinquent taxes,

Together with the objections of His Excellency the Governor thereto, have carefully considered the same, and believing that said objections are not well taken, recommend that said House Bil. No. 70 do pass, the objections of the Governor to the contrary notwithstanding.

JOSEPH ALLEN,
Chairman.

Mr. Bennett moved
To adopt the report,
Which motion prevailed.

The question being on the passage of House Bill No. 70 the objections of the Governor to the contrary notwithstanding, and

House Bill No. 70,

A bill for an act to permit county commissioners to compromise delinquent taxes,

Was read together with the objections of the Governor and placed on its final passage.

The roll being called there were, ayes, 36; nays, 3.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bixler, Burnham, Clark, Cooke, Douglas, Fletcher, Greene, Gronna, Hunter, Jones, Lillibridge, Logan, McHugh, Morris, Newman, Palmer, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Mallory, McNeil.

Absent and not voting:
Messrs. Bergman, Elliott, Howell, Lampman, Miller,
Parkin, Patridge, Smith, Wellman.

So the bill passed and its title was agreed to.

The Committee on Insurance submitted the following report:

MR. SPEAKER:

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, Laws of 1885, relating to insur-
ance,

Have had the same under consideration and recommend
that said bill be amended 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.

And as so amended that the bill do pass.

T. A. DOUGLASS,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Aikens moved
That Council Bill No. 8 be recalled from the Committee
on Territorial Affairs and placed on its third reading and
final passage.

Mr. Speaker announced his signature to Council Bills
Nos. 65, 283, 202, 214.

Mr. Fletcher moved
As a substitute motion that Council Bill No. 8 be made
the Special Order at 11 o'clock on Monday next.

Mr. Aikens moved
To lay the motion on the table,
Which motion was lost.

The question being upon the motion of Mr. Aikens,
"shall Council Bill No. 8 be taken from the Committee on
Territorial Affairs, read the third time and put on its final
passage."

Ayes and nays demanded.

The roll being called there were ayes, 30; nays, 12.
Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Bixler, Burnham, Clark, Cooke, Douglas, Fletcher, Greene, Gronna, Hunter, Jones, Lillibridge, Logan, Miller, Morris, Palmer, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Smith, Van Etten, Wellcome, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Baldwin, Elliott, Mallory, McHugh, Newman, Parkin, Patridge, Sheets, Swanston, Turnbull, Upham, Wellman.

Absent and not voting:

Messrs. Bennett, Bergman, Howell, Lampman, McNeil, Trude.

So the motion prevailed.

The Committee on Enrolled and Engrossed Bills submitted the following reports:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 243,

A bill for an act to provide clerks of probate courts in this Territory.

And find the same correctly engrossed.

Also.

House Bill No 221,

A bill for an act to create and establish the county of Meade and for other purposes,

And find the same correctly engrossed and enrolled.

D. M. POWELL,

Chairman.

Mr. Speaker announced his signature to House Bill No. 221.

Mr. Patton moved

The previous question.

The question being shall the main question now be put,

The motion prevailed and

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,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 36; nays, 9.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bixler, Burnham, Clark, Cooke, Douglas, Fletcher, Greene, Gronna,

Hunter, Jones, Lillibridge, Logan, McNeil, Miller, Morris, Newman, Palmer, Patton, Potter, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, White. Mr. Speaker.

Those who voted in the negative were:

Messrs. Bennett, Elliott, Mallory, McHugh, Parkin, Patridge, Powell, Smith, Wellman.

Absent and not voting:

Messrs. Bergman, Howell and Lampman.

Mr. Allen explaining his vote.

So the bill passed and its title was agreed to.

Mr. Burnham moved

That the vote by which Council Bill No. 8 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Speaker announced the appointment of Messrs. Patridge, Newman and Hunter as the Conference Committee on Council Bill No. 120.

Mr. Mallory moved

To suspend the rules and that House Bill No. 143 be read the third time and placed on its final passage.

Which motion prevailed and

House Bill No. 143.

A bill for an act entitled "An act to regulate the conduct of railroad corporations in reference to the construction of grain elevators alongside of their tracks and on their right of way."

Was read the third time.

Mr. Burnham moved

That the bill be returned to the author for correction.

Which motion prevailed.

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

Resolved, That all Council bills hereafter received, upon the second reading thereof, shall be referred to General Orders, and that when the House adjourn it adjourn until 10 o'clock Monday, and that the hour at which this House shall convene for the remaining days of this session shall be 10 o'clock a. m., of each day.

Mr. Aikens moved

To amend by adding thereto that Council Bills shall be passed to the first and second readings on the same day,

• Which amendment was accepted and the resolution was adopted.

• Mr. Fletcher presented the following resolution:

WHEREAS, The correspondent of the St. Paul Pioneer Press has throughout this session enjoyed the privileges of the floor of the House, and

WHEREAS, He has abused such privilege by telegraphing the Pioneer Press of March 1st, 1889, a false and garbled statement of the proceedings of the House, and maliciously misrepresenting the rulings of the Speaker of the House; therefore

Resolved, That said correspondent by such conduct has forfeited the respect of the House, and deserves the severest censure of all fair-minded men.

Resolved further, That a copy of this resolution be transmitted to the St. Paul Pioneer Press.

Mr. Fletcher moved

The adoption of the resolution.

Ayes and nays demanded on the motion to adopt the resolution.

The roll being called there were ayes, 28; nays, 12.

Those who voted in the affirmative were:

Messrs. Allen, Baldwin, Bennett, Clark, Douglas, Fletcher, Greene, Gronna, Hunter, Lillibridge, Mallory, McHugh, Miller, Palmer, Parkin, Potter, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman.

Those who voted in the negative were:

Messrs. Adams, Aikens, Burnham, Cooke, Elliott, Jones, McNeil, Morris, Patton, Powell, Price, Logan.

Absent and not voting:

Messrs. Bergman Howell, Lampman, Newman, Patridge, White.

Mr. Bixler being excused.

So the resolution was adopted.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled and Engrossed Bills respectfully report that

House Bill No. 221,

A bill for an act to create and establish the county of Meade and for other purposes,

Was delivered to his Excellency the Governor for his approval at the hour of 4:05 p. m., March 2d, 1889.

D. M. POWELL,
Chairman.

Mr. Adams moved

That the further consideration of the motion to reconsider the vote by which House Bill No. 296 was passed be indefinitely postponed.

Mr. Price moved

As a substitute motion that the clerk be instructed to deliver the bill to the Committee on Engrossed and Enrolled Bills for engrossment and passed to the Council.

Mr. Price withdrew his motion.

Mr. Newman moved

That the motion of Mr. Adams be laid on the table.

Ayes and nays demanded on the motion to lay on the table.

The roll being called there were ayes, 24; nays, 17.

Those who voted in the affirmative were:

Messrs. Allen, Baldwin, Clark, Elliott, Fletcher, Greene, Gronna, Hunter, Lillibridge, Mallory, McHugh, Newman, Palmer, Parkin, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Wellcome.

Those who voted in the negative were:

Messrs. Adams, Aikens, Bixler, Burnham, Cooke, Douglas, Jones, Logan, McNeil, Miller, Morris, Patridge, Patton, Powell, Price, Wellman White.

Absent and not voting:

Messrs. Bennett, Bergman, Howell and Potter.

Mr. Speaker not voting.

Mr. Van Etten was paired with Mr. Lampman.

Mr. Van Etten would vote no, Mr. Lampman would vote yes.

So the motion to lay on the table prevailed.

EXECUTIVE COMMUNICATION.

The following communication was received from the Governor:

EXECUTIVE OFFICE,
March 2, 1889. }

To the Speaker of the House of Representatives:

I have the honor to inform your honorable body that I have approved

House Bill No. 98,
Entitled "An act to define the boundaries of the counties
of Butte and Harding,"

Also,

House Bill No. 13,
Entitled "An act to amend Sections 14 and 47 of Chap-
ter 27 of the Political Code of the Territory of Dakota."

And the said bills have been filed in the office of the
Secretary.

Respectfully,
LOUIS K. CHURCH,
Governor.

Mr. Baldwin presented the following resolutions:

The following preamble and resolution was adopted by
the honorable board of county commissioners of Grand
Forks county, D. T., on Feb. 6, 1889.

WHEREAS, Certain laws governing the mode of making
the assessments and the levy and collection of taxes are
and have been very unsatisfactory to the taxpayers of the
county; and

WHEREAS, The honorable member of the Council from
this county, Geo. H. Walsh, has introduced a bill for an act
entitled "An act prescribing the mode of making assess-
ments and the levy and collection of taxes, and for other
purposes relative thereto, and

WHEREAS, We have carefully examined said bill and
find it to be to the best of our knowledge a meritorious and
satisfactory measure; therefore, be it

Resolved, That we request the members of the Council
and House from this county to urgently use all honorable
means to aid and assist in the passage of Council Bill No.
83.

OMER L. STEELE, Chairman,
CHAS. L. GRABER,
JOHN BJORGA,
JOSEPH COLOSKY,
County Commissioners.

Attest: W. J. ANDERSON,
Auditor.

Mr. Cooke offered the following resolution:

WHEREAS, This House has no further need of its com-
mittee clerks and their retention is a useless expenditure
of public money, therefore be it

Resolved: By the House of Representatives of the Ter-

ritory of Dakota that the clerks of the various committees of this House be dismissed from further service and stricken from the pay roll of the House.

Mr. Cook moved

The adoption of the resolution,
Which motion was lost.

House Bill No. 143 having been returned by the author was read the third time and placed on its final passage.

The roll being called there were ayes, 39; nays, 3.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Bennett, Bixler, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Hunter, Jones, Lillibridge, Logan, Mallory, McHugh, Miller, Morris, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Burnham, Price.

Absent and not voting:

Messrs. Baldwin, Bergman, Howell, Lampman, McNeil, Upham.

So the bill passed and its title was agreed to.

Mr. Bixler moved

To suspend the rules and that House Bill No. 143 be transmitted to the Council without engrossing.

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

The minority of the Committee on Appropriations introduced—

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 was read the first time.

The majority of the Committee on Appropriations introduced—

House Bill No. 345,

A bill for an act making appropriations for the maintenance of the educational, charitable and penal institutions of the Territory of Dakota; for the maintenance of the office of Commissioner of Immigration, and for other purposes,

Which was read the first time.

Mr. McHugh moved

That House Bills Nos. 344 and 345 be read the second time and referred to General Orders.

Mr. Trude moved

To amend by making the bill the Special Order for 5 o'clock this afternoon.

Mr. McHugh accepted the amendment, and

The motion of Mr. McHugh being put, prevailed, and House Bills Nos. 344 and 345 were read the second time.

Mr. Aikens moved

That House Bills Nos. 344 and 345 be made the Special Order for 5 o'clock this afternoon.

Which motion prevailed.

Mr. Greene introduced—

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,

Which was read the first time.

Mr. Greene moved

To suspend the rules and that House Bill No. 346 be given its second and third reading and put on its final passage.

Which motion prevailed and

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,

Was read the second and third times and placed on its final passage.

The roll being called, there were ayes 34; nays none.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bixler, Burnham, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Lillibridge, Logan, McHugh, McNeil, Miller, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Smith, Trude, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Bennett, Bergman, Clark, Howell, Hun-

ter. Jones, Lampman, Mallory, Morris, Sheets, Swanston, Turnbull and Upham.

So the bill passed and its title was agreed to.

Mr. MuHugh moved

That the bill be transmitted to the Council without Engrossing.

Which motion prevailed.

Mr. Aikens introduced (by request)—

House Bill No. 347,

A bill for an act providing for an exhibit by the Territory at the Buffalo international fair and exposition, Buffalo, New York, and other places.

Which was read the first time.

Mr. Aikens moved

That the bill be read the second time and referred to General Orders for to-day.

Which motion prevailed.

Mr. Swanston introduced—

House Bill No. 348,

A bill for 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, passed at the Sixteenth Legislative Assembly of the Territory of Dakota, and approved March 6, 1885,"

Which was read the first time.

Mr. Swanston moved

To suspend the rules and that

House Bill No. 348.

A bill for 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, passed at the Sixteenth Legislative Assembly of the Territory of Dakota, and approved March 6, 1885,"

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

Mr. Burnham moved

That the motion of Mr. Swanston be laid on the table.

Ayes and nays demanded on the motion to lay on the table.

The roll being called there were ayes, 15; nays, 25.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Burnham, Clark, Cooke, Logan, McNeil, Miller, Morris, Patridge, Patton, Price, Van Etten, White.

Those who voted in the negative were:

Messrs. Baldwin, Douglas, Elliott, Fletcher, Gronna, Hunter, Jones, Lillibridge, Mallory, McHugh, Newman, Palmer, Parkin, Potter, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Turnbull, Upham, Wellcome, Wellman, Mr. Speaker.

Absent and not voting:

Messrs. Bennett, Bergman, Bixler, Greene, Howell, Lampman, Powell, Trude.

So the motion to lay on the table was lost.

Mr. Elliott moved

That the bill be referred to a Special Committee consisting of Messrs. Swanston, Jones and Fletcher to report back on Monday next.

Which motion prevailed.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

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,

And fined the same correctly enrolled and engrossed.

D. M. POWELL,
Chairman.

Mr. Speaker announced his signature to House Bill No. 234.

Mr. Gronna moved

That the House resolve itself into Committee of the Whole for the purpose of considering appropriation bills,

Which motion prevailed and

Mr. Speaker called Mr. Mallory to the chair.

When the Committee rose the following report was submitted:

MR. SPEAKER:

Your Committee of the Whole have had under consideration

House Bill No. 345,

A bill for an act making appropriations for the maintenance of the educational, charitable and penal institutions of the Territory of Dakota, for the maintenance of the office of commissioner of immigration and for other purposes,

Also,

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,

And report progress and ask leave to sit again.

H. J. MALLORY,
Chairman.

Mr. Burnham moved

To adopt the report.

Which motion prevailed, and

The report of the Committee of the Whole was adopted,

Mr. Patten moved

To adjourn.

Which motion prevailed and the House

Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

FIFTY-SIXTH DAY.

BISMARCK, March 4, 1889.

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

The Speaker presiding.

Prayer by Rev. M. Spear.

Roll called.

All members being present except Mr. Lillibridge, he being excused.

The Committee to revise and correct the Journal submitted the following report:

MR. SPEAKER:

Your Committee to revise and correct the Journal have examined that of March 2d, 1889, and recommend the following corrections:

On page 12, line 30, strike out the words "Mr. Speaker" and insert in lieu thereof "Logan."

And with these corrections recommend the approval of the Journal.

O. R. VAN ETTEN,
R. L. BENNETT.

Mr. Patridge moved
To adopt the report.
Which motion prevailed.

Mr. Aikens moved
That the House resolve itself into Committee of the Whole for the purpose of considering Appropriation Bills Nos. 344 and 345,

Which motion prevailed, and
Mr. Speaker called Mr. Mallory to the chair.

When the committee rose the following report was submitted:

MR. SPEAKER:

Your Committee of the Whole have had under consideration

House Bill No 344,

A bill for an act providing for an appropriation for the maintenance of of the several public institutions of the Territory of Dakota.

Also,

House Bill No. 345,

A bill for an act making appropriation for the maintenance of the educational, charitable and penal institutions of the Territory of Dakota, for the maintenance of the office of the Commissioner of Immigration and for other purposes,

Together with the majority and minority reports of the Committee on Appropriations and recommend that a committee of three consisting of Messrs. Greene, Patton and Fletcher be appointed to adjust the differences in the amounts recommended to be appropriated and report to the House in one hour and a half.

H. J. MALLOBY,
Chairman.

Mr. Swanston moved
To adopt the report.
Which motion prevailed.

Mr. Trude moved
To suspend the rules and that House Bill No. 211 be read the third time and put on its final passage.
Which motion prevailed.

Mr. Aikens moved
To suspend the rules and all bills which have been considered in Committee of the Whole be taken up, put on their third reading and final passage.
Which motion prevailed.

Mr. Burnham moved
To suspend the rules and that House Bill No. 322 be read the third time and put on its final passage,
Which motion prevailed.

Mr. Mallory in the chair.
House Bill No. 211,

A bill for an act to provide for a lien upon grain for threshing the same,
Was read the third time.

Mr. Hunter moved
That the reading of the bill at length be dispensed with, that it be read by its title and put on its final passage.

Mr. Jones moved
That the further consideration of the bill be indefinitely postponed.

Mr. Trude moved
To lay the motion of Mr. Jones on the table.
Which motion prevailed.

The motion of Mr. Hunter being put prevailed and
House Bill No. 211,
Was put on its final passage.

The roll being called there were ayes, 31; nays, 8.
Those who voted in the affirmative were:

Messrs. Adams, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Howell, Hunter, Lampman, Logan, Mallory, McHugh, McNeil, Palmer, Parkin, Potter, Powell, Royer, Ryan, Sheets, Smith, Trude, Upham, Van Etten, Wellcome, Wellman, White.

Those who voted in the negative were:

Messrs. Jones, Miller, Morris, Patridge, Price, Ramsdell, Swanston, Turnbull.

Absent and not voting:

Messrs. Aikens, Allen, Fletcher, Greene, Gronna, Newman and Patton.

Messrs. Lillibridge being excused, Mr. Speaker not voting.
So the bill passed and its title was agreed to.

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,

Was read the third time and put on its final passage.
The roll being called there were ayes, 39; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Gronna, Howell, Hunter, Lampman, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Parkin, Patridge, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith,

Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman.

Absent and not voting:

Messrs. Elliott, Fletcher, Greene, Jones, Palmer, Patton, White.

Mr. Lillibridge being excused.

Mr. Speaker not voting.

So the bill passed and its title was agreed to.

Council Bill No. 184,

A bill for an act entitled "An act relating to the Compiled Laws,"

Was read the third time and put on its final passage.

The roll being called there were ayes 40; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Gronna, Hunter, Jones, Lampman, Logan, Mallory, McNeil, Miller, Morris, Newman, Parkin, Patridge, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Van Etten, Wellcome, Wellman, White.

Absent and not voting:

Messrs. Fletcher, Greene, Howell, Palmer, Patton, Upham.

Mr. Lillibridge being excused.

Mr. Speaker not voting.

So the bill passed and 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, and 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 third time and placed on its final passage.

The roll being called there were ayes, 40; nays, none.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Gronna, Howell, Jones, Lampman, Logan, Mallory, McHugh, McNeil, Miller, Morris, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White.

Absent and not voting:

Messrs. Adams, Fletcher, Greene, Hunter, Newman, Palmer.

Mr. Lillibridge being excused.

Mr. Speaker not voting.

So the bill passed and its title was agreed to.

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, Session Laws of 1888,

Was read the third time and put on its final passage.

The roll being called, there were ayes, 38; nays, none.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Douglas, Elliott, Gronna, Howell, Hunter, Lampman, Logan, Mallory, McHugh, McNeil, Morris, Newman, Parkin, Patridge, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White,

Absent and not voting:

Messrs. Adams, Cooke, Fletcher, Greene, Jones, Miller, Palmer and Patton.

Mr. Lillibridge being excused.

Mr. Speaker not voting.

So the bill passed and its title was agreed to.

House Bill No. 322,

A bill for an act to provide clerk hire for probate courts,
Was read the third time.

Mr. McHugh offered the following amendment and moved its adoption:

Strike out the word "three" wherever it appears in the bill after the word "twenty."

Which amendment was adopted, and

House Bill No. 322 as amended was put on its final passage.

The roll being called there were, ayes, 36; nays, 4.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Elliott, Gronna, Howell, Hunter, Lampman, Logan, Mallory, McHugh, McNeil, Morris, Newman, Parkin, Patridge, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Upham, Van Etten, Wellcome, Wellman.

Those who voted in the negative were:
Messrs. Douglas, Miller, Turnbull, White.

Absent and not voting:

Messrs. Cooke, Fletcher, Greene, Jones, Lillibridge,
Palmer, Patton.

Mr. Speaker not voting.

So the bill passed and its title was agreed to.

House Bill No. 203,

A Bill for an act to provide for the sinking of artesian
wells and construction of water courses therefrom.

Was read the third time

Mr. Royer moved

That the reading at length of the Bill be dispensed with
and it be read only by its title,

Which motion prevailed.

The following amendment were offered :

Amend section 13 as follows :

Add thereto: "Whenever any such artesian well shall
have been fully completed and final report thereof made
by the well commissioner to the board of county commis-
sioners, the said board shall turn over the control and
management of said well and appurtenances to the board
of supervisors of the township wherein said well is situ-
ated."

And that Section 29 be amended by adding thereto the
following proviso:

"Provided, That all proceedings heretofore had and all
contracts made under the provisions of existing laws on
the subject of artesian wells are hereby declared to be
valid and may be continued and completed under the pro-
visions of this act."

Mr. McHugh moved

The adoption of the amendments.

Which motion prevailed and

House Bill No. 203, as amended,

Was read the third time and put on its final passage.

The roll being called there were ayes, 31; nays, 8.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Baldwin, Bennett, Bergman, Bix-
ler, Burnham, Clark, Cooke, Douglas, Elliott, Gronna, How-
ell, Jones, Lampman, Logan, Mallory, McHugh, McNeil,
Morris, Newman, Parkin, Price, Royer, Ryan, Sheets, Trude,
Turnbull, Upham, Van Etten, Wellcome.

Those who voted in the negative were:
 Messrs. Hunter, Miller, Patridge, Potter, Powell, Ramsdell, Smith, Swanston.
 Absent and not voting:
 Messrs. Aikens Fletcher, Greene, Palmer, Patton, Wellman, White.
 Mr. Lillibridge being excused.
 Mr. Speaker not voting.
 So the bill passed and its title was agreed to.
 Mr. Jones moved
 To suspend the rules and that House Bill No. 319
 Be read the third time and placed on its final passage.
 Which motion prevailed.

PETITIONS AND COMMUNICATIONS.

The following communication was presented by Mr. Parkin:

WASHBURN, Dak., March 4, 1889.

To the Honorable Speaker and Members of the House of Representatives, 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. Inasmuch 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 capital of North Dakota and to the coal county of the Territory where fuel sufficient to supply the entire northwest awaits the development which wise legislation and the building of railroads will insure.

(Signed)

Committee.

REPORTS OF STANDING COMMITTEES.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respectfully report that:

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 delivered to His Excellency the Governor for his approval, at the hour of 10:55 o'clock a. m.. March, 4, 1889.

D. M. POWELL,
Chairman.

REPORTS OF SELECT COMMITTEES.

The Special Committee to whom was referred Council Bill No. 190, submitted the following report:

MR. SPEAKER:

We your Special Committee 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,

Beg leave to make the following report:

That we have carefully examined the same and all vouchers connected therewith now on file in the office of the Territorial Auditor.

And recommend that the bill do pass, and that the rules be suspended and the bill be placed on its third reading and final passage.

P. McHUGH,
Chairman.

NATHAN UPHAM,
C. C. NEWMAN,
F. H. ADAMS,
H. G. PARKIN,
J. W. BURNHAM,
J. O. SMITH,
JOHN B. WELLCOME,
R. L. BENNETT,
E. H. BERGMAN,
A. J. GRONNA,
IRA S. LAMPMAN,
H. J. MALLORY,
E. McNEIL,
C. H. BALDWIN,
D. B. WELLMAN,
W. S. SWANSTON.

Mr. Burnham moved
To adopt the report.

Mr. Aikens moved
To amend by striking out all that part of the report
which refers to the suspension of the rules.
Which motion was lost.

Mr. Elliott moved
That Council Bill No. 190 be referred to General Orders.

Mr. Wellcome moved
To amend by making Council Bill No. 190 the Special
Order for to-morrow at 3 o'clock.
Which motion prevailed.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:
COUNCIL CHAMBER, }
March 4, 1889. }

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 289,

A bill for an act authorizing and empowering the Gov-
ernor of the Territory to remove any and all officers ap-
pointed by the Executive, at pleasure, and providing for
filling vacancies caused thereby,
Which was lost upon its passage.

Also,

House Bill No. 290,

A bill for an act creating and defining a subdivision of
the Sixth Judicial District,
Which the Council has passed.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
March 4, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
Council Bill No. 289,

A bill for an act entitled "An act to reappropriate cer-
tain balances of the University of North Dakota, or so
much thereof as shall be necessary to defray present ex-
penses and salaries,"

Also,

Council Bill No. 303,

A Joint Resolution providing for the payment of the Jamestown Investigating Committee's stenographer,

Also,

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 the Council has passed and your favorable consideration is respectfully requested.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, {
March 4, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith Council Bill No. 106,

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

Also,

Council Bill No. 136,

A bill for an act appropriating funds for the maintenance of the Normal School at Spearfish,

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.

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.

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

R. E. WALLACE,
Chief Clerk.

The Committee on Public Health submitted the following report:

MR. SPEAKER:

Your Committee on Public Health to whom was referred House Bill No. 308,

A bill for an act prohibiting the sale of unsound, dis-

eased, adulterated, impure and unwholesome articles of food, regulating the slaughter of animals to be slaughtered, and prescribing penalties for the violation thereof,

Have had the same under consideration and recommend that said bill do pass,

And recommend that the rules be suspended and it be placed upon its third reading and final passage immediately.

D. F. ROYER,
Chairman.

Mr. Burnham moved
To adopt the report.
Which motion prevailed.

Mr. Trude moved
That the further reading of the bill at length be dispensed with.

Which motion prevailed and
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 by its title and placed on its final passage.

The roll being called there were ayes 32; nays, 8.

Those who voted in the affirmative were

Messrs. Adams, Baldwin, Bennett, Bixler, Burnham, Clark, Douglas, Elliot, Gronna, Howell, Jones, Lampman Logan, Miller, Morris, Newman, Palmer, Parkin, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanson, Trude, Turnbull, Upham, Wellcome, Wellman.

Those who voted in the negative were:

Messrs. Aikens, Allen, Hunter, Mallory, Patridge, Patton, Van Etten, Mr. Speaker.

Absent and not voting:

Messrs. Fletcher, Greene, McHugh, McNeil, White.

Mr. Lillibridge being excused.

So the bill passed and its title was agreed to.

Mr. Elliott moved

That the vote by which House Bill No. 308 was passed be reconsidered and the bill referred to Committee on Public Health.

Which motion prevailed.

The report of the Special Committee who had under con-

sideration House Bills Nos. 344 and 345, submitted the following report:

MR. SPEAKER:

Your Special Committee appointed to report on appropriations hereby recommend the passage of House Bill No. 344 as amended by said committee, and reported herewith and recommend its adoption. We also respectfully ask that the bill referred to be engrossed as amended and that the rules be then suspended and the bill be put on its third reading and final passage.

J. M. GREENE,
J. D. PATTON,
J. H. FLETCHER,

Mr. Mallory in the chair.

Mr. Keith moved

That the report be amended as follows: "That the salary of the assistant teacher in the Deaf Mute Asylum be raised from \$1,200 to \$1,500."

Which motion prevailed.

Mr. Palmer moved

That the following items be added to the report:

For salaries of president, secretary, instructional force, bookkeeper, librarian, foreman, janitor and engineer.....	\$30,300
For department of domestic economy—material used.....	100
For department of domestic economy—material used.....	200
For incidentals for shop—wood and iron used.....	800
For horticulture—carpentry and repairs, blacksmithing and fuel.....	100
For department of English—incidentals, charts, maps, etc.....	500
For department of chemistry—incidentals, chemicals and materials used.....	100
For department of entomology—materials used.....	500
For farm department—incidentals.....	950
For seating assembly hall and furnishing other rooms.....	84,100
Total.....	\$84,100

Mr. Burnham moved

That Section 6 be stricken out of the report.

Mr. Powell moved

To lay Mr. Burnham's motion on the table.

Which motion prevailed.

Mr. Patton moved

That the motion of Mr. Palmer be laid on the table,

Which motion was lost.

Mr. Patton moved

That the amendments of Mr. Palmer be allowed,

Which motion was lost.

Mr. Wellcome moved

To amend the report by making the amount for repairs and improvement, \$5,000, in the appropriation for the penitentiary at Bismarck.

Which motion prevailed.

• Mr. Jones moved

To amend House Bill No. 344 by striking out all after the enacting clause and inserting the following:

SECTION 1. That the Governor of the Territory, together with the Secretary and Auditor of the same, be and are hereby constituted a board of management and control of all the educational, charitable and penal institutions of the Territory of Dakota, except the Soldiers' Home.

SEC. 2. That that part of any law of the Territory of Dakota, which provides for the appointment by the Governor, by and with the advice and consent of the Council, of trustees, directors, regents and members of boards of education of the several charitable, penal and educational institutions of the Territory of Dakota, be and the same is hereby repealed.

SEC. 3. That from and after the passage and approval of this act, the full control and management of the following named public institutions shall be vested in the board of management and control created by Section one (1) of this act. University of Dakota at Vermillion; University of North Dakota at Grand Forks; Madison Normal school at Madison; Normal school at Spearfish; Dakota Reform school at Plankinton; Dakota Agricultural College at Brookings; School of Mines at Rapid City; Dakota School for Deaf Mutes at Sioux Falls; Dakota Penitentiary at Sioux Falls; Bismarck Penitentiary at Bismarck; Dakota Hospital for Insane at Yankton; North Dakota Hospital for Insane at Jamestown.

SEC. 4. The board of management and control provided for in Section one (1) of this act shall have power to appoint and remove the officers of all public institutions named in Section three (3) of this act, and to make all needful rules and regulations for the government and management of said institutions.

SEC. 5. That the board of management and control shall appoint a secretary, who shall be paid a salary not to exceed two thousand (\$2,000) per annum, and said board shall appoint a committee of, not to exceed five members, to visit said institutions from time to time and to re-

port to said board the condition and needs of said institutions, and to discharge such other duties, in connection with the management of said institutions, as said board may direct. The members of said committee shall receive a per diem of three (3) dollars and expenses, while actually engaged in the discharge of their duties.

SEC. 6. That there is hereby appropriated out of any funds in the Territorial treasury not otherwise appropriated the sum of ten (10) thousand dollars, or so much thereof as may be necessary to pay the salary of the secretary per diem and expenses of the committee and the expenses of the board of management and control.

SEC. 7. That there is hereby appropriated out of any funds in the Territorial treasury not otherwise appropriated for the purpose of paying the current and contingent expenses of the educational, charitable and penal institutions of the Territory of Dakota the sum of five hundred thousand dollars (\$500,000) or so much thereof as may be necessary.

SEC. 8. This act shall be construed as repealing all the provisions of the several acts heretofore enacted, providing for the appointment of boards of trustees, directors, regents and boards of education for the several educational, charitable and penal institutions of this Territory except the Soldiers' Home, and as vesting in the board of management and control provided for in Section one (1) of this act. All the power, authority and control now vested by law in said boards.

SEC. 9. This act shall take effect from and after its passage and approval.

Which amendment was lost.

Mr. Gronna moved

To amend Section 13 by striking out the figures "49,000" and insert in lieu thereof "53,000."

Which motion prevailed.

Mr. Burnham moved

That the House take a recess till 2:30 o'clock p. m.

Which motion was lost.

Mr. Van Etten moved

That the House take a recess till 2 o'clock p. m.

Which motion prevailed.

House called to order after recess.

Mr. Speaker presiding.

The Special Committee to whom was referred House Bill No 348 submitted the following report:

MR. SPEAKER:

Your Special Committee to whom was referred
House Bill No. 348,

Have had the same under consideration and beg to report:

That the title of the bill be amended to read as follows:

"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 to strike out all after the enacting clause and substitute in lieu thereof the following: (Bill annexed hereto)

And as amended recommend the passage of the bill, and also that it be made a Special Order for Tuesday, March 5th, at 2 o'clock.

W. E. SWANSTON,
Chairman.

Mr. Patridge moved

That the House hold an evening session.

Which motion was lost.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Potter introduced

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,

Which was read the first time.

Mr. Aikens introduced, (by request,)—

House Bill No. 351,

A Joint Resolution and Memorial relating to laws effecting a uniform system of school laws,

Which was read the first time.

Mr. Wellman introduced—

House Bill No. 352,

A Joint Resolution providing to pay William Walton, E. L. Rawson and John Wallace for services at the capitol building during the Eighteenth Legislative Session,

Which was read the first time.

FIRST AND SECOND READING OF COUNCIL BILLS.

Council Bill 106,

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

Was read the first and second times and
Referred to General Orders.

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 first and second times and
Referred to General Orders.

Council Bill No. 136,

A bill for an act appropriating funds for the mainten-
ance of the Normal school at Spearfish, Dakota, for the en-
suing two years and other purposes,

Was read the first and second times and
Referred to General Orders.

Council Bill No. 289,

A bill for an act entitled "An act to reappropriate certain
balances of the University of North Dakota,"

Was read the first and second times and
Referred to General Orders.

Council Bill No. 303,

A Joint Resolution providing for the payment of the
Jamestown investigating committee's stenographer,

Was read the first and second times and
Referred to General Orders.

Council Bill No. 304,

A bill for 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,

Was read the first and second times and
Referred to General Orders.

Council Bill No. 291,

A bill for an act entitled "An act to amend Chapter 47,
of the Session laws of 1887, relating to education,"

Was read the first and second time and
Referred to General Orders.

Council Bill No. 269,

A bill for an act establishing the Dakota Industrial Col-
lege at Aberdeen, Dakota,

Was read the first and second time and
Referred to General Orders.

Council Bill No. 60,

A bill for an act to secure more fully the independence

of electors at public 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,

Was read the first and second times and
Referred to General Orders.

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 first and second times and
Referred to General Orders.

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 first and second times and
Referred to General Orders.

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 1665,

Was read the first and second times and
Referred to General Orders.

Council Bill No. 101,

A bill for an act prohibiting the recording of deeds and other instruments of title until taxes are paid,

Was read the first and second times and
Referred to General Orders.

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 first and second times and
Referred to General Orders.

Council Bill No. 268,

A bill for an act to limit the terms of Territorial officers, directors, regents and trustees.

Was read the first and second times and
Referred to General Orders.

Mr. Adams moved

That the Council Appropriation Bills be referred to the Special Committee on Appropriations.

Which motion prevailed.

Mr. Aikens moved
That Council Bill No. 268 be read the third time and put
on its final passage.

Which 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 placed on its final passage.

The roll being called, there were ayes, 42; nays, 1.

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Berg-
man, Bixler Burnham, Clark, Cooke, Douglas, Elliott,
Fletcher, Greene, Gronna, Hunter, Jones, Lampman, Logan,
Mallory, McHugh, Miller, Morris, Newman, Palmer, Parkin,
Patridge, Patton, Potter, Price, Ramsdell, Royer, Ryan,
Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van
Etten, White, Mr. Speaker.

Mr. Wellcome voting in the negative.

Absent and not voting:

Messrs. Howell, McNeil, Powell, Wellman.

Mr. Lillibridge being excused.

So the bill passed and its title was agreed to.

SECOND READING OF HOUSE BILLS.

House Bill No. 335.

A bill for an act to create the Dakota Money Endowment
and Land Guaranty Company.

Was read the second time and
Referred to the Committee on Territorial Affairs.

House Bill No. 349,

A bill for an act to amend Section 75 of Chapter 28 of
the Political Code,

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

House Bill No. 339.

A Joint Resolution providing for the printing and dis-
tribution of 100,000 copies of the Sioux Falls Constitution.

Was read the second time and
Referred to the Committee on Territorial Affairs.

House Bill No. 337,

A bill for an act to provide for the levy and collection of
a tax upon dogs,

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

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 second time and

Referred to the Committee on Charitable Institutions.

House Bill No. 340,

A Joint Resolution relating to the printing and distribution of 100,000 copies of the Sioux Falls constitution.

Was read the second time and

Referred to the Committee on Territorial Affairs.

House Bill No. 342,

A bill for an act to amend Section 3,000 of the Compiled Laws of the Territory of Dakota,

Was read the second time and

Referred to the Committee on Judiciary.

THIRD READING OF HOUSE BILLS.

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 third time.

Mr. Fletcher moved

That the further reading of the bill at length be dispensed with that it be read by its title and placed on its final passage.

Which motion prevailed and

House Bill No. 46 was placed on its final passage.

The roll being called there were ayes, 23; nays, 18.

Those who voted in the affirmative were:

Messrs. Baldwin, Bennett, Bergman, Bixler, Elliott, Fletcher, Gronna, Howell, Lampman, Mallory, McHugh, Morris, Newman, Palmer, Parkin, Ramsdell, Royer, Ryan, Sheets, Upham, Van Etten, Wellcome, Wellman.

Those who voted in the negative were:

Messrs. Adams, Allen, Burnham, Clark, Cooke, Douglas, Greene, Hunter, Jones, McNeil, Miller, Patridge, Patton, Potter, Smith, Swanston, Trude, Turnbull.

Absent and not voting:

Messrs. Alkens, Logan, Powell, Price, White.

Mr. Lillibridge being excused.

Mr. Speaker not voting.

So the bill passed and its title was agreed to.

House Bill No. 243,

A bill for an act to amend Section 47 of Chapter 27 of the Political Code, relating to the eligibility of persons to hold office,

Was read the third time and placed on its final passage. The roll being called there were ayes, 27; nays, 17.

Those who voted in the affirmative were:

Messrs. Aikens, Baldwin, Bennett, Bergman, Bixler, Burnham, Cooke, Fletcher, Jones, Lampman, Mallory, McHugh, Morris, Newman, Parkin, Patridge, Potter, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Upham, Wellcome, Wellman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Allen, Clark, Douglas, Elliott, Greene, Gronna, Hunter, McNeil, Miller, Palmer, Patton, Smith, Trude, Turnbull, Van Etten, White.

Absent and not voting:

Messrs. Howell, Logan, Powell.

Mr. Lillibridge being excused.

So the bill passed and its title was agreed to.

House Bill No. 254,

A bill for an act to correct and define the boundaries of Day county, Dakota.

Mr Aikens moved

That its reading at length be dispensed with.

Mr. Burnham moved

That it be referred to the author for correction.

Which motion prevailed.

House Bill No. 263,

A bill for an act to amend Section 2, of Chapter 1, of the Political Code.

Was read the third time.

Mr. Fletcher moved

That House Bill No. 263 be indefinitely postponed.

Which motion prevailed.

House Bill No. 124,

A bill for an act to amend Section 1 of Chapter 118 of the Session Laws of 1881,

Was read the third time and placed on its final passage. The roll being called there were ayes, 43; nays, 1.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Elliott, Fletcher, Greene, Gronna, Howell, Jones, Lampman, Mallory, Mc-

Hugh, McNeil, Miller, Morris, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, White, Mr. Speaker.

Mr. Hunter voting in the negative.

Absent and not voting:

Messrs. Douglas, Logan, Wellman.

Mr. Lillibridge being excused.

So the bill passed and its title was agreed to.

House Bill No. 268,

A bill for an act to amend Section 1, Article 19, Chapter 73 of the Session Laws of 1887.

Was read the third time and placed on its final passage.

The roll being called there were ayes, 42; nays, 1.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clarke, Cook, Douglas, Elliott, Fletcher, Greene, Howell, Hunter, Jones, Lampman, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, White, Mr. Speaker.

Mr. Palmer voting in the negative.

Absent and not voting:

Messrs. Gronna, Parkin, Smith and Wellman.

Mr. Lillibridge being excused.

So the bill passed and its title was agreed to.

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 third time and placed on its final passage.

The roll being called there were ayes, 40; nays, 3.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bergman, Bixler, Burnham, Clark, Cooke, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Parkin, Patridge, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Bennett, Patton, Smith.

Absent and not voting:

Messrs. Adams, Douglas and Wellman.

Mr. Lillibridge being excused.

So the bill passed and its title was agreed to.

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 and placed on its final passage.

The roll being called there were ayes 34, nays 10.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Baldwin, Bennett, Bergman, Bixler, Clark, Greene, Gronna, Howell, Hunter, Lampman, Logan, Mallory, McHugh, Miller, Morris, Newman, Palmer, Parkin, Patton, Price, Ramsdell, Royer, Sheets, Smith, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Burnham, Cooke, Elliott, Fletcher, McNeil, Patridge, Potter, Powell, Ryan, Swanston.

Absent and not voting:

Messrs. Aikens, Douglas, Jones.

Mr. Lillibridge being excused.

So the bill passed and its title was agreed to.

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,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 45; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Absent and not voting:

Messrs. Aikens and Baldwin.

Mr. Lillsbridge being excused.

So the bill passed and its title was agreed to.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills respectfully report that they have examined:

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,

Report the same back without engrossment for the reason that the Special Committee to whom was referred the bill for correction, made their report without erasing the amounts sought to be corrected, but made such corrections and amendments by interlineation in such a way that this committee is unable to say which amounts are correct.

D. M. POWELL,
Chairman.

Mr. Burnham moved
To adopt the report.
Which motion prevailed.

The Special Committee to whom was referred House Bill 344 submitted the following report:

MR. SPEAKER:

Your Special Committee to whom was referred House Bill No. 344,

For amendments have examined the bill as engrossed and find the same correct as amended, and recommended by your committee.

J. M. GREENE,
J. H. FLETCHER,
J. D. PATTON.

Mr. Greene moved
That the report of the Special Committee be adopted.

Mr. White moved
That House Bill No. 344 be referred to the Special Committee for them to make the proper amendments.
Which motion prevailed.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
March 4, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith

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,

Also, return herewith,
House Bill No. 142,

A bill for an act defining the class of newspapers in which legal notices shall be published,

Which the Council has amended as follows:

By inserting after the word "intervals," in Section 1, line 5, where it first occurs, the words "not exceeding one week."

By inserting the words "not exceeding one week" after the word "intervals," in line 6, Section 2.

By inserting after the word "city," in the 7th line of Section 1, the words, "or county,"

And your concurrence therein is respectfully requested.

R. E. WALLACE.

Chief Clerk.

Mr. Palmer moved

That the Council amendments to House Bill No. 142 be concurred in.

Which motion prevailed.

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,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 38; nays none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Gronna, Howell, Hunter, Jones, Lampman, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Parkin, Patridge, Potter, Price, Ramsdell, Royer, Ryan, Swarston, Trude, Turnbull, Upham, Van Etten, Wellcome, White, Mr. Speaker.

Absent and not voting:

Messrs. Bergman, Fletcher, Greene, Palmer, Patton, Powell, Sheets, Smith, Wellman.

Mr. Lillibridge being excused.

So the bill passed and its title was agreed to.

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 third time and placed on its final passage. The roll being called there were ayes, 37; nays, 3.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Cooke, Douglas, Elliott, Gronna, Howell, Jones, Lampman, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Parkin, Patridge, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Trude, Upham, Van Etten, Wellcome, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Fletcher, Hunter, Turnbull.

Absent and not voting:

Messrs. Aikens, Clarke, Greene, Palmer, Patton, Smith, Wellman.

Mr. Lillibridge being excused.

So the bill passed and its title was agreed to.

MESSAGE FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER, }
March 4, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
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 ensuing two years.

Also,

Council Bill No. 291,

A bill for an act abolishing the Territorial Board of Education.

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

R. E. WALLACE,
Chief Clerk.

Council Bill No. 181,

A bill for an act appropriating money for the support and maintenance of the School of Deaf Mutes at Sioux Falls for the ensuing two years.

Was read the first and second times and

Referred to the Special Committee on Appropriations.

Council Bill No. 291,

A bill for an act abolishing the Territorial Board of Education,

Was read the first and second times.

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.

Was read the third time and placed on its final passage. The roll being called there were ayes, 27; nays, 14.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Bennett, Bergman, Bixler, Douglas, Elliott, Gronna, Howell, Hunter, Lampman, McHugh, McNeil, Miller, Palmer, Parkin, Patridge, Ramsdell, Sheets, Smith, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White.

Those who voted in the negative were:

Messrs. Aikens, Baldwin, Burnham, Cooke, Jones, Logan, Morris, Potter, Powell, Price, Royer, Ryan, Swanston, Mr. Speaker.

Absent and not voting:

Messrs. Clark, Fletcher, Greene, Mallory, Newman and Patton.

Mr. Lillibridge being excused.

So the bill passed and its title was agreed to.

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.

Mr. Morris moved

That House Bill No. 256 be indefinitely postponed.

Ayes and nays demanded on the motion to postpone.

The roll being called there were ayes, 12; nays, 29.

Those who voted in the affirmative were:

Messrs. Aikens, Clark, Cooke, Elliott, Howell, Jones, Morris, Patridge, Potter, Ramsdell, Swanston.

Those who voted in the negative were:

Messrs. Adams, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Douglas, Gronna, Hunter, Lampman, Logan, McHugh, McNeil, Miller, Newman, Parkin, Powell, Price, Royer, Sheets, Smith, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Absent and not voting:

Messrs. Fletcher, Greene, Mallory, Palmer, Patton, Ryan.

Mr. Lillibridge being excused.

So the motion to postpone was lost.

House Bill No. 256 was placed on its final passage.

The roll being called there were ayes, 27; nays, 16.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Bennett, Bixler, Burnham, Douglas, Gronna, Hunter, Lampman, Logan, McHugh, McNeil, Miller, Newman, Parkin, Powell, Price, Ramsdell, Royer, Sheets, Smith, Turnbull, Upham, Van Etten, Wellcome, Wellman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Baldwin, Bergman, Cooke, Elliott, Fletcher, Howell, Jones, Morris, Palmer, Patridge, Potter, Ryan, Swanston, Trude, White.

Absent and not voting:

Messrs. Clark, Greene, Mallory, Patten.

Mr. Lillibridge being excused.

So the bill passed and its title was agreed to.

House Bill No. 254,

A bill for an act to correct and define the boundary of Day county, Dakota,

Was read the third time.

Mr. Douglas moved

To amend the bill as follows:

After the word "the" in second line of Section 1 strike out the remainder of said line. In third line in Section 1 strike out all said line to the word "thence" and insert in lieu thereof the words: "point where the south line of township 120 intersects the western boundary line of Grant county,

Which amendment was adopted.

Mr. Aikens moved

To dispense with the reading at length of the bill.

Which motion prevailed, and

House Bill No. 254,

A bill for an act to correct and define the boundary of Day county, Dakota, as amended

Was read the third time by its title and placed on its final passage.

The roll being called there were ayes, 39; nays, 1.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Bennett, Bixler, Clark, Cooke,

Douglas, Elliott, Fletcher, Gronna, Howell, Hunter, Jones, Lampman, Logan, McHugh, McNeil, Miller, Morris, Newman, Palmer, Parkin, Patridge, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Mr. Burnham voting in the negative.

Absent and not voting:

Messrs. Aikens, Baldwin, Bergman, Greene, Mallory, Patton and Swanston.

Mr. Lillibridge being excused.

So the bill passed and its title was agreed to.

Mr. Speaker announced an informal recess of five minutes.

House called to order, Mr. Speaker presiding.

Mr. Keith moved

To suspend the rules, 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, Dakota Territory,

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

The motion prevailed and

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 the second and third times and placed on its final passage.

The roll being called there were ayes, 43; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Gronna, Howell, Hunter, Jones, Lampman, Logan, Mallory, McHugh, McNeil, Miller, Morris, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Absent and not voting:

Messrs. Bennett, Greene, Newman, Trude.

Mr. Lillibridge being excused.

So the bill passed and its title was agreed to.

Mr. Hunter moved

To suspend the rules, that House Bill No. 351 be read the second and third times and placed on its final passage.

Which motion prevailed and
House Bill No. 351,

A Joint Resolution and Memorial relating to laws effecting a uniform system of school laws,

Was read the second and third times and placed on its final passage.

The roll being called there were ayes 20; nays 24.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Baldwin, Bennet, Bixler, Burnham, Clark, Douglas, Gronna, Hunter, Logan, Mallory, McNeil, Newman, Parkin, Patridge, Potter, Powell, Price, White.

Those who voted in the negative were:

Messrs. Allen, Bergman, Cooke, Elliott, Fletcher, Howell, Jones, Lampman, McHugh, Miller, Morris, Palmer, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Turnbull, Upham, Van Etten, Wellcome, Wellman, Mr. Speaker.

Absent and not voting:

Messrs. Greene, Patton and Trude, Mr. Lillibridge being excused.

So the bill passed and its title was agreed to.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed bills have examined

House Bill No. 290,

A bill for an act creating and defining a subdivision of the Sixth Judicial District,

And find the same correctly engrossed and enrolled,

D. M. POWELL,
Chairman.

Mr. Speaker announced his signature to House Bill No. 290.

Mr. Fletcher moved

That the rules be suspended and that Council Bill No. 205 be recalled from General Orders and that it be read the third time and placed on its final passage.

Which motion prevailed.

Mr. Parkin moved

To dispense with reading at length of the bill,
Which motion prevailed.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER, }
March 4, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
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, Da-
kota, for the ensuing two years,"

Also,

Council Bill No. 200,

A bill for an act appropriating funds for the mainten-
ance of the Dakota Hospital for the Insane at Yankton,
and for other purposes,

Also,

Council Bill No. 216,

A bill for an act making appropriation for the mainte-
nance of the North Dakota Hospital for the Insane and for
other purposes.

Which the Council has passed and your favorable consid-
eration is respectfully requested.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
March 4th, 1889. }

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 211,

A bill for an act providing for a lien upon grain for the
threshing of the same.

Which the Council has amended as follows:

Amend Section 4, by striking out the word "threshing,"
it being the last word in said section, and insert in lieu
thereof the word "filing."

And your concurrence therein is respectfully requested.

R. E. WALLACE,
Chief Clerk.

Mr. Baldwin moved

That the amendment of the Council to House Bill No
211 be concurred in.

Which motion prevailed.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 203,

A bill for an act to provide for the sinking of artesian wells and construction of waterways therefrom,

And find the same correctly engrossed.

Also,

House 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 and enrolled.

D. M. POWELL,
Chairman.

The special committee to whom was referred the appropriation bills submitted the following report:

MR. SPEAKER:

Your committee appointed to consider appropriation bills—House Bills Nos. 344 and 345—hereby report the following amendments to House Bill No. 344 and recommend its passage as amended.

In line 3 of section 2, strike out figures "\$40,000" and in lieu thereof insert the figures "\$50,000."

In line 4 of section 2, strike out the figures "\$4,320" and insert in lieu thereof "\$2,000."

In line 5 of section 2, strike out the figures "\$2,000" and insert in lieu thereof "\$1,000."

In line 7 of section 2, strike out figures "\$1,000" and insert in lieu thereof "\$1,500."

In line 8 of section 2, strike out figures "\$500" and insert in lieu thereof "\$1,500."

In line 9 of section 2, strike out figures "\$5,000" and insert in lieu thereof "\$7,000."

In line 10 of section 2, strike out the figures "\$1,500" and insert in lieu thereof "\$1,000."

In line 11 of section 2, strike out the figures "\$1,000" and insert in lieu thereof "\$500."

In line 12 of section 2, strike out "\$500" and insert in lieu thereof "\$1,000."

In line 13 of section 2, strike out "\$2,500" and insert in lieu thereof "\$2,000."

In line 2 of section 5, strike out "\$20,000" and insert in lieu thereof "\$19,600."

In line 7 of same section, strike out "\$1,000" and insert in lieu thereof "\$1,500."

Add to section 5, "For museum, \$800."

In line 2 of section 6, strike out "\$4,000" and insert in lieu thereof "\$3,000."

In line 4 of section 6, strike out "\$7,000" and insert in lieu thereof "\$5,000."

Add to section 7 the following: "For chemical appliance, \$500; for tools, forestry and gardening, \$500; for repairs, steam heating, \$1,000; for repair of roof, adding gutter, finishing basement, and for shop and laboratory and furnishing same, \$4,900."

In line 3 of section 8, strike out "\$18,000" and insert in lieu thereof "\$21,000."

In line 10 of section 8, strike out "\$5,000" and insert in lieu thereof "\$4,000."

In line 2 of section 9, strike out "\$2,000" and insert in lieu thereof "2,500."

In line 5 of same section strike out "\$1,200" and insert in lieu thereof "\$1,000."

In line 7 of same section strike out "\$1,200" and insert in lieu thereof "\$1,500."

In line 8 of same section strike out "\$1,000" and insert in lieu thereof "\$1,500."

In line 10 of same section strike out "\$800" and insert in lieu thereof "\$1,000."

In line 13 of same section strike out "\$1,000" and insert in lieu thereof "\$800."

In lines 16, 17, 18 and 19 of same section strike out "\$14,560" and insert in lieu thereof "\$17,000."

In line 4 of Section 10 strike out "\$2,000" and insert in lieu thereof "\$1,800."

In line 5 of same section strike out "\$14,600" and insert in lieu thereof "\$20,000."

In line 10 of same section strike out "\$15,000" and insert in lieu thereof "\$12,000."

In line 11 of same section strike out "\$3,500" and insert in lieu thereof "\$6,500."

In line 2 of Section 11 strike out "\$3,600" and insert in lieu thereof "\$3,800."

In line 4 of same section strike out "\$2,000" and insert in lieu thereof "\$1,800."

In line 6 of same section strike out "\$14,000" and insert in lieu thereof "\$15,000."

In line 3 of Section 12 strike out "\$23,000" and insert in lieu thereof "\$26,000."

In line 5 of Section 12 strike out "\$20,000" and insert in lieu thereof "\$23,000."

In line 3 of Section 13 strike out "\$20,000" and insert in lieu thereof "\$25,000."

Strike out lines 6 and 7 of Section 14 and lines 22, 23 and 24 of Article 2 of Section 14.

Add the following and make it Section 15:

SEC. 15. There is hereby appropriated for the purpose of sinking an artesian well for the North Dakota Hospital for Insane at Jamestown, Dakota Territory, the sum of nine thousand dollars or so much thereof as may be necessary; provided, that the contract for sinking said well shall specify that no money shall be paid therefor from this appropriation until the trustees of said institution shall satisfy the auditor of the territory that said well is fully completed and a flow of water sufficient for the needs of the institution obtained.

Add the following and make it section 16:

SEC. 16. The funds hereby appropriated for the maintenance of the penitentiaries at Sioux Falls and Bismarck shall be disbursed by the boards of directors thereof, under such regulations as may be prescribed by the governor and auditor of the territory, upon presentation of the original bills and vouchers.

Strike out all of section 14 except article 1.

J. M. GREENE,
JOHN. D. PATTON.
J. H. FLETCHER.

Mr. Jones moved that

The report of the Special Committee on House Bill No. 344 be re-referred to the committee for correction.

Mr. Mallory moved

That the clerk be instructed to correct the report by striking out "line 11 in Section 9" and inserting in lieu thereof "line 10 in Section 9,"

Which motion prevailed.

Mr. Speaker announced his signature to House Bill No. 142.

Mr. Jones moved

To amend the report by striking out in line 16, Section 13, the figures "\$2,500" and insert in lieu thereof the figures "\$1,000."

Which motion was lost.

Mr. Jones moved

That the amounts appropriated for officer and guard fund at the Dakota Penitentiary at Sioux Falls, Dakota, and for guard's and employe's funds at the Territorial Penitentiary at Bismarck, which were increased this morning by the House, be left as reported by the minority report of the Committee on Appropriations.

Which motion was lost.

Mr. McHugh moved
The previous question.

Which motion prevailed, and
The question being shall the report as amended be
adopted,

The report as amended was adopted.

The Committee on Enrolled and Engrossed Bills sub-
mitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills respect-
fully report that

House Bill No. 142,

A bill for an act defining the class of newspapers in
which legal notices shall be published,

Was delivered to His Excellency the Governor for his
approval at the hour of 4:30 o'clock p. m., March 4, 1889.

D. M. POWELL,
Chairman.

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills respect-
fully report that

House Bill No, 290,

A bill for an act creating and defining a sub-division of
the Sixth Judicial District,

Was delivered to His Excellency the Governor for his
approval at the hour of 4:10 o'clock p. m., March 4, 1889.

D. M. POWELL,
Chairman.

Mr. Price moved that

Council Bill No. 268,

A bill for an act to limit the terms of Territorial officers,
directors, regents and trustees,

Be transmitted to the Council without engrossment.

Which motion prevailed.

Mr. Fletcher moved

To suspend the rules that Council Bill No. 205 be read
the third time and placed on its final passage,

Which motion prevailed.

Mr. Price moved

That the reading at length of Council Bill No. 205 be
dispensed with.

Mr. Aikens moved

As a substitute motion that the bill be made a special order for to-night at 8 o'clock.
Which motion prevailed.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:
COUNCIL CHAMBER,
February 4, 1889 }

MR. SPEAKER:

I have the honor to inform the House of Representatives that the Council has adopted the majority report of the Committee on Conference and has concurred in the House amendments to Council Bill No. 120.

R. E. WALLACE,
Chief Clerk.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 344,

A bill for an act providing for appropriation for the maintenance of the several public institutions of the Territory of Dakota,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

Mr. Speaker announced his signature to Council Bill No. 255.

MESSAGE FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER,
March 4, 1889. }

MR. SPEAKER:

I have the honor to transmit 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 Council has passed, and your favorable consideration thereof is respectfully requested.

R. E. WALLACE,
Chief Clerk.

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Mr. McHugh moved
That the House do now resolve itself into Committee of
the Whole for the consideration of General Orders.

Which motion prevailed, and
Mr. Speaker called Mr. McHugh to the chair.

When the Committee rose, the following report was pre-
sented:

MR. SPEAKER:

Your Committee of the Whole have had under consider-
ation

Council Bill No. 163,

A bill for an act for the maintenance of the public offices
of the Territory,

And recommend that the bill do pass.

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,"

And recommend that the 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,"

And recommend that the further consideration of the
bill be indefinitely postponed,

Also,

House Bill No. 317,

A Joint Resolution providing payment to Frank Don-
nelly for serving subpoenas outside the Territory of Da-
kota in the matter of the Jamestown asylum investigation,

And recommend that the bill do pass.

Also,

Council Bill No. 122,

A bill for an act to provide for a system of Territorial
accounts,

And recommend that the bill do pass.

Also,

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,

And recommend that the bill be amended as follows:

In line one, Section one, after the word "three" add the words "the Governor and Secretary of the territory or." Also after the words "Sioux Falls" in the same line, add the words "as the case may be."

Also in Section 2, in line 1, after the word "force" insert the word "immediately" and after the word "passage" in the same line insert the words "and approval."

And that the bill as amended pass.

Also,

Council Bill No. 201,

A bill for an act entitled "An act to provide for filing the bonds of township assessors and duties of township clerks,"

And recommend that the 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,

And recommend that the bill do pass.

Also,

Council Bill No. 7,

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

And recommend that the bill do not pass.

Also,

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,

And recommend that the bill do pass.

Also,

House Bill No. 295,

A bill for an act appropriating twelve hundred dollars annually for salary of Territorial Treasurer's deputy,

And recommend that the bill do pass.

Also,

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, and for such excepted purposes,

And recommend that the bill be amended as follows:
Strike out Section 34 and insert in lieu thereof the following: "This act shall take effect and be in force immediately upon its passage and approval."

Also, strike out in the title and where it occurs in the body of the bill the word "sacramental."

And that the bill as amended do pass.

P. McHUGH,
Chairman.

Mr. Speaker announced his signature to Council Bill No. 182.

Mr. McHugh moved
That the vote by which Council Bill No. 205 was made the Special Order for 8 o'clock be reconsidered.

Mr. Aikens moved
To lay the motion to reconsider on the table.
Which motion was lost and
The original motion being put, prevailed.

Mr. McNeil moved
That Council Bill No. 205 be made the Special Order for to-morrow at 2 o'clock.
Which motion prevailed.

Mr. Burnham moved
To adopt the report of the Committee of the Whole.

Mr. Patridge moved
As an amendment, to adopt the report except as to the recommendation on the amendment to Section 34 of Council Bill No. 133.

Ayes and nays demanded on the amendment.

The roll being called, there were ayes, 18; nays, 26.

Those who voted in the affirmative were:

Messrs. Baldwin, Bennett, Cooke, Douglas, Fletcher, Mal-lory, McNeil, Miller, Palmer, Patridge, Potter, Powell, Ramsdell, Ryan, Sheets, Van Etten, Wellman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Allen, Bergman, Bixler, Burnham, Clark, Elliott, Greene, Gronna, Howell, Jones, Logan, McHugh, Morris, Newman, Parkin, Patton, Price, Royer, Smith, Swanston, Trude, Turnbull, Upham, Wellcome, White.

Absent and not voting:

Messrs. Adams, Hunter and Lampman.

Mr. Lillibridge being excused.

So the amendment to the report was lost, and

The motion of Mr. Burnham being put prevailed.

Mr. Patton moved

That House Bill No. 344 be read the third time and placed on its final passage.

Which motion prevailed.

Mr McHugh moved

That the reading at length of the bill be dispensed with, that the bill be read by its title and placed on its final passage.

Which motion prevailed.

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,

Was placed on its final passage.

The roll being called, there were ayes 39; nays, 4.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Clark, Cooke, Elloitt, Fletcher, Greene, Gronna, Howell, Logan, Mallory, McHugh, McNeil, Miller, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Douglas, Jones, Morris, Wellman.

Absent and not voting.

Messrs. Adams, Burnham, Hunter, Lampman.

Mr. Lillibridge being excused.

So the bill passed and its title was agreed to.

Mr. Elliott moved

That the vote by which House Bill No. 344 was passed be reconsidered and that the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Elliott moved

That the House do now adjourn.

Which motion was lost.

Mr. McHugh moved

That the House take a recess till 8 o'clock this evening.

Which motion prevailed.

House called to order, 8 o'clock p. m.

Mr. McNeil moved

To adjourn.

Which motion was lost.

Mr. Aikens moved

That the House proceed to the consideration of Council
Bill No. 133.

Mr. McHugh moved

To lay the motion on the table,

Which motion was lost and

The original motion being put, was lost.

Mr. McHugh moved

That the House do now adjourn.

Which motion prevailed and the House

Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

FIFTY-SEVENTH DAY.

BISMARCK, March 5, 1889.

The House assembled at 10 o'clock a. m. pursuant to adjournment.

The speaker presiding.

Prayer by the Chaplain.

Roll called.

All members being present except Messrs. Lampman, and Lillibridge, they being excused.

MR. SPEAKER:

Your Committee to revise and correct the Journal have examined that of March 4, 1889, and recommend the following corrections:

On page 1, line 5, strike out the figure "2" and insert the figures "10." Strike out in same line the letter "R" and insert the letter "A."

On same page, line 8, strike out "M. Spear" and insert in lieu thereof "B. M. Spurr."

On page 5, strike out line 36.

Also, on page 24, line 21, strike out the word "Council" and insert the word "House."

On page 12, line 40, strike out the word "Patton" and insert the word "Potter."

Also, on page 37, line 12, strike out the word "three" and insert the word "that."

And with these corrections recommend the approval of the Journal.

R. L. BENNETT,
O. R. VAN ETTEN.

Mr. Burnham moved
To adopt the report.
Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. Mallory moved
That the vote whereby so much of the report of the report of the Committee of the Whole as referred to the taking immediate effect of the prohibition law which passed yesterday was adopted be reconsidered.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 211,

A bill for an act providing for a lien upon grain for threshing the same,

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

Mr. Speaker announced his signature to House Bill No. 211.

Mr. Patten moved
A call of the House,
And a call of the House was ordered.

All members present except
Messrs. Adams, Lampman, Parkin and Wellcome.
On account of sickness Mr. Lampman was excused.

Mr. White moved
That further proceedings under the call of the House be
dispensed with,

Which motion was lost.

Mr. Fletcher moved
That further proceedings under call of the House be dis-
pensed with,

Which motion was lost.

Mr. White moved
That further proceedings under the call be dispensed
with,

Which motion prevailed.

Mr. McHugh moved
That the motion of Mr. Mallory to reconsider the vote
on the adoption of the report of the Committee of the
Whole be made the Special Order for 5 o'clock p. m.

Mr. Aikens moved
That the further consideration of the motion be post-
poned until this afternoon at 4 o'clock.

Mr. McHugh moved
To amend by making the bill the Special order for to-
morrow afternoon at 4 o'clock.

Mr. Sheets moved
As a substitute that the House do now proceed to the
consideration of the bill in question.

Which motion the Speaker ruled out of order.

Mr. Adams moved
To lay the motion of Mr. McHugh on the table.
Which motion was lost.

The question then being on the amendment of Mr. Mc-
Hugh that it be made the special order at 4 o'clock,

Which amendment was lost.

The original motion being put, prevailed.

The vote to reconsider was made the special order for
5 o'clock p. m.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
March 5, 1889. }

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 121,

A bill for an act entitled "An act to amend Section 61, of Chapter 28, of the Political Code,"

Which the Council has passed unchanged. •

Also,

Council Bill No. 313,

A concurrent resolution to appoint a joint committee of conference on appropriations,

Which the Council has passed under suspension of the rules and your early consideration thereon is respectfully requested.

And to inform you that the president of the Council has appointed Messrs. Hughes, Ericson and Cooper as members of such committee.

R. E. WALLACE,
Chief Clerk.

CONCURRENT RESOLUTION.

Resolved by the Council, the House of Representatives Concurring.

That the President of the Council and the Speaker of the House be and they are hereby authorized to appoint a Joint Committee to consist of three members of each body to consider and report on appropriation bills for the various public institutions.

Mr. Green moved

That the House adopt the concurrent resolution,
Which motion prevailed.

The Committee on Engrossed and Enrolled Bills presented the following reports:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respectfully report that

House Bill No. 211,

A bill for an act providing for a lien upon grain for threshing the same.

Was delivered to His Excellency, the Governor, for his approval at the hour of 10:30 o'clock a. m., March 5, 1889.

D. M. POWELL,
Chairman.

The Committee on Territorial Affairs submitted the following report:

MR. SPEAKER:

Your Committee on Territorial Affairs to whom was referred

House Bill No. 340,
Being a Joint Resolution providing for the printing and
distribution of 100,000 copies of the Sioux Falls constitu-
tion and making appropriation therefor,
Have had the same under consideration and recommend
that said bill do pass.

JOSEPH ALLEN,
Chairman.

The Committee on Ways and Means submitted the fol-
lowing report:

MR. SPEAKER:

Your Committee on Ways and Means to whom was re-
ferred

Council Bill No. 189,

A bill for an act to repeal Section 54, Chapter 28, of the
Revised Code of 1877, pertaining to revenue.

Have had the same under consideration and recommend
the following amendment:

Strike out all after the enacting clause and insert in lieu
thereof the following:

SEC. 1. That Section 54 of Chapter 28 of the Political
Code of 1877 be amended by striking out all after the word
"delinquent."

And as amended recommend the same do pass.

CHAS. J. TRUDE,
Chairman.

The Committee on Judiciary submitted the following
report:

MR. SPEAKER:

The Committee on Judiciary to which was referred
House Bill No. 325,

A bill for an act to create and establish the county of
Harrison,

Have had the same under consideration and report it
back to the House with amendments thereto attached.

And when so amended the Committee recommend the
passage of the bill.

M. M. PRICE,
Chairman.

Mr. Gronna moved
That Council Bill No. 212 be taken from General Orders.
Which motion prevailed.

The Committee on Towns and Cities submitted the fol-
lowing report:

MR. SPEAKER:

Your Committee on Towns and Cities to whom was referred

Council Bill No. 267,

A bill for an act to amend Section 2 of Article 17 of Chapter 73 of the Laws of 1887,

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

C. C. NEWMAN,
Chairman.

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

WHEREAS, It is currently reported and believed that the sale of intoxicating liquors is being carried on in the basement of the capitol building, be it

Resolved, That a special committee be at once appointed by the Speaker to investigate the matter and make report to the House as speedily as possible.

Which resolution was adopted.

Mr. Hunter moved

To suspend the rules and that Council Bill No. 204 be taken from General Orders.

Mr. Cooke moved

That House Bill No. 185 be recalled from the committee and placed in General Orders.

Which motion was lost.

Mr. Aikens moved

That when the third reading of House bills is reached, the roll be called and each member be given the opportunity to select a bill and have it placed on its final passage.

Which motion prevailed.

Mr. Speaker appointed as the Joint Conference Committee Messrs. Greene, Patton and Smith.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 200,

A bill for an act appropriating funds for the maintenance of the Dakota Hospital for the Insane near Yankton, and for other purposes,

Was read the first and second times and Referred to General Orders.

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 first and second times and
Referred to General Orders.

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,

Was read the first and second times and
Referred to General Orders.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Aikens introduced—

House Bill No. 353,

A bill for an act to amend Section 39, Chapter 69, Laws of 1883, regulating the distribution of bills received by the Insurance Department of the Territorial Auditor's office,

Which was read the first time.

Mr. Newman introduced—

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.

Which was read the first time.

Mr. Wellman introduced—

House Bill No. 355,

A bill for an act to define the boundaries of Wells and Eddy counties,

Which was read the first time.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 212,

A bill for an act giving police powers to conductors of railway passenger trains,

Was read the third time and placed on its final passage:

The roll being called there were ayes, 23; nays, 14.

Those who voted in the affirmative were:

Messrs. Allen, Baldwin, Bennett, Bergman, Burnham, Greene, Gronna, Hunter, McNeil, Newman, Parkin, Patton, Powell, Price, Ramsdell, Ryan, Sheets, Swanston, Trude, Turnbull, Van Etten, Wellcome, Wellman.

Those who voted in the negative were:

Messrs. Adams, Aikens, Bixler, Cooke, Elliott, Howell,

Logan, Mallory, Miller, Morris, Patridge, Potter, Royer, Smith, Turnbull.

Absent and not voting:

Messrs. Clark, Douglas, Fletcher, Jones, McHugh, Palmer, Upham, White.

Messrs. Lampman and Lillibridge being excused.

Mr. Speaker not voting.

So the bill passed and its title was agreed to.

Mr. Speaker appointed the following members on the Sheets Resolution:

Messrs. Sheets, Van Etten, Bixler.

Mr. Bixler asked to be excused, and Mr. Speaker appointed Mr. Douglas in his stead.

The Committee on Charitable Institutions submitted the following report:

MR. SPEAKER:

Your Committee on Charitable Institutions to whom was referred

House Bill No. 338,

A bill for an act to establish a Territorial Board of Corrections and Charities for the Territory of Dakota,

Have had the same under consideration and recommend that said bill be referred to General Orders.

H. J. MALLORY,
Chairman.

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 placed on its final passage.

The roll being called there were, ayes 32; nays, 6.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Baldwin, Bennett, Bergman, Burnham, Cooke, Douglas, Elliott, Greene, Howell, Hunter, Mallory, McNeil, Newman, Palmer, Parkin, Patridge, Patton, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Trude, Turnbull, Van Etten, Wellcome, Wellman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Gronna, Logan, Miller, Morris, Potter, Swanston.

Absent and not voting:

Messrs. Aikens, Bixler, Clark, Fletcher, Jones, McHugh, Upham and White.

Messrs. Lampman and Lillibridge being excused.

So the bill passed and its title was agreed to.

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 placed on its final passage. The roll being called there were ayes, 31; nays, 5.

Those who voted in the affirmative were:

Messrs. Adams, Baldwin, Bixler, Burnham, Cooke, Douglas, Elliott, Howell, Hunter, Jones, Logan, Mallory, Miller, Morris, Newman, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Trude, Upham, Wellcome, Wellman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Allen, Greene, McNeil, Turnbull, Van Etten.

Absent and not voting:

Messrs. Bennett, Bergman, Clark, Fletcher, Gronna, McHugh, Palmer, Swanston, White.

Messrs. Lampman and Lillibridge being excused.

So the bill passed and its title was agreed to.

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,"

Was read the third time and placed on its final passage. The roll being called there were ayes, 25; nays, 12.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bixler, Elliott, Greene, Howell, Hunter, Logan, Mallory, McHugh, Miller, Morris, Newman, Parkin, Powell, Price, Royer, Sheets, Smith, Trude, Upham, Van Etten, Wellcome, Mr. Speaker.

Those who voted in the negative were:

Messrs. Burnham, Cooke, Douglas, Gronna, Jones, Patridge, Patton, Potter, Ramsdell, Ryan, Turnbull, Wellman

Absent and not voting:

Messrs. Adams, Bennett, Bergman, Clark, Fletcher, McNeil, Palmer, Swanston and White.

Messrs. Lampman and Lillibridge being excused.

So the bill passed and its title was agreed to.

Council Bill No. 7,

A bill for an act to amend Section 1100 of the Civil Code.

Was read the third time.

Mr. Hunter moved

That the further consideration of the bill be indefinitely postponed.

Mr. Jones and others demanded a roll call on the motion to postpone.

Mr. Hunter withdrew his motion, and Council Bill No. 7 was placed on its final passage.

The roll being called there were ayes, 24; nays, 19.

Those who voted in the affirmative were:

Messrs. Cooke, Douglas, Greene, Gronna, Jones, Logan, Mallory, Miller, Morris, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Swanston, Trude, Turnbull, Upham, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Elliott, Howell, Hunter, McHugh, Newman, Palmer, Parkin, Sheets, Smith, Van Etten, Wellcome.

Absent and not voting:

Messrs. Clark, Fletcher and McNeil,

Messrs. Lampman and Lillibridge being excused.

So the bill passed and its title was agreed to.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 121,

A bill for an act entitled "An act to amend Section 61 of Chapter 28 of the Political Code,"

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

Mr. Speaker announced his signature to House Bill No. 121.

Mr. Gronna moved

That the vote by which Council Bill No. 7 was passed, be reconsidered and that the motion to reconsider be laid on the table.

Which motion was lost.

Mr. Adams moved

To reconsider the vote just taken.

Mr. Adams withdrew his motion.

Mr. Aikens moved

To reconsider the vote whereby Council Bill No. 7, was passed.

Which motion was also withdrawn.

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 and placed on its final passage. The roll being called there were ayes, 37; nays, none. Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bergman, Bixler, Burnham, Clark, Douglas, Elliott, Gronna, Howell, Hunter, Jones, Logan, Mallory, McNeil, Morris, Newman, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellman, White, Mr. Speaker.

Absent and not voting:

Messrs. Bennett, Fletcher, Greene, McHugh, Miller, Palmer, Sheets, Wellcome.

Messrs. Lampman and Lillibridge being excused. So the bill passed and its title was agreed to.

Unanimous consent being granted,

The Committee on Appropriations submitted the following report:

MR. SPEAKER:

Your Special Committee on Appropriations to whom was referred

House Bill No. 309,

A bill for a Joint Resolution to provide for the payment to Arthur Linn for a certain sum of money due him as public printer for the Territory of Dakota,

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

Also,

Council Bill No. 303,

A Joint Resolution paying for the Jamestown Investigating Committee's stenographer,

And recommend that it do pass.

Also,

House Bill No. 333,

A Joint Resolution providing pay to John P. Gannon for services at the Capitol building during the Eighteenth Legislative Assembly,

Have had the same under consideration and recommend that said claim be paid as provided in Council Bill No 163 at the rate of \$4 per day,

Also,
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."

Be amended by striking out the word "several" in line 3 of Section 1 and insert in lieu thereof the word "teachers" and as thus amended it do pass,

Also.

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,"

Have had the same under consideration and beg leave to report that owing to the insufficient evidence produced before your committee we are unable to act intelligently on said bill, and recommend that it be referred to a committee consisting of the North Dakota members.

Mr. White moved to adopt the report,
Which motion prevailed.

Mr. Aikens moved that House Bill No. 347 be taken from General Orders and referred to the Special Committee on Appropriations,

Which motion prevailed.

Mr. Baldwin moved

That the House do now take a recess for 10 minutes,
Which motion prevailed.

House called to order,
Mr. Speaker presiding.

The Special Committee on Appropriations submitted the following report:

MR. SPEAKER:

Your Special Committee on Appropriations having had under consideration

House Bill No. 347,

A bill for an act providing for an exhibit by the Territory at the Buffalo international fair and exposition, Buffalo, New York, and other places,

And recommend that said bill do pass.

J. M. GREENE,
JOHN D. PATTON,
J. H. FLETCHER.

The Special Committee to whom was referred Council Bill No. 107 submitted the following report:

BISMARCK, March 5, 1889.

MR. SPEAKER:

Your Special Committee to whom was referred Council Bill No. 107,

Have had the same under consideration and recommend that the bill do pass with the following amendment:

That the words "six per cent. per annum" be stricken out and there be inserted in lieu thereof the words "not more than five per cent. per annum."

Respectfully,

P. McHUGH,
Chairman.

Mr. McHugh moved
To adopt the report of the Special Committee,
Which motion prevailed.

Mr. Jones moved
That all bills passed to-day and hereafter shall be trans-
mitted to the Council without engrossing,
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 placed on its final passage.
The roll being called there were ayes, 36; nays, 2.

Those who voted in the affirmative were:
Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Berg-
man, Bixler, Burnham, Clark, Cooke, Douglas, Elliott,
Fletcher, Gronna, Howell, Hunter, Jones, Logan, Mallory,
McHugh, McNeil, Miller, Newman, Parkin, Potter, Powell,
Price, Royer, Ryan, Swanston, Trude, Turnbull, Van Etten,
Wellman, White, Mr. Speaker.

Those who voted in the negative were:
Messrs. Palmer, Patridge.

Absent and not voting:

Messrs. Greene, Morris, Patton, Ramsdell, Sheets, Smith,
Upham and Wellcome.

Messrs. Lampman and Lillibridge being excused.
So the bill passed and its title was agreed to.
Council Bill No. 122,

Mr. Hunter moved

That the further reading of the bill at length be dis-
pensed with,

Which motion prevailed, and
Council Bill No. 122,

A bill for an act to fix the compensation of the judges of the probate court, and to provide a fund to reimburse the court for the same, and to provide clerks of probate courts,

Was read the third time by its title and placed on its final passage.

The roll being called there were ayes, 11; nays 29.

Those who voted in the affirmative were:

Messrs. Adams, Bixler, Clark, Douglas, Greene, Gronna, Howell, Hunter, Parkin, Patton, Wellman.

Those who voted in the negative were:

Messrs. Aikens, Allen, Bennett, Burnham, Elliott, Fletcher, Jones, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patridge, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Trude, Turnbull, Van Etten, White, Mr. Speaker.

Absent and not voting:

Messrs. Baldwin, Bergman, Smith, Upham, and Wellcome.

Messrs. Lampman and Lillibridge being excused; Mr. Cooke not voting.

So the bill did not pass.

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

Resolved, That House Bill No. 121 be recalled from the Governor and returned to the Committee on Enrolled and Engrossed Bills for correction,

Which resolution was adopted.

Mr. Hunter moved

That the House take a recess till 2 o'clock.

Mr. Aikens moved

To amend by striking out "2 o'clock" and inserting "1:30 o'clock,"

Which motion as amended prevailed.

SECOND READING OF HOUSE BILLS.

House Bill No. 352,

A Joint Resolution providing to pay Wm. Walton, E. L. Ransom and John Wallace for services at the the Capitol building during the Eighteenth Legislative Session,

Was read the second time and

Referred to the Committee on Appropriations.

THIRD READING OF HOUSE BILLS.

House Bill No. 281.

A bill for an act authorizing the directors of the Dakota Penitentiary at Sioux Falls to sell certain lots in block 30, Brookings and Edmunds Sioux Falls, and about an acre of land in w $\frac{1}{2}$ of nw $\frac{1}{4}$ of section 16, township No. 101, range No. 49. east of Philip's corner, in said Sioux Falls,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 38; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aiken, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Hunter, Jones, Lampman, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Patridge, Potter, Powell, Ramsdell, Royer, Sheets, Smith, Swanston, Trude, Turnbull, Van Etten, Wellcome, White, Mr. Speaker.

Absent and not voting:

Messrs. Allen, Howell, Palmer, Patten, Price, Ryan, Upham, Wellman.

Mr. Lillibridge being excused.

So the bill passed and its title was agreed to.

House Bill No. 295,

A bill for an act appropriating twelve hundred dollars annually for salary of Territorial Treasurer's deputy,

Was read the third time and placed on its final passage.

The roll being called there were ayes 18; nays, 21.

Those who voted in the affirmative were

Messrs. Adams, Bennett, Bixler, Clark, Elliott, Greene, Hunter, Logan, Mallory, McHugh, Miller, Newman, Powell, Royer, Sheets, Turnbull, Wellcome, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Burnham, Cooke, Douglas, Gronna, Howell, Jones, Lampman, McNeil, Morris, Palmer, Patridge, Potter, Ramsdell, Ryan, Smith, Swanston, Trude, Van Etten, Wellman, White.

Absent and not voting:

Messrs. Allen, Baldwin, Bergman, Fletcher, Parkin, Patton, Price, Upham.

Mr. Lillibridge being excused.

So the bill was lost.

House Bill No. 317,

A Joint Resolution providing payment to Frank Donnelly,

sheriff of Burleigh county, of the sum of \$122.10 for serving subpoenas outside the Territory of Dakota in the matter of the investigation of the Jamestown Hospital for the Insane,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 22; nays, 20.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Baldwin, Bergman, Clark, Greene, Gronna, Howell, Hunter, Lampman, McHugh, McNeil, Newman, Patridge, Smith, Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Burnham, Cooke, Douglas, Elliott, Fletcher, Jones, Mallory, Miller, Morris, Palmer, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Trude.

Absent and not voting:

Messrs. Bennett, Bixler, Logan, Parkin, Patton.

Mr. Lillibridge being excused.

So the bill passed and its title was agreed to.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bill have examined

House Bill No. 121,

A bill for an act entitled "An act to amend Section 61 of Chapter 28 of the Political Code, relating to the sale of real property for taxes, designated as Section 1620 of the Compiled Laws,"

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

Mr. Speaker announced his signature to House Bill No. 121.

Mr. Speaker announced his signature to Council Bill No. 268.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

Your Committee on Enrolled and Engrossed Bills respectfully report that

House Bill No. 121,

A bill for an act entitled "An act to amend Section 61 of Chapter 28 of the Political Code, designated as Section 1620 of the Compiled Laws,"

Was delivered to his Excellency the Governor for his approval at the hour of 11:40 o'clock a. m., March 5, 1889.

D. M. POWELL,
Chairman.

Mr. Swanston moved

That the House do now resolve itself into Committee of the Whole for the purpose of considering Special Orders,
Which motion prevailed.

Mr. Aikens moved

That the vote just taken be reconsidered,
Which motion prevailed.

The Committee on Judiciary submitted the following report:

MR. SPEAKER:

The Committee on Judiciary, to whom was referred Council Bill No. 49,

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,

Have had the same under consideration and report it back to the House with the recommendation that the bill do pass.

M. M. PRICE,
Chairman.

The Committee on Public Health submitted the following report:

MR. SPEAKER:

Your Committee on Public Health to whom was referred

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,

Have had the same under consideration and recommend the following amendment:

In Section 3, line 3, strike out the word "three" where it occurs and insert in lieu thereof the word "one,"

And as amended recommend the bill do pass.

D. F. ROYER,
Chairman.

Mr. Bennett moved

That the rules be suspended that Council Bills Nos. 107 and 289 be read the third time and placed on their final passage,

Which motion prevailed.

Council Bill No. 107,

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

Was read the third time.

Mr. Gronna moved

That the clerk be instructed to insert the figures "89" in the bill,

Which motion prevailed.

The Special Committee of North Dakota members submitted the following amendment to Council Bill No. 107: Strike out "six per cent. per annum" and insert "not more than five (5) per cent. per annum."

Mr. Burham moved

To adopt the amendment,

Which motion prevailed, and

Council Bill No. 107

Was placed on its final passage.

The roll being called there were ayes, 37; nays, 4.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Gronna, Howell, Hunter, Lampman, Logan, Mallory, McHugh, McNeil, Newman, Palmer, Parkin, Patridge, Potter, Price, Royer, Ryan, Sheets, Swanston, Trude, Turnbull, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Jones, Miller, Morris, Ramsdell.

Absent and not voting:

Messrs. Bixler, Greene, Patten, Powell, Smith and Upham.

Mr. Lillibridge being excused.

So the bill passed and its title was agreed to.

MESSAGE FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER, }
March 5, 1889. }

MR. SPEAKER:

I have the honor to return herewith
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,

Also,

House Bill No. 259,

A bill for an act to regulate the business of building and
loan corporations,

Which the Council has passed unchanged.

Also to transmit

Council Bill No. 244,

A bill for an act to permit 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,

Also,

Council Bill No. 256,

A bill for an act providing for the collection and com-
pensation of the statistics of the Territory of Dakota,

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 Council has passed and your favorable con-
sideration is respectfully requested.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
March 5, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
Council Bill No. 297,

A bill for an act to authorize cities having the requisite
number of inhabitants to extend their corporate limits,

Which the Council has passed and your favorable con-
sideration is respectfully requested.

R. E. WALLACE,
Chief Clerk.

The Speaker announced his signature to Council Bills
Nos. 220, 184 and 120.

Council Bill No. 289,

A bill for an act entitled "An act to reappropriate unused balances of the University of North Dakota,"

Was read the third time, and
Council Bill No. 289, as amended,
Was placed on its final passage.

The roll being called there were ayes, 24; nays, 10.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Clark, Elliott, Gronna, Hunter, Lampman, Mallory, Newman, Patridge, Royer, Ryan, Sheets, Swanston Trude, Upham, Wellcome, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Bixler, Burnham, Jones, McNeil, Miller, Potter, Price, Ramsdell, Turnbull, Van Etten.

Absent and not voting:

Messrs. Cooke, Douglas, Fletcher, Greene, Howell, Logan, Morris, Palmer, Parkin, Pattton, Powell, Smith.

Mr. Lillibridge being excused.

So the bill passed and its title was agreed to.

Mr. Elliott moved

To reconsider the vote by which Council Bill No. 190 was made a Special Order this afternoon at 3 o'clock and to make the bill a Special Order for to-morrow at 3 o'clock.

Mr. Newman moved

To lay the motion on the table.

Which motion prevailed.

Mr. Swanston moved

That the House resolve itself into Committee of the Whole for the purpose of considering General Orders.

Which motion prevailed and

Mr. Speaker called Mr. Royer to the chair.

When the Committee rose, the following report was presented:

MR. SPEAKER:

The Committee of the Whole have had under consideration

House Bill No. 348,

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, passed at the Sixteenth Legislative Assembly of the Territory of Dakota, and approved March 6, 1885.

And report progress and ask leave to set again.

D. T. ROYER,
Chairman.

The Speaker announced his signature to Council Bill No 178.

Mr. White moved

That the following bills be withdrawn from the Committees:

House Bill No. 156 in Appropriations, House Bill No. 185 in Railroads, House Bill No. 328 in Banking, House Bill No. 336 in Judiciary, House Bill No. 313 in Judiciary, Council Bill No. 204 in Appropriations, Council Bill No. 151 in Territorial Affairs, Council Bill No. 233 in Public Health.

Which motion prevailed.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

Your Committee on Enrolled and Engrossed Bills respectfully report that

House Bill No. 121,

A bill for an act entitled "An act to amend Section 61 of Chapter 28 of the Political Code, relating to the sale of real property for taxes, designated as Section 1620 of the Compiled Laws,

Which was recalled from the Governor,

Was redelivered to His Excellency the Governor for his approval, at the hour of 2 o'clock p. m., March 5, 1889.

D. M. POWELL,
Chairman.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
March 5, 1889. }

MR. SPEAKER:

I have the honor to return herewith
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,

Which the Council has passed without change.

R. E. WALLACE,
Chief Clerk.

Mr. Speaker announced an informal recess of five minutes.

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 third time and placed on its final passage.

The roll being called there were ayes, 40; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Logan, McHugh, McNeil, Miller, Morris, Palmer, Parkin, Patridge, Potter, Powell, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Absent and not voting:

Messrs. Allen, Douglas, Lampman, Mallory, Newman, Patton and Price.

Mr. Lillibridge being excused.

So the bill passed and its title was agreed to.

Mr. Patridge moved

That the House resolve itself into Committee of the Whole for consideration of General Orders.

Mr. Swanston moved

As a substitute that House Bill No. 348 be read the third time and placed on its final passage,

Which motion prevailed.

Mr. Parkin moved

To dispense with the reading at length of the bill.

Which motion prevailed, and

House Bill No. 348

Was read the third time, by its title, and placed on its final passage.

The roll being called there were ayes, 27; nays, 16.

Those who voted in the affirmative were:

Messrs. Allen, Cooke, Elliott, Fletcher, Greene, Hunter, Lampman, McHugh, Newman, Palmer, Parkin, Patridge, Potter, Powell, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Aikens, Baldwin, Bergman, Bixler, Burn-

ham, Clark, Douglas, Howell, Jones, Logan, Mallory, McNeil, Miller, Morris, Patton, White.

Absent and not voting:

Messrs. Bennett, Gronna, and Price.

Mr. Lillibridge being excused.

Mr. Jones explaining his vote.

So the bill passed and its title was agreed to.

MESSAGE FROM THE COUNCIL.

The following communication was received from the Council:

COUNCIL CHAMBER.
March 5, 1889 }

MR. SPEAKER:

I have the honor to transmit herewith
Council Bill No. 314,

A bill for an act providing for the maintenance of the several public institutions of the Territory of Dakota.

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

Also enclose the report of the Joint Committee.

R. E. WALLACE,
Chief Clerk.

The Joint Committee on Appropriations submitted 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 the 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. COOKE,
JOHN D. PATTON,
J. O. SMITH.

Mr. White moved

To suspend the rules and that Council Bill No. 314 be read the first, second and third times and placed on its final passage.

Which motion prevailed.

Mr. White moved

That the reading at length be dispensed with; that the amounts only be read, and that the bill be read by its title and placed on its final passage.

Which motion prevailed, and
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 first, second and third times by its title and placed on its final passage.

The roll being called there were ayes, 36; nays, 8.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Elliott, Greene, Gronna, Howell, Hunter, Lampman, Logan, Mallory, McHugh, McNeil, Miller, Newman, Palmer, Parkin, Patton, Ramsdell, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Douglas, Jones, Morris, Patridge, Potter, Royer, Ryan.

Absent and not voting:

Messrs. Fletcher, Powell, Price.

Mr. Lillibridge being excused.

So the bill passed and its title was agreed to.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 259.

A bill for an act regulating the business of building and loan corporations,

Also,

House Bill No. 276.

A Joint Resolution authorizing the adjutant general to turn over to the University of Dakota one hundred condemned muskets,

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

Mr. Speaker announced his signature to House Bills Nos. 259 and 276.

Mr. Patridge moved
That the House do now resolve itself into Committee of the Whole to reconsider Council Bill No. 133.

Mr. Patridge withdrew his motion.

Mr. Patridge moved
That the question of the reconsideration of that portion of the report of the Committee of the Whole which recommended the amending of Section 33 be now taken up.
Ayes and nays demanded.

The roll being called, there were ayes, 30; nays, 11.

Those who voted in the affirmative were:
Messrs. Adams, Baldwin, Bennett, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Howell, Lampman, Logan, Mallory, McNeil, Miller, Newman, Palmer, Patridge, Potter, Powell, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Van Etten, Wellman, White, Mr. Speaker.

Those who voted in the negative were:
Messrs. Bergman, Fletcher, Greene, Gronna, Hunter, Jones, McHugh, Parkin, Patton, Turnbull, Upham.

Absent and not voting:
Messrs. Aikens, Morris, Price, Trude and Wellcome.
Mr. Allen was paired with Mr. Lillibridge.
So the motion of Mr. Partridge prevailed.

The question being shall the vote whereby so much of the report of the Committee of the Whole yesterday, which recommended the taking immediate effect of the bill relating to prohibition, be reconsidered.

The ayes and nays were demanded.

The roll being called there were ayes, 28; nays, 15.

Those who voted in the affirmative were:
Messrs. Aikens, Baldwin, Bennett, Bixler, Burnham, Cooke, Douglas, Elliott, Fletcher, Greene, Howell, Lampman, Logan, Mallory, McNeil, Miller, Palmer, Patridge, Potter, Powell, Ramsdell, Royer, Ryan, Sheets, Van Etten, Wellman, White, Mr. Speaker.

Those who voted in the negative were:
Messrs. Adams, Bergman, Clark, Gronna, Hunter, Jones, McHugh, Morris, Newman, Parkin, Patton, Swanston, Turnbull, Upham, Wellcome.

Absent and not voting:
Messrs. Price, Smith, Trude.
Mr. Allin was paired with Mr. Lillibridge.
So the motion to reconsider prevailed.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No, 252,

A bill for an act authorizing the Territorial Auditor to audit claim of George F. Ingram against the Territory,

And find the same correctly engrossed and enrolled.

D. M. POWELL,

Chairman.

Mr. Speaker announced his signature to House Bill No. 252.

Mr. Burnham moved

To strike out the amendment reported yesterday by the Committee of the Whole to Council Bill No. 133,

Which motion prevailed.

Mr. Patridge moved

That Council Bill No. 133 be read the third time and placed on its final passage.

Mr. Jones moved

A call of the House.

And a call of the House was ordered.

All members present except Mr. Hunter.

Mr. Cook moved

That further proceedings under the call be dispensed with.

Which motion prevailed.

Mr. Speaker announced his signature to Council Bills Nos. 314, 163, 65, 7, 289, 212, 145 and 201.

The question being on the passage of Council Bill No. 133, and

Council Bill No. 133,

A bill for an act to prohibit the manufacture, sale or giving away of intoxicating liquors, except for medical, scientific and mechanical purposes, and to regulate the manufacture and sale thereof, for such excepted purposes,

Was read the third time and put on its final passage.

The roll being called, there were ayes 31; nays 13.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Baldwin, Bennett, Bergman, Bixler, Cooke, Douglas, Elliott, Fletcher, Lampman, Logan,

Mallory, McHugh, Miller, Newman, Palmer, Patridge, Potter, Powell, Ramsdell, Royer, Ryan, Sheets, Smith, Trude, Upham, Van Etten, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Burnham, Clark, Greene, Gronna, Howell, Jones, McNeil, Morris, Parkin, Patton, Swanston, Turnbull, Wellcome.

Absent and not voting:

Messrs. Hunter and Price.

Mr. Allen was paired with Mr. Lillibridge.

Messrs. Aikens, Burnham, Jones, McNeil, Swanston and Trude explaining their votes.

So the bill passed and its title was agreed to.

The Committee on Enrolled and Engrossed Bills submitted the following report:

Mr. SPEAKER:

Your Committee on Enrolled and Engrossed Bills respectfully report that

House Bill No. 252,

A bill for an act authorizing the Territorial Auditor to audit a claim of George F. Ingram against the Territory,

Was delivered to His Excellency, the Governor, for his approval at the hour of 4:40 o'clock p. m., March 5, 1889.

D. M. POWELL,
Chairman.

Mr. SPEAKER:

Your Committee on Enrolled and Engrossed Bills respectfully report that

House Bill No. 259,

A bill for an act regulating the business of building and loan corporations,

Also,

House Bill No. 276,

A Joint Resolution authorizing the Adjutant General to turn over to the University of Dakota 100 condemned muskets.

Were delivered to His Excellency, the Governor, for his approval at the hour of 4:35 o'clock p. m., March 5, 1889.

D. M. POWELL,
Chairman.

Mr. Speaker announced his signature to Council Bill No. 107.

Mr. Wellcome moved

That Council Bill No. 190 be made the special order for to-morrow at 2 o'clock.

Which motion prevailed.

House Bill No. 338,

A bill for an act to establish a Territorial Board of Corrections and Charities for the Territory of Dakota.

Mr. Jones moved

That the further reading of the bill at length be dispensed with; that the bill be read by its title, together with its history, and placed on its final passage.

Which motion prevailed.

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 third time by its title and placed on its final passage.

The roll being called there were ayes, 26; nays, 15.

Those who voted in the affirmative were:

Messrs. Allen, Baldwin, Bennett, Bergman, Bixler, Clark, Cooke, Fletcher, Greene, Howell, Hunter, Jones, Logan, Mallory, McHugh, McNeil, Morris, Newman, Parkin, Patridge, Potter, Ramsdell, Ryan, Turnbull, Wellcome, Wellman, White.

Those who voted in the negative were:

Messrs. Adams, Burnham, Douglas, Elliott, Gronna, Lampman, Miller, Palmer, Patton, Sheets, Smith, Swanton, Trude, Upham, Van Etten.

Absent and not voting:

Messrs. Aikens, Bennett, Powell, Price, Royer.

Mr. Lillibridge being excused.

Mr. Speaker not voting.

So the bill passed and its title was agreed to.

Mr. Aikens moved

That the House continue in session till 6 o'clock, take a recess till 8 o'clock and that the Governor be so informed.

Mr. Parkin moved

As a substitute that the House do not hold any evening session.

Which motion was lost.

MR. SPEAKER:

Your Committee on Enrolled and Engrossed Bills respectfully report that on March 5, 1889, His Excellency,

Governor L. K. Church, informed the chairman of this committee that the Governor would be in his Executive Office until 6 o'clock p. m. of that day, and if an evening session of the Legislative Assembly was held he would also be in the Executive Office during that time for the purpose of receiving communications from the Legislative Assembly; and in obedience to instructions received from the House. I informed His Excellency that the House would hold an evening session.

D. M. POWELL,
Chairman.

And the motion of Mr. Aikens being put, prevailed.

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,

Was read the third time and placed on its final passage. The roll being called there were ayes, 35; nays, none.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bergman, Bixler, Burnham, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Mallory, Miller, Newman, Palmer, Patridge, Patton, Potter, Powell, Ramsdell, Royer, Ryan, Sheets, Swanston, Trude, Turnbull, Van Etten, Wellcome, Wellman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Bennett, Clark, McHugh, McNeil, Morris, Price, Smith, Upham, Parkin, White.

Messrs. Lillibridge being excused.

So the bill passed and its title was agreed to.

House Bill No. 340,

A Joint Resolution relating to the printing and distribution of 100,000 copies of the Sioux Falls constitution,

Was read the third time and placed on its final passage. The roll being called there were ayes, 24; nays, 9.

Those who voted in the affirmative were:

Messrs. Allen, Bennett, Burnham, Clark, Fletcher, Gronna, Hunter, Logan, Mallory, Miller, Palmer, Parkin, Patridge, Potter, Powell, Ramsdell, Royer, Sheets, Trude, Turnbull, Van Etten, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Bergman, Bixler, Cooke, Howell, Jones, Patton, Ryan, Smith, Swanston.

Absent or not voting:

Messrs. Adams, Aikens, Baldwin, Douglas, Elliott, Greene, Lampman, Lillibridge, McHugh, McNeil, Morris, Newman, Price, Upham, Wellcome.

So the bill passed and its title was agreed to.

House Bill No. 327,

A bill for an act to provide for the appointing of a county board of auditors and for the loaning and deposit of county funds, and the duties and compensation of said board and county treasurer.

Mr. Patridge moved

That the following amendment to House Bill No. 327 be adopted:

In Section 1 strike out the word "three" in line 10 of original bill and insert in lieu thereof the word "four."

Which motion prevailed.

Mr. Potter moved

That the reading at length be dispensed with,

That the bill be read the third time by its title and placed on its final passage.

Which motion prevailed.

House Bill No. 327,

A bill for an act to provide for the appointment of a county board of auditors and for the loaning and deposit of county funds and the duties and compensation of said board and county treasurer.

Was read the third time and placed on its final passage.

The roll being called there were ayes, 19; nays, 17.

Those who voted in the affirmative were:

Messrs. Bergman, Bixler, Burnham, Cooke, Douglas, Greene, Gronna, Jones, Lampman, Logan, McNeil, Miller, Morris, Patridge, Potter, Powell, Ryan, Smith, Trude.

Those who voted in the negative were:

Messrs. Adams, Allen, Clark, Elliott, Fletcher, Howell, Hunter, Mallory, Newman, Palmer, Ramsdell, Sheets, Swanston, Turnbull, Van Etten, Wellman, White.

Absent and not voting:

Messrs. Aikens, Baldwin, Bennett, McHugh, Parkin, Patton, Price, Royer, Upham, Wellcome.

Mr. Lillibridge being excused.

Mr. Speaker not voting.

Messrs. Gronna, Ryan and Swanston explaining their votes.

So the bill passed and its title was agreed to.

Mr. Jones moved

That Council Bill No. 204

Be passed on the list.

Which motion prevailed.

Council Bill No. 47,

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

Was read the third time and placed on its final passage.

The roll being called there were ayes, 41; nays, 1.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patridge, Potter, Powell, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Mr. Bennett voting in the negative.

Absent and not voting:

Messrs. Bergman, Lillibridge, Parkin, Patton, Price and Upham.

So the bill passed and its title was agreed to.

Mr. Speaker announced his signature to Council Bill No. 133.

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 placed on its final passage.

The roll being called there were ayes, 39; nays, 3.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Howell, Hunter, Jones, Lampman, Logan, Mallory, McNeil, Miller, Morris, Newman, Palmer, Patridge, Potter, Powell, Ramsdell, Royer, Ryan, Sheets, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Gronna, Smith.

Absent and not voting:

Messrs. Lillibridge, McHugh, Parkin, Patton, Price and White.

So the bill passed and its title was agreed to.

House Bill No. 332,

A bill for an act to declare certain combinations, contrivances, agreements or trusts unlawful, and to restrain and punish the same.

Mr. Adams moved

That the further reading of the bill at length be dispensed with.

Which motion prevailed, and

House Bill No. 332 was read the third time by its title and placed on its final passage.

The roll being called there were ayes, 32; nays, 8.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Baldwin, Bennett, Bergman, Bixler, Cooke, Douglas, Fletcher, Gronna, Lampman, Logan, Mallory, Miller, Morris, Palmer, Patridge, Potter, Powell, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston. Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Allen, Clark, Elliott, Greene, Howell, Newman, Patton, Trude.

Absent and not voting:

Messrs. Burnham, Hunter, Jones, Lillibridge, McHugh, McNeil, Parkin, Price,

So the bill passed and its title was agreed to.

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.

Mr. Mallory moved

That the further consideration of House Bill No. 297 be indefinitely postponed.

Mr. Douglas moved

As a substitute motion that the amendments to House Bill No. 297 be adopted.

Mr. Speaker announced his signature to Council Bill No. 190.

Speaker announced recess till 8 o'clock p. m.

At 8 o'clock p. m. the House was called to order.

Mr. Speaker presiding.

The question being on the motion of Mr. Douglas that the amendments to House Bill No. 297 be adopted,

Which motion prevailed.

Mr. Bergman, by unanimous consent, moved
To correct House Bill No. 297 by striking out in line 2,
Section 5, of original bill, the word "mileage" and in
the same line inserting after the word "dollars" the words
"per day."

Which motion prevailed.

Unanimous consent being given,

Mr. Swanston moved

To amend House Bill No. 297

By striking out the word "commissioner," line 26, Section
10, of the printed bill, and inserting in lieu thereof "attor-
ney general."

Which motion prevailed.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the
Governor:

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 Treas-
ury, which shall be paid in equal moieties to the district
board 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 annually 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. Price moved
That House Bill No. 234 be passed, the objections of the
Governor to the contrary notwithstanding.
Which motion prevailed.

MESSAGES FROM THE COUNCIL.

The following communications were received from the
Council:

COUNCIL CHAMBER,
March 5, 1889. }

MR. SPEAKER:

I have the honor to return herewith
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. 310,

A bill for an act to amend Subdivision 4 of Section 752 of
the Penal Code of the Territory of Dakota,

Which the Council has passed without change.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER,
March 5, 1889, }

MR. SPEAKER:

I have the honor to inform the House of Representatives
that the Council has concurred in House amendments to
Council Bills Nos. 107 and 289,

R. E. WALLACE,
Chief Clerk.

House Bill No. 234,

A bill for an act to amend an act establishing Territorial
department of agriculture, two districts; an act to amend
an act entitled "An act to create a Territorial department
of agriculture and relating to agricultural societies and
agricultural fairs, etc."

Was read, together with the objections of the Governor,
and placed on its final passage.

The roll being called there were ayes, 41; nays, 4.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Berg-
man, Bixler, Clark, Cooke, Douglas, Elliott, Fletcher,

Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, McHugh, Morris, Newman, Palmer, Parkin, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Mallory, McNeil, Patridge, Turnbull.

Absent and not voting:

Messrs. Burnham, Lillibridge and Miller.

So the bill passed, the objections of the Governor to the contrary notwithstanding.

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,

Was read the third time as amended and placed on its final passage.

The roll being called there were ayes, 41; nays, 4.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Bennett, Bergman, Bixler, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Mallory, McNeil, Miller, Morris, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman.

Mr. Speaker.

Those who voted in the negative were:

Messrs. Baldwin, Clark, McHugh, Swanston.

Absent and not voting:

Messrs. Burnham, Lillibridge and White.

So the bill passed and its title was agreed to.

Mr. Adams moved

That Council Bill No. 204 be taken up, read the third time and placed on its final passage.

Which motion prevailed.

Mr. Mallory moved

That Council Bill No. 204 be left to the members from South Dakota, and that the North Dakota members refrain from voting on its passage.

Mr. Greene moved

As a substitute motion that the further consideration of the bill be indefinitely postponed.

Ayes and nays demanded.

The roll being called there were ayes, 20; nays, 23

Those who voted in the affirmative were:

Messrs. Adams, Baldwin, Bennett, Clark, Douglas, Elliott, Fletcher, Greene, Jones, Logan, Mallory, Miller, Morris, Potter, Ryan, Smith, Swanston, Turnbull, White.

Those who voted in the negative were:

Messrs. Aikens, Allen, Bixler, Howell, Hunter, McHugh, McNeil, Newman, Palmer, Parkin, Patton, Powell, Price, Ramsdell, Royer, Sheets, Trude, Upham, Van Etten, Wellcome, Wellman.

Absent and not voting:

Messrs. Burnham, Cooke, Lampman, Lillibridge.

So the motion to postpone was lost.

The question being upon the passage of Council Bill No. 104.

Mr. Elliott moved

A call of the House

Which was ordered.

All members present except Mr. Burnham.

Mr. Royer moved

That the further proceedings under the call be dispensed with,

Which motion prevailed.

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 Spink county, and for the government, management and control of the same,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 18; nays, 27.

Those who voted in the affirmative were:

Messrs. Allen, Baldwin, Bergman, Bixler, Gronna, Howell, Hunter, McHugh, McNeil, Newman, Parkin, Patton, Price, Ramsdell, Sheets, Upham, Wellcome, Wellman.

Those who voted in the negative were:

Messrs. Adams, Aikens, Bennett, Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Jones, Lampman, Logan, Mallory, Miller, Morris, Patridge, Potter, Powell, Royer, Ryan, Smith, Swanston, Trude, Turnbull, Van Etten, White, Mr. Speaker.

Absent and not voting:

Messrs. Burnham, Lillibridge, Palmer.

Mr. Lillibridge being excused.

Messrs. Aikens and Royer explaining their votes.
So the bill was lost.

Mr. Elliott moved that Council Bill No. 193 be recalled from the Governor.

Which motion prevailed.

EXECUTIVE COMMUNICATION.

The following communication was received from his Excellency the Governor:

EXECUTIVE OFFICE, }
March 5, 1889. }

To the House of Representatives:

I have the honor to inform your honorable body that I have approved

House Bill No. 121,
Entitled "An act to amend Section 61, of Chapter 28, of the Political Code, relating to the sale of real property for taxes, designated by Section 1620, of the Compiled Laws."

Also,
House Bill No. 290,
Entitled "An act creating and defining a subdivision of the Sixth Judicial District,"

Also,
House Bill No. 276,
Entitled "A Joint Resolution authorizing the Adjutant General to turn over to the trustees of the University of Dakota 100 condemned muskets for use for drilling purposes."

And the said bills have been filed in the office of the Secretary.

Respectfully,
LOUIS K. CHURCH,
Governor.

Mr. Hunter moved
That all bills relating to normal schools be indefinitely postponed.

Which motion prevailed.

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.

Mr. Hunter moved
That the further consideration of Council Bill No. 205 be indefinitely postponed.

Mr. Trude moved

To lay Mr. Hunter's motion on the table.

Which motion prevailed.

Mr. Patton moved

That the further reading of the bill at length be dispensed with; that the bill be read by its title and placed on its final passage.

Which motion prevailed and

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,

Was read the third time by its title and placed on its final passage.

The roll being called there were ayes, 31; nays, 9.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Bergman, Douglas, Elliott, Fletcher, Greene, Howell, Lampman, Logan, McHugh, Morris, Newman, Palmer, Parkin, Patridge, Patton Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Mr. Speaker.

Those who voted in negative were:

Messrs. Bennett, Clark, Cooke, Gronna, Hunter, Mallory, McNeil, Miller, White.

Absent and not voting:

Messrs. Baldwin, Burnham, Jones, Lillibridge, Potter Wellman.

Mr. Bixler was paired with Mr. Lillibridge.

So the bill passed and its title was agreed to.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

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,

And find the same correctly engrossed and enrolled,

D. M. POWELL,
Chairman.

Mr. Speaker announced his signature to House Bill No. 271.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
March 5, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
Council Bill No. 316,
A Joint Resolution recalling Council Bill No. 193 from
the Governor.
Your favorable consideration is respectfully requested.

R. E. WALLACE,
Chief Clerk.

Mr. Aikens moved

That the rules be suspended and that
Council Bill No. 316,

A Joint Resolution recalling Council Bill No. 193 from
the Governor,

Be read the first, second and third times and placed on
its final passage.

Which motion prevailed.

Council Bill No. 316,

A Joint Resolution calling Council Bill No. 193 from the
Governor,

Was read the first, second and third times and placed on
its final passage.

The roll being called there were ayes, 44; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Bennett, Bergman, Bixler,
Clark, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna,
Howell, Hunter, Jones, Lampman, Logan, Mallory, Mc-
Hugh, McNeil, Miller, Morris, Newman, Palmer, Parkin,
Patridge, Patton, Powell, Price, Ramsdell, Royer, Ryan,
Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van
Etten, Wellcome, Wellman, White, Mr. Speaker.

Absent and not voting:

Messrs. Baldwin, Burnham, Lillibridge, Potter.

So the bill passed and its title was agreed to.

Mr. Elliott moved

That the vote just taken on Council Bill No. 205 be re-
considered and that the motion to reconsider be laid on
the table,

Which motion prevailed.

Mr. Sheets in the chair.

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 first, second and third times and placed on its final passage.

The roll being called there were ayes, 33; nays, none.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bergman, Cooke, Greene, Gronna, Howell, Hunter, Jones, Lampman, Mallory, McHugh, Miller, Morris, Palmer, Patridge, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, White, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Bixler, Burnham, Clark, Douglas, Elliott, Fletcher, Lillibridge, McNeil, Parkin, Patton, Smith Wellman.

So the bill passed and its title was agreed to.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

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,

And find the same correctly engrossed and enrolled.

D. M. POWELL,

Chairman.

Mr. Speaker announced his signature to House Bill No. 310.

Council Bill No. 105,

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

Was read the third time and placed on its final passage.

The roll being called there were ayes, 33; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bixler, Clark, Cooke, Fletcher, Greene, Gronna, Howell, Hunter, Lampman, Logan, Mallory, McNeil, Miller, Morris, Parkin, Patridge, Potter, Powell, Price, Ramsdell, Ryan, Sheets, Swanston, Trude, Turnbull, Van Etten, Wellcome, Wellman.

Absent and not voting:
Messrs. Bergman, Burnham, Douglas, Elliott, Jones,
Lillibridge, McHugh, Newman, Palmer, Patton, Royer,
Smith, Upham, White, Mr. Speaker.

So the bill passed and its title was agreed to.

Mr. Van Etter moved
That the House do now adjourn.

Mr. Aikens moved

A call of the House,

And a call of the House was ordered; all members present except Messrs Burnham and McHugh.

Mr. Patton moved

That the further proceedings under the call be dispensed with.

Mr. Speaker announced his signature to Council Bill No. 205.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

MR. SPEAKER:

I have the honor to transmit herewith
Council Bill No. 193,

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

R. E. WALLACE,
Chief Clerk.

Mr. Mallory moved

That the rules be suspended and that
Council Bill No. 193,

A bill for an act to provide for the publication of the laws in certain newspapers,

Be read the first, second and third times and placed on its final passage.

Which motion prevailed, and

Council Bill No. 193

Was read the first, second and third times.

Mr. Patton moved

That the further consideration of this bill be indefinitely postponed.

Mr. McHugh moved

To lay Mr. Patton's motion on the table.

Which motion prevailed and

Council Bill No. 193 was placed on its final passage.

The roll being called there were ayes, 36; nays, 5.

Those who voted in the affirmative were:

Messrs. Aikens, Baldwin, Bennett, Bergman, Bixler, Clarke, Cooke, Douglas, Elliott, Greene, Gronna, Howell, Jones, Lampman, Logan, Mallory, McHugh, McNeil, Miller, Newman, Palmer, Patridge, Potter, Powell, Price, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Allen, Morris, Parkin, Patton, Van Etten.

Absent and not voting:

Messrs. Adams, Burnham, Fletcher, Hunter, Lillibridge, Ramsdell and Wellcome.

So the bill passed and its title was agreed to.

Mr. Gronna moved

That the House do now adjourn.

Which motion prevailed and the House

Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

FIFTY-EIGHTH DAY.

BISMARCK, March 6, 1889.

The House assembled at 10 o'clock a. m. pursuant to adjournment.

The speaker presiding.

Prayer by the Chaplain.

Roll called.

All members being present except Messrs. Adams, Elliott, Fletcher, McHugh, Newman, Parkin, Patton, Wellcome.

Messrs. Douglas and Lillibridge being excused.

Mr. Burnham presented the following petition:

HUNTER, Dakota, March 2, 1889.

To the Honorable Legislature of the Territory of Dakota:

GENTLEMEN.—We, the members of the Farmers' Alliance, of Hunter, Dakota, hereby petition your honorable body to pass a bill giving us the advantages of the secret ballot in conducting elections in this Territory, and believing that the bill introduced in the Council and passed by that body will give the people the relief required and do much to purify the ballot which is the foundation of our liberty and national prosperity as a free people, therefore, we ask that the same become law by your action.

By granting this, our prayer, your petitioners will ever pray.

Resolved: That our member of the legislature present this, our petition, to the legislature of Dakota, and that they use all honorable means in their power to secure the passage of the bill, thereby securing to the people the

purity of the election franchise on which so much depends.

Resolved, That this, our petition and resolutions, be sent to Hon. J. W. Burnham for presentation to the legislature.

We, the undersigned officers of the Farmers' Alliance of Hunter, Dakota, hereby certify that the above petition and resolutions were this day unanimously passed and adopted at a regular meeting of this order held March 2, 1889.

D. I. EYRES,
Secretary.

JOSEPH SAYER,
President.

• REPORTS OF SPECIAL COMMITTEES.

MR. SPEAKER:

Your Special Committee appointed in compliance with the resolution charging the sale of intoxicating liquors in the capitol building have investigated the same and herewith report that they are confident liquor is being sold in the restaurant in the basement of said building. We beg leave to recommend that the superintendent of the building be instructed by this House to stop the sale at once.

H. H. SHEETS.

O. R. VAN ETTEN.

Mr. Patridge moved
To adopt the report of the committee.
Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

MR. SPEAKER:

The Committee on Judiciary to whom was referred House Bill No. 336,

A bill for an act to amend Section one (1) of Chapter thirty-eight (38) of the Political Code, relating to homesteads and the conveyance thereof,

Report it back to the House with the recommendation that the bill do pass.

M. M. PRICE,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Baldwin introduced—
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 was read the first time.

Mr. Wellman moved that
House Bill No. 35b.

A bill for an act to define the boundaries of Wells and
Eddy counties,

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

Which motion prevailed and
The bill was read the second time.

Mr. Wellcome moved
That the reading at length of the bill be dispensed with.
Which motion was withdrawn.

The Committee on Enrolled and Engrossed Bills sub-
mitted the following report:

MR. SPEAKER:

Your Committee on Enrolled and Engrossed Bills re-
spectfully report that

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. 310,

A bill for an act to amend Subdivision 4 of Section 752
of the Penal Code of the Territory of Dakota,

Were delivered to His Excellency the Governor for his
approval at the hour of 10:20 o'clock, a. m., March 6, 1889.

D. M. POWELL,
Chairman.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER, }
March 6, 1889. }

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 318,

A Joint Resolution and memorial to the Congress of the
United States, prayer for the maintenance of Fort Abraham
Lincoln as a military post and for appropriations for its
improvement,

Which the Council has passed without change.

And transmit herewith

Council Bill No. 311,

A bill for an act authorizing the mayors of cities having five thousand or more inhabitants to appoint one or more city treasurers,

Also,

Council Bill No. 258,

A bill for an act locating an asylum for the blind at Pierre, Dakota,

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

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
March 5, 1889. }

MR. SPEAKER:

I have been instructed to inform your honorable body

That 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.

(Signed) J. H. PATTEN, Chairman.

R. E. WALLACE,
Chief Clerk.

House Bill No. 355,

A bill for an act to define the boundaries of Wells and Eddy counties,

Was read the second and third times and placed on its final passage.

The roll being called there were ayes, 34; nays, 4.

Those who voted in the affirmative were:

Messrs. Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Fletcher, Greene, Jones, Lampman, Logan, McHugh, McNeil, Palmer, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Gronna, Hunter, Mallory, Miller.

Absent and not voting:
Messrs. Adams, Aikens, Elliott, Howell, Morris, Newman,
Parkin, Turnbull.

Messrs. Douglas and Lillibridge being excused.
So the bill passed and its title was agreed to.

Mr. Aikens moved
That the Journal of of the House of March 5th show the
communication of the Governor to the House that he
would be in the Executive office if an Evening Session was
held.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary submitted the following re-
port:

MR. SPEAKER:

The Committee on Judiciary to which was referred
House Bill No. 320,

A bill for an act to amend Section 1, Chapter 50, General
Laws of 1887, entitled "An act to regulate the salaries of
registers of deeds and county treasurers,"

Return the same and recommend that the bill be re-
ferred to General Orders.

Also,

House Bill No. 329,

A bill for an act to amend Section 1 of Chapter 38 of the
Session Laws of 1887,

And recommend that the bill be referred to General
Orders.

M. M. PRICE,
Chairman.

The Committee on Railroads submitted the following re-
port:

MR. SPEAKER:

Your Committee on Railroads to whom was referred
House Bill No. 185,

A bill for an act providing for the taxation of railroad
companies,

Have had the same under consideration and return the
same to the House.

H. F. HUNTER,
Chairman.

House Bill No. 319,

A bill for an act making it the duty of county commis-

sioners to assist indigent persons entitled to admission to the School for Deaf Mutes at Sioux Falls, Dakota.

Was read the third time and placed on its final passage.

The roll being called there were ayes, 42; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Clark, Cooke, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Mallory, McNeil, Miller, Morris, Palmer, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Absent and not voting:

Messrs. Burnham, Douglas, Lillibridge, McHugh, Newman, and Parkin.

Messrs. Douglas and Lillibridge being excused.

So the bill passed and its title was agreed to.

Mr. Swanston moved

That the reading at length of
House Bill No. 274,

A bill for an act to aid in the enforcement of statutes relating to the sale of intoxicating liquors,

Be dispensed with, and that the bill be immediately placed on its final passage.

Which motion prevailed.

House Bill No. 274,

A bill for an act to aid in the enforcement of statutes relating to the sale of intoxicating liquors,

Was read the third time and placed on its final passage.
The roll being called there were ayes, 36; nays, 4.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Baldwin, Bennett, Bixler, Cooke, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Mallory, McHugh, Miller, Morris, Newman, Palmer, Patridge, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Turnbull, Upham, Van Etten, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Allen, Clark, Parkin, Patton.

Absent and not voting:

Messrs. Bergman, Burnham, Douglas, Lillibridge, Trude, Wellcome and Wellman.

Messrs. Douglas and Lillibridge being excused.

So the bill passed and its title was agreed to.

Mr. Swanston moved
That the reading at length of
Council Bill No. 60,

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,

Be dispensed with and that the bill be unanimously placed
on its final passage,

Mr. Patton moved
As an amendment that the further consideration of the
bill be indefinitely postponed.

Ayes and nays demanded,
The roll being called there were ayes, 6; nays, 38

Those who voted in the affirmative were:
Messrs. Adams, Allen, Clark, McHugh, Patten, Trude.

Those who voted in the negative were:
Messrs. Aiken, Baldwin, Bennett, Bixler, Burnham
Cooke, Elliott, Fletcher, Greene, Gronna, Howell, Hunter,
Jones, Lampman, Logan, McNeil, Miller, Morris, Newman,
Palmer, Patridge, Potter, Powell, Price, Ramsdell, Royer,
Ryan, Sheets, Smith, Swanston, Turnbull, Upham, Van
Etten, Wellcome, White, Mr. Speaker.

Absent and not voting:
Messrs. Douglas, Lillibridge, Mallory, Wellman.
Messrs. Douglas and Lillibridge being excused.
So the motion was lost.

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, etc.,

Was read the third time and placed on its final passage.
The roll being called there were ayes, 42; nays, 3.

Those who voted in the affirmative were:
Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Berg-
man, Bixler, Burnham, Cooke, Elliott, Fletcher, Greene,
Gronna, Howell, Hunter, Jones, Lampman, Logan, Mal-
lory, McHugh, McNeil, Miller, Morris, Newman, Palmer,
Parkin, Patridge, Potter, Powell, Price, Ramsdell, Royer,
Ryan, Sheets, Smith, Swanston, Turnbull, Upham, Van
Etten, Wellman, White, Mr. Speaker.

Those who voted in the negative were:
Messrs. Clark, Patton, Trude.

Absent and not voting:
Messrs. Douglas, Lillibridge and Wellcome.

Messrs. Douglas and Lillibridge being excused.
So the bill passed and its title was agreed to.

Mr. Speaker announced his signature to Council Bill No. 297.

Mr. Aikens moved

That the further consideration of
House Bill No. 331,

A bill for an act to prescribe the manner of electing
members of the boards of education throughout the territory,

Be indefinitely postponed.

Which motion prevailed.

Mr. Mallory moved

That the further consideration of
House Bill No. 246,

A bill for an act to provide for fees in foreclosure of
mortgage sale of real estate by advertisement,

Be indefinitely postponed.

Mr. Aikens moved

As a substitute that the bill be recommitted.

Which motion prevailed.

The Committee on Railroads submitted the following
report

MR. SPEAKER:

Your Committee on Railroads to whom was referred
House Bill No. 89,

A bill for an act regulating the assessment, etc., of rail-
road companies,

Have had the same under consideration and return the
same to the House.

H. F. MILLER,
Chairman.

The Committee on Public Health submitted the follow-
ing report:

MR. SPEAKER:

Your Committee on Public Health to whom was referred
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,

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

D. F. ROYER,
Chairman.

Mr. McNeil moved

That the reading at length of
Council Bill No. 233,

A bill for an act to preserve the waters of Tongue river
and its tributaries in Cavalier and Pembina counties for
domestic and drinking purposes,

Be dispensed with and that the bill be immediately
given its third reading and placed on its final passage.

Which motion prevailed.
Council Bill No. 233.

A bill for an act to preserve the waters of Tongue river
and its tributaries in Cavalier and Pembina counties for
domestic and drinking purposes,

Was read the third time and placed on its final passage.
The roll being called there were ayes, 39; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Berg-
man, Bixler, Burnham, Clark, Cooke, Elliott, Greene,
Gronna, Howell, Jones, Lampman, Logan, Mallory, Mc-
Hugh, McNeil, Miller, Morris, Parkin, Patridge, Patton,
Potter, Powell, Ramsdell, Royer, Ryan, Sheets, Swanston,
Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman,
Mr. Speaker.

Absent and not voting:

Messrs. Douglas, Fletcher, Hunter, Lillibridge, New-
man, Palmer, Price, Smith, White.

Messrs. Douglas and Lillibridge being excused.

So the bill passed and its title was agreed to.

The Committee on Enrolled and Engrossed Bills sub-
mitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed bills have ex-
amined

House Bill No. 348,

A bill for an act to regulate the receiv-
ing and transportation of freight and passengers on rail-
roads in this Territory, and to empower the attorney gen-
eral and district attorneys to enforce the provisions of the
same.

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

Mr. Swanston moved

That the further consideration of

House Bill No. 296,

A bill for an act to regulate common carriers and creating the Railroad and Warehouse Commission of the Territory of Dakota and defining the duties of such commission in relation to common carriers,

Be indefinitely postponed.

Mr. Newman raised the point of order that bill had been voted on and it is not properly before the House.

The chair sustained the point of order and ruled that the proper way to bring the bill before the House is to suspend the rules and go into unfinished business, where the bill now is.

Mr. Swanston moved

That the further consideration of
House Bill No. 223,

A bill for an act providing that railroad corporations shall furnish suitable facilities for loading and unloading cars,

Be indefinitely postponed.

Which motion was lost.

Mr. Palmer moved

That the bill be returned to the author for correction.
Which motion prevailed.

The Committee on Banking submitted the following report:

MR. SPEAKER:

Your Committee on Banking to whom was referred
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,

Have had the same under consideration and return the same to the House.

H. H. SHEETS,
Chairman.

The Committee on Ways and Means submitted the following report:

MR. SPEAKER:

Your Committee on Ways and Means to whom was referred

House Bill No. 246,

A bill for an act to provide for fees in foreclosures of mortgage of real estate by advertisement,

Have had the same under consideration and recommend the following amendments, viz.:

By adding after the word "dollar," in line 13, Section 1, of original bill, "in addition to said ten dollars,"

Also, by adding to end of Section 1 the words, "in addition to said ten dollars,"

And when so amended recommend the bill do pass.

C. J. TRUDE.

Chairman.

Mr. Gronna moved

To adopt the amendments to House Bill No. 246 proposed by the Committee on Ways and Means.

Which motion prevailed.

House Bill No. 246,

A bill for an act to provide for fees in foreclosure of mortgage of real estate by advertisement,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 23; nays, 14.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Baldwin, Bennett, Bergman, Clark, Elliott, Greene, Gronna, Jones, McHugh, Miller, Newman, Parkin, Patton, Price, Royer, Swanston, Trude, Upham Van Etten, Wellcome, Mr. Speaker.

Those who voted in the negative were:

Messrs. Bixler, Burnham, Cooke, Logan, Mallory, Morris, Palmer, Patridge, Potter, Ramsdell, Ryan, Sheets, Turnbull, White.

Absent and not voting:

Messrs. Aikens, Douglas, Howell, Hunter, Lampman, Lillibridge, McNeil, Powell, Smith, Wellman.

Messrs. Douglas and Lillibridge being excused.

So the bill passed and its title was agreed to.

Mr. Burnham moved

That the House take a recess until 2 p. m.

Which motion prevailed.

Mr. Speaker called Mr. McHugh to the chair.

Mr. McHugh moved

That the reading at length of

House Bill No. 226,

A bill for an act to prevent the sale of intoxicating liquors within certain distances of college buildings in the Territory of Dakota,

Be dispensed with and that the bill be read the third time by its title only.

Which motion prevailed.

Mr. Miller moved

To adopt the amendments to House Bill No. 226 reported by the Committee on Temperance.

Which motion prevailed.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 223,

A bill for an act providing that railroad corporations shall furnish suitable facilities for loading and unloading cars,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

Mr. Aikens moved

That the House concur in the Council amendments to House Bill No. 283.

Which motion prevailed and

The Council amendments to House Bill No. 283 were concurred in.

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

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 the duties and compensation of said board and county treasurer,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

Amend House Bill No. 226, as follows:

In Section 3 of said bill strike out lines 9 and 19 inclusive and insert in lieu thereof the following:

“And by imprisonment in the county jail not less than thirty days, and shall be fined not less than three hundred dollars for the second offense and each and every offense thereafter and imprisonment not less than sixty days in

the county jail or Territorial Penitentiary. And any person keeping a place suspected of selling liquor upon complaint of any citizen to proper authorities, they shall have authority to enter such place and search the same, and if more than one gallon of intoxicants are found therein, it shall be positive evidence that said person is guilty of selling intoxicating liquors and shall be guilty of a misdemeanor, and shall be punished as in this act provided."

Which amendments were adopted.

House Bill No. 226,

A bill for an act to prevent the sale of intoxicating liquors within certain distances of college buildings in the Territory of Dakota.

Was read the third time and placed on its final passage.

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

Those who voted in the affirmative were:

Messrs. Adams, Bixler, Cooke, Howell, Mallory, Miller Newman, Palmer, Patridge, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Trude, Van Etten, White.

Those who voted in the negative were:

Messrs. Aikens, Allen, Bennett, Bergman, Burnham, Clark, Elliott, Fletcher, Greene, Gronna, Jones, Lampman, Logan, McHugh, Morris, Patton, Swanston, Turnbull, Upham, Wellcome.

Absent and not voting:

Messrs. Baldwin, Hunter, McNeil, Parkin, Wellman and Mr. Speaker.

Messrs. Douglas and Lillibridge being excused.

Messrs. Aikens and Price explaining their votes.

So the bill was lost.

MESSAGES FROM THE COUNCIL.

The following messages was received from the Council:

COUNCIL CHAMBER,
March 6, 1889. }

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 165,

A bill for an act authorizing the Territorial Auditor to audit a claim of John Lundback against the Territory,

Which the Council has passed without change.

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,

Which the Council has amended as follows:

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."
And your favorable concurrence is respectfully requested.

Also,

House Bill No. 151,

A bill for an act providing for the publication and distribution of Long's Legislative Hand Book.

Which the Council has passed without change.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER,
March 6, 1889. }

MR. SPEAKER:

I have the honor to transmit
Council Bill No. 315,

A bill for an act making appropriation for deficiency for coal for the North Dakota Hospital for the Insane,

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

And return herewith
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 year 1887 and 1888.

Which have passed the Council.

R. E. WALLACE,
Chief Clerk.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 246,
 A bill for an act to provide for fees in foreclosure of mortgage of real estate by advertisement,
 And find the same correctly engrossed.

D. M. POWELL,
 Chairman.

Mr. Hughes, by unanimous consent, introduced—
 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 was read the first time.

Mr. McHugh moved

That the rules be suspended and House Bill No. 357

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

Which motion prevailed.

Mr. Aikens moved

That the bill be returned to the author for correction.

Which motion prevailed.

The bill was reported back.

House Bill No. 223,

A bill for an act providing that railroad corporations shall furnish suitable facilities for loading and unloading cars,

Was read the third time and placed on its final passage.

The roll being called, there were ayes 43; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Logan, McHugh, McNeil, Miller, Morris, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Absent and not voting:

Messrs. Douglas, Elloit, Lampman, Lillibridge, Mallory.

Messrs. Douglas and Lillibridge being excused.

So the bill passed and its title was agreed to.

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 and placed on its final passage.

The roll being called there were ayes, 40; nays, none.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Logan, McHugh, McNeil, Miller, Morris, Newman, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Douglas, Elliott, Lampman, Lillibridge, Mallory, Palmer, Smith.

Messrs. Douglas and Lillibridge being excused.

So the bill passed and its title was agreed to.

Mr. White moved

That the rules be suspended and
Council Bill No. 256,

A bill for an act providing for the collection and compilation of the statistics of the Territory of Dakota,

Be read the first, second and third times and placed on its final passage.

Which motion prevailed, and

The bill was read the first and second times.

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 placed on its final passage.

The roll being called there were ayes, 38; nays, none.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Logan, McNeil, Miller, Morris, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellman.

Absent and not voting:

Messrs. Adams, Baldwin, Douglas, Elliott, Lampman, Lillibridge, Mallory, McHugh, Wellcome, White.

Messrs. Douglas and Lillibridge being excused.

So the bill passed and its title was agreed to.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

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.

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

Mr. Speaker announced his signature to House Bill No. 318.

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 and placed on its final passage. The roll being called there were ayes, 29; nays, 11.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Cooke, Fletcher, Greene, Gronna, Jones, McHugh, McNeil, Miller, Morris, Patridge, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Turnbull, Wellman, White.

Those who voted in negative were:

Messrs. Clark, Hunter, Newman, Palmer, Parkin, Patton, Smith, Trude, Upham, Van Etten, Wellcome.

Absent and not voting:

Messrs. Burnham, Douglas, Lampman, Lillibridge, Logan, Mallory.

Messrs. Douglas and Lillibridge being excused.

Mr. Speaker not voting.

So the bill passed and its title was agreed to.

Mr. Adams, by unanimous consent, introduced—

House Bill No. 358,

A bill for an act to enable county treasurers to sell lands that have been enjoined from tax sales, and for other purposes.

And moved that the rules be suspended and the bill be read the first and second times and referred to its appropriate committee.

Which motion prevailed, and
The bill was read the first and second times and
Referred to the Judiciary Committee.

Mr. Swanston moved
That the reading at length of House Bill No. 325 be dis-
pensed with.

Mr. Price moved
As an amendment that only the amendments to the bill
be read.

Which motion prevailed.

Mr. Upham moved
To adopt the amendments reported by the Committee
on Judiciary.

Which motion prevailed, and
The amendments were adopted.

Mr. Howell moved
To refer the bill to the Committee on Counties.
Which motion prevailed.

Mr. McHugh moved
That the House do now resolve itself into Committee of
the Whole to consider Council Bill No. 190.

Which motion prevailed, and

Mr. Speaker called Mr. Elliott to the chair.

When the committee rose the following report was pre-
sented:

MR. SPEAKER:

Your Committee on Enrolled and Engrossed Bills respect-
fully report that

House Bill No. 318,

A Joint Resolution and Memorial to the Congress of the
United States, providing for the maintenance of Fort Abra-
ham Lincoln as a military post and for appropriations for
its improvement,

Was placed on its file in the office of the Secretary of the
Territory on March 6, 1889.

D. M. POWELL,
Chairman.

MR. SPEAKER:

Your Committee of the Whole have had under consid-
eration

Council Bill No. 190,

A bill for an act to provide for the refunding of the out-

standing Territorial warrants drawn on the capitol building fund,

And recommend that the bill do pass.

T. M. ELLIOTT,
Chairman.

Mr. McHugh moved

The adoption of the report.

Which motion prevailed, and

The report of the Committee of the Whole was adopted.

Mr. McHugh moved

That the reading at length of Council Bill No. 190 be dispensed with.

Which motion prevailed.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bill have examined

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,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

Council Bill 190,

A bill for an act to provide for the refunding of the outstanding Territorial warrants drawn on the Capitol building fund,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 35; nays, 4.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Fletcher, Greene, Gronna, Howell, Hunter, Lampman, Mallory, McHugh, McNeil, Miller, Newman, Palmer, Parkin, Patridge, Patton, Powell, Price, Ramsdell, Royer, Sheets, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, Wellman, White.

Those who voted in the negative were:

Messrs. Aikens, Clark, Cooke, Smith.

Absent and not voting:

Messrs. Douglas, Elliott, Jones, Lillibridge, Logan, Miller, Morris, Potter, Ryan.

Messrs. Douglas and Lillibridge being excused.

Mr. Speaker not voting.
So the bill passed and its title was agreed to.

EXECUTIVE COMMUNICATION.

The following communication was received from his Excellency the Governor:

EXECUTIVE OFFICE,
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 ac-
count thereof, unless the accused is returned to the Terri-
tory. Why there should be an exception made in this case
is not explained. A provision should certainly be incor-
porated in the bill, authorizing the Territorial Auditor to
examine into the question and from the evidence submit-
ted 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.

Mr. Newman moved

That the bill do pass, the objections of the Governor to
the contrary notwithstanding.

Which motion prevailed.

Mr. Speaker announced his signature to House Bills Nos.
219 and 165.

House Bill No. 252.

A bill for an act authorizing the Territorial Auditor to
audit a claim of Geo. F. Ingram against the territory,

Was reconsidered and

The question being, shall the bill pass, the objections of the Governor to the contrary notwithstanding.

The roll being called there were ayes, 42; nays, 1.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bergman, Bixler, Burnham, Clark, Cooke, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Mallory, McHugh, Miller, Morris, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Mr McNeil voting in the negative.

Absent and not voting:

Messrs. Douglas, Elliott, Lillibridge, Logan, Upham, Wellcome.

Messrs. Douglas and Lillibridge being excused.

So the bill passed and its title was agreed to.

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,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 29; nays, 6.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Clark, Cooke, Fletcher, Gronna, Hunter, Howell, Lampman, Mallory, McHugh, Miller, Palmer, Parkin, Patridge, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Van Etten, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Burnham, Jones, McNeil, Morris, Patton, Trude.

Absent and not voting:

Messrs. Adams, Douglas, Elliott, Greene, Howell, Lillibridge, Logan, Newman, Smith, Swanston, Turnbull, Upham, Wellcome.

Messrs. Douglas and Lillibridge being excused.

So the bill passed and its title was agreed to.

EXECUTIVE COMMUNICATION.

EXECUTIVE OFFICE,
March 6, 1889. }

To the House of Representatives:

I herewith respectfully return, without my approval,

House Bill No. 142,
Entitled "An act defining the class of newspapers in which legal notices shall be published."

The effect and operation of this bill is to direct the business of the publication of legal notices in a certain class of newspapers. Why it should be a conditioned precedent that a newspaper should be in existence six consecutive months before it would be enabled to receive legal notices for publication is not apparent.

The act renders illegal the publication of notices in newspapers whose proprietors have failed to file an affidavit that their newspaper has been regularly published for six months previous to the filing of such affidavit. I am inclined to the opinion that this might lead to a great deal of hardship, especially where parties, innocently and in good faith, have such notice published and subsequently ascertain that on account of the negligence of the publisher the affidavit above mentioned has not been filed; and in case of the loss or misplacing of such affidavit by the auditor or county clerk, it would have a tendency to create endless litigation.

If an act of this kind is wise and desirable, some provision should be made that the affidavit required to be filed should be recorded in the office of the register of deeds, so that in years to come (especially in the matter of foreclosure of mortgages on real estate, and where titles have passed by reason of the foreclosure and sale, of which the legal advertisement is a very important feature in the legal proceedings) that it will not be possible for numerous questions to arise as to whether or not the public notice of the sale was legally published, and published in a newspaper by law authorized to publish the same.

It would be almost impossible for purchasers in good faith—and it is a question whether or not it would not be incumbent upon them—to prove that at the time of any sale of property, made under proceedings where a legal notice of sale was published, the publisher was legally authorized and empowered under the provisions of this bill to make such advertisement. Consequently, I am clearly of the opinion that these reasons alone, if there were no others, are sufficient arguments against the bill so that it should not become a law unless some provision is made whereby the affidavit required to be filed is made a matter of record in the office of the register of deeds, and made prima facie evidence that the newspaper publishing the

same was legally empowered to make such publication; and thereby preserving the evidence for years to come, which would prevent, as above indicated, much litigation, and obviate any danger of the loss or misplacement of such affidavit and the embarrassment that would necessarily arise by reason thereof.

The only exception to the provisions of this bill is that made of counties where only one newspaper is published, and the failure in such case to file the affidavit does not invalidate the right of such newspaper to publish said notices, the result being that in all other counties where there is more than one newspaper, the failure to file such affidavit necessarily invalidates the right of any paper to publish such notice.

There are other objections that I might advance why this bill should not become a law, but I deem these sufficient.

Respectfully,
LOUIS K. CHURCH,
Governor.

Mr. Adams moved
That the bill do pass, the objections of the Governor to the contrary notwithstanding.

Which motion prevailed.

House Bill No. 142,
A bill for an act defining the class of newspapers in which legal notices shall be published,

Was reconsidered, and

The question being shall the bill pass, the objections of the Governor to the contrary notwithstanding.

The roll being called there were ayes, 17; nays, 21.

Those who voted in the affirmative were:

Messrs. Adams, Bennett, Clark, Cooke, Elliott, Hunter, McHugh, Patridge, Powell, Price, Ramsdell, Royer, Smith, Swanston, Upham, Wellman White.

Those who voted in the negative were:

Messrs. Aikens, Allen, Baldwin, Bixler, Burnham, Fletcher, Gronna, Howell, Jones, Mallory, McNeil, Miller, Morris, Newman, Palmer, Parkin, Ryan, Sheets, Trude, Turnbull, Van Etten.

Absent and not voting:

Messrs. Bergman, Douglas, Greene, Lampman, Lillibridge, Logan, Patton, Potter, Wellcome.

Messrs. Douglas and Lillibridge being excused.

So the bill was lost.

The Committee on Enrolled and Engrossed Bills submitted the following reports:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

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,

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 165,

A bill for an act authorizing the Territorial Auditor to audit a claim of John Sundbock against the Territory,

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

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,

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
March 6, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
Council Bill No. 96,

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

Also,

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, D. T., as per finding of board of arbitration in case C. W. Thompson vs. Territory of Dakota.

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

R. E. WALLACE,
Chief Clerk.

House Bill No. 336,

A bill for an act to amend Section one (1) of Chapter thirty-eight (38) of the Political Code, relating to homestead and conveyance thereof,

Was read the third time and placed on its final passage. The roll being called, there were ayes, 36; nays, 5.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen Baldwin, Bergman, Burnham, Clark, Cooke, Elliott, Fletcher, Howell, Hunter, Jones, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Ramsdell, Royer, Sheets, Trude, Upham, Van Etten, Wellcome, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Greene, Price, Smith, Swanston, Turnbull.

Absent and not voting:

Messrs. Bennett, Bixler, Douglas, Gronna, Lampman, Lillibridge, Ryan.

Messrs. Douglas and Lillibridge being excused.

So the bill passed and its title was agreed to.

Mr. Speaker announced his signature to Council Bill No. 105.

Mr. Wellman moved that
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, Dakota, as per finding of board of arbitration in case Thompson vs. Territory of Dakota,

Be read the first and second times and

Referred to a Special Committee of North Dakota members.

Which motion prevailed, and

The bill was read the first and second times and referred to a Special Committee of North Dakota members.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 151,

A bill for an act providing for the publication and distribution of Long's Legislative Hand Book.

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

Mr. Speaker announced his signature to House Bill No. 151.

Mr. Swanston moved

That the further consideration of
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,

Be indefinitely postponed.

Which motion prevailed.

Mr. Speaker called Mr. Newman to the chair.

Mr. Royer moved

That the reading at length of House Bill No. 308 be dispensed with and that the bill be put on its final passage.

Which motion prevailed.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respectfully report that

House Bill No. 151,

A bill for an act providing for the publication and distribution of Long's Legislative Hand Book,

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. 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. 283,

A bill for an act empowering corporations created and existing under and by virtue of this Territory to amend their articles of incorporation and providing the manner thereof,

Were delivered to His Excellency, the Governor, for his approval at the hour of 4:45 o'clock p. m., March 6, 1889.

D. M. POWELL,
Chairman.

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 and placed on its final passage. The roll being called there were ayes, 31; nays, 4.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Bennett, Bergman, Bixler, Burnham, Clark, Elliott, Fletcher, Greene, Gronna, Jones, Lampman, Mallory, McNeil, Miller, Morris, Newman, Palmer, Patridge, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Trude, Upham.

Those who voted in the negative were:

Messrs. Howell, Patton, Turnbull, Van Etten.

Absent and not voting:

Messrs. Baldwin, Cooke, Douglas, Hunter, Lillibridge, Logan, McHugh, Parkin, Smith, Wellcome, Wellman, White, Mr. Speaker.

So the bill passed and its title was agreed to.

EXECUTIVE COMMUNICATION.

The following communication was received from his Excellency, the Governor:

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 annually to 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.

Mr. Price moved

That the bill do pass, the objections of the Governor to the contrary notwithstanding.

Which motion prevailed.

Mr. Speaker announced his signature to House Bill No. 283.

House Bill No. 259,

A bill for an act regulating the business of building and loan corporations,

Together with the message of the Governor vetoing the same,

Was reconsidered, and

The question being shall the bill pass, the objections of the Governor to the contrary notwithstanding.

The roll being called there were ayes, 35; nays, 8.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Cooke, Elliott, Fletcher, Greene, Hunter,

Jones, McHugh, Miller, Morris, Newman, Palmer, Parkin, Patton, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellcome, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Burnham, Clark, Gronna, Howell, Mallory, McNeil, Patridge, Potter.

Absent and not voting:

Messrs. Douglas, Lampman, Lillibridge, Logan, Wellman
Messrs. Douglas and Lillibridge being excused.

So the bill passed, the objections of the Governor to the contrary notwithstanding.

MESSAGES FROM THE COUNCIL.

The following communications were received from the Council:

COUNCIL CHAMBER, }
March 6, 1889. }

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 256,

A Joint Resolution providing payment for the transportation of the mail to and from the Capitol,
Which the House has passed unchanged.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
March 6, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
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,

Also,

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, the School of Mines of Dakota, and the Dakota Hospital for the Insane,

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

R. E. WALLACE,
Chief Clerk.

House Bill No. 244,

A bill for an act fixing the fee to be paid probate judges for filing and recording marriage certificates,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 37; nays, 1.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Bennett, Bergman, Burnham, Clark, Cooke, Fletcher Gronna, Howell, Jones, Lampman, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Ryan, Sheets, Smith, Swanston, Trude, Upham, Van Etten, Wellcome, Wellman.

Mr. Turnbull voting in the negative.

Absent and not voting:

Messrs. Baldwin, Bixler, Douglas, Elliott, Greene, Hunter, Lillibridge, Royer, White.

Messrs. Douglas and Lillibridge being excused.

So the bill passed and its title was agreed to.

Mr. Swanston moved

That as House Bill No. 313 has not been reported from the Judiciary Committee the printed bill be taken up and substituted in place of the original.

Which motion prevailed.

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 any part thereof may be located a map showing all railroad and right of way owned by said corporation.

Was read the third time and placed on its final passage.

The roll being called there were ayes, 27; nays, 3.

Those who voted in the affirmative were:

Messrs. Allen, Adams, Baldwin, Bennett, Bergman, Cooke, Fletcher, Gronna, Howell, Logan, McHugh, McNeil, Miller, Morris, Newman, Parkin, Patton, Potter, Powell, Price, Ryan, Sheets, Smith, Trude, Turnbull, Van Etten, Wellman, Wellcome.

Those who voted in the negative were:

Messrs. Palmer, Patridge, Swanston,

Absent and not voting:

Messrs. Aikens, Bennett, Bixler, Burnham, Douglas, Elliott, Greene, Hunter, Jones, Lampman, Mallory, Ramsdell, Royer, Upham, White.

Mr. Lillibridge being excused.

So the bill passed and its title was agreed to.

Mr. Ryan moved

To recall House Bill No. 103 from the Committee on Agriculture.

Which motion prevailed.

MR. SPEAKER,

Your Committee on Agriculture to whom was referred House Bill No. 103,

A bill for an act to regulate the toll of grist mills.

Report the same back by request of the House.

J. V. WHITE,

Chairman.

House Bill No. 313,

A bill for an act to amend Section 86 of the Justice's Code of the Territory,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 35; nays, 3.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Adams, Baldwin, Bennett, Burnham, Cooke, Fletcher, Greene, Gronna, Howell, Jones, Logan, Mallory, McHugh, McNeil, Miller, Morris, Newman, Palmer, Patridge, Parkin, Patton, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Trude, Turnbull, Van Eten, Wellman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Clark, Cooke, Smith.

Absent and not voting:

Messrs. Bergman, Bixler, Douglas, Elliott, Hunter, Lampman, Lillibridge, Potter, Upham, White, Wellcome.

Messrs. Douglas and Lillibridge being excused.

So the bill passed and its title was agreed to.

House Bill No. 312,

A bill for an act to amend Section 65 of the Justice's Code, Was read the third time and placed on its final passage.

The roll being called there were, ayes 37; nays, 2.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Adams, Baldwin, Bennett, Bergman, Bixler, Cooke, Elliott, Greene, Gronna, Howell,

Jones, Logan, Mallory, McHugh, Miller, Morris, Newman, Palmer, Patridge, Parkin, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Van Etten, White, Wellman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Burnham and McNeil.

Absent and not voting:

Messrs. Clark, Douglas, Fletcher, Hunter, Lampman, Patton, Upham, Wellcome.

Messrs. Douglas and Lillibridge being excused.

So the bill passed and its title was agreed to.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER, }
March, 6, 1889. }

MR. SPEAKER:

I have the honor to return herewith
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 the Territorial Veterinarian,

Which the Council has passed unchanged.

R. E. WALLACE,
Chief Clerk.

Mr. Logan moved

That the further consideration of House Bill No. 103 be indefinitely postponed.

Mr. Cook moved

To lay the motion of Mr. Logan on the table.

Which motion was lost.

Ayes and nays demanded on the vote to indefinitely postpone.

The roll being called there were ayes, 13; nays, 23.

Those who voted in the affirmative were:

Messrs. Allen, Burnham, Fletcher, Logan, Mallory, Newman, Patridge, Parkin, Patton, Ramsdell, Smith, Trude, Turnbull.

Those who voted in the negative were:

Messrs. Aikens, Adams, Baldwin, Bennett, Bergman, Bixler, Clark, Cooke, Gronna, Howell, Jones, Miller, Morris, Palmer, Powell, Price, Royer, Ryan, Swanston, Van Etten, White, Wellman, Wellcome.

Absent or not voting:
Messrs. Douglas, Elliott, Greene, Hunter, Lampman, Lillibridge, McHugh, Potter, Sheets, Upham.

Messrs. Douglas and Lillibridge being excused.

So the motion was lost.

Mr. Burnham moved
To reconsider the bill.

Mr. Price moved
As an amendment that the bill be referred to the author for amendment.

Which motion prevailed.

Mr. Upham moved
That the further consideration of Council Bill No. 305 be indefinitely postponed.

Mr. Van Etten moved
The previous question.
Which motion prevailed.

Ayes and nays demanded on the motion to indefinitely postpone.

The roll being called there were ayes, 18; nays, 23.

Those who voted in the affirmative were:

Messrs. Adams, Bixler, Cooke, Fletcher, Greene, Jones, Logan, Miller, Morris, Powell, Price, Ramsdell, Royer, Ryan, Smith, Swanston, Turnbull, Van Etten.

Those who voted in the negative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bergman, Burnham, Clark, Elliott, Gronna, Howell, McHugh, McNeil, Newman, Palmer, Patridge, Parkin, Patton, Sheets, Trude, Upham, White, Wellman, Wellcome, Mr. Speaker.

Absent and not voting:

Messrs. Douglas, Hunter, Lampman, Lillibridge, Mallory, Potter.

Messrs. Douglas and Lillibridge being excused.

So the motion to indefinitely postpone was lost.

COUNCIL CHAMBER, }
March 6, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
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 the Territory."

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

R. E. WALLACE,
Chief Clerk.

Mr. Speaker announced his signature to Council Bills Nos. 47, 287 and 143.

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.

Was read the third time and placed on its final passage.

The roll being called there were ayes, 23; nays, 20.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bergman, Burnham, Clark, Gronna, Mallory, McHugh, McNeil, Newman, Palmer, Patridge, Parkin, Patton, Price, Sheets, Trude, White, Wellman, Wellcome, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Bixler, Cooke, Elliott, Fletcher, Greene, Jones, Logan, Miller, Morris, Potter, Powell, Ramsdell, Royer, Ryan, Smith, Swanston, Turnbull, Upham, Van Etten.

Absent and not voting:

Messrs. Douglas, Howell, Hunter, Lampman, Lillibridge.

Messrs. Douglas and Lillibridge being excused.

So the bill passed and its title was agreed to.

Mr. Jones moved

That the House do now adjourn.

Which motion prevailed, and

The House adjourned.

JOHN G. HAMILTON,
Chief Clerk.

FIFTY-NINTH DAY.

BISMARCK, March 7, 1889.

The House assembled at 10 o'clock a. m. pursuant to adjournment.

The speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Lillibridge, excused.

The reading of the Journal was dispensed with.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 346,

A Joint Resolution providing an appropriation for the payment of witnesses and other expenses in the investigation into the conduct and management of the office of the Territorial Veterinarian,

Also,

House Bill No. 256,

A Joint Resolution providing payment for the transportation of the mail to and from the Capitol,

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

Mr. White moved

That a committee of three be appointed to draft a bill

to prevent deficiencies in the public institutions of the Territory.

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. White, Morris and Fletcher.

Mr. Palmer moved

That the vote by which

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,

Passed, be reconsidered.

Which motion prevailed.

Mr. White moved

That the bill be referred to General Orders.

Which motion prevailed, and

The bill was so referred.

Mr. Jones, by unanimous consent, introduced—

House bill No. 359,

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,

And moved that the bill be read the first and second times and referred to the Special Committee to draft a bill to prevent deficiencies in public institutions.

Which motion prevailed, and

The bill was read the first and second times and

Referred to the Special Committee to draft a bill to prevent deficiencies in public institutions.

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,

Was read the first, second and third times and placed on its final passage.

The roll being called there were ayes, 30; nays, 2.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Bennett, Bixler, Burnham, Clarke, Cooke, Elliott, Gronna, Hunter, Lampman, Mallory, McHugh, Miller, Newman, Palmer, Parkin, Patridge, Powell, Price, Ryan, Sheets, Smith, Swanston, Turnbull, Upham, Van Etten, Wellcome, Wellman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Clarke and Hunter.

Absent and not voting:

Messrs. Adams, Baldwin, Bergman, Douglas, Fletcher,
Greene, Gronna, Howell, Jones, Logan, McNeil, Morris,
Patton, Potter, Ramsdell, Royer, Trude, White.

Mr. Lillibridge being excused.

So the bill passed and its title was agreed to.

Mr. Aikens moved

The following amendment to Section 1 of
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 Ter-
ritory,

Strike out the word "three" in Section 1 immediately
preceding the words "per centum" and insert in lieu there-
of the word "four." Also strike out the word "two" in
Section 1 and insert in lieu thereof the word "three."

The Committee on Enrolled and Engrossed Bills sub-
mitted the following report:

MR. SPEAKER:

Your Committee on Enrolled and Engrossed Bills respect-
fully report that

House Bill No. 256,

A Joint Resolution providing payment for the trans-
portation of mail to and from the capitol,

Also,

House Bill No. 346,

A Joint Resolution providing for an appropriation for
the payment of witnesses and other expenses in the in-
vestigation into the conduct and management of the of-
fice of Territorial Veterinarian,

Were delivered to His Excellency, the Governor, for his
approval at the hour of 10:40 o'clock a. m., March 7, 1889.

D. M. POWELL,
Chairman.

MESSAGE FROM THE COUNCIL.

The following message were received from the Council:

COUNCIL CHAMBER,
March 7, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith

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,

Also,

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 the Council has passed and your favorable consideration is respectfully requested.

Also to return herewith

House Bill No. 203,

A bill for an act to provide for the sinking of artesian wells and construction of waterways,

Which the Council has passed unchanged,

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,

Which the Council has indefinitely postponed,

Also,

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,

Which has passed the Council without change.

R. E. WALLACE,
Chief Clerk.

Mr. Adams moved

To make Council Bill No. 140 a Special Order for this afternoon at 3 o'clock.

Mr. Trude moved

As a substitute that the House do now go into Committee of the Whole to consider the bill.

Mr. Adams accepted the substitute and the substitute prevailed, and

Mr. Speaker called Mr. Royer to the chair.

When the Committee rose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration

Council Bill No. 140,
A bill for an act providing for the levy and collection of
taxes upon property of railroad companies in this Terri-
tory,

And recommend that the bill do pass.

D. F. ROYER,
Chairman.

Mr. Swanston moved
To adopt the report.

Which motion prevailed and the report of the Commit-
tee of the Whole was adopted.

Mr. Swanston moved
That the House concur in the Council amendments to
House Bill No. 348.

Mr. Bergman moved
As an amendment that the bill be made a Special Order
for to-morrow afternoon at 4 o'clock.

Mr. Palmer moved
As a substitute that the bill be made a Special Order for
this afternoon at 4 o'clock.
Which motion prevailed.

MESSAGE FROM THE COUNCIL.

The following message was received from the Coun-
cil:

COUNCIL CHAMBER,
March 7, 1889. }

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 322,

A bill for an act to provide clerks for probate courts,
Which the Council has amended as follows:

Amend Section 1, by striking out the word "three"
wherever it occurs after the word "twenty" in said section,
and your concurrence therein is respectfully requested,

Also,

House Bill No. 348,

A bill for an act entitled "An act to regulate the receiv-
ing and transportation of freight and passengers on rail-
roads in this Territory, and to empower the Attorney Gen-
eral and district attorneys to enforce the provisions of the
same,"

Which the Council has amended as follows:

Amend by striking out all after the enacting clause and inserting in lieu thereof the printed copy of House Bill No. 348, herewith enclosed, and amending the title to read as follows:

A bill for an act entitled "An act to provide for the establishment of a board of railroad commissioners, defining their duties; to regulate the receiving and transportation of freight on railroads in this Territory, passed at the Sixteenth Legislative Assembly of the Territory, and approved March 6, 1885,"

And your concurrence is respectfully requested.

R. E. WALLACE,
Chief Clerk.

Mr. Speaker announced his signature to Council Bills Nos. 190 and 129.

Mr. McNeil moved

That the House concur in the Council amendments to House Bill No. 322.

Which motion prevailed and

The amendments were concurred in.

Mr. Bennett moved

That the House take a recess until 2 o'clock.

Which motion prevailed.

REPORTS OF SPECIAL COMMITTEES.

The Special Committee to consider Council Bill No. 198 submitted the following report:

MR. SPEAKER:

Your committee to whom was referred

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, D. T., as per finding of board of arbitration in case C. W. Thompson vs. Territory of Dakota,

Have had the same under consideration and beg leave to report that it do pass.

W. E. SWANSTON,
P. McHUGH,
D. B. WELLMAN,
J. W. BURNHAM,
E. H. BERGMAN,
E. McNEIL,
A. J. GRONNA,
T. M. ELLIOTT,
H. S. PARKIN,
J. O. SMITH,
C. C. NEWMAN,
R. L. BENNETT,
J. B. WELLCOME,
IRA S. LAMPMAN.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 251,

A bill for an act to declare certain provisions for an attorney's fee void, and to provide a reasonable attorney's fee in such cases,

Also,

House Bill No. 322,

A bill for an act to provide clerk hire for probate courts,

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

Mr. McHugh moved
That the rules be suspended and
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, D. T., as per finding of board of arbitration in case C. W. Thompson vs. Territory of Dakota,
Be read the third time by its title and placed on its final passage.

Which motion prevailed.

Mr. Aikens moved

That a new vote be taken on Council Bill No. 198.
Which motion prevailed.

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, D. T., as perfinding of board of arbitration in case C. W. Thompson vs. Territory of Dakota,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 27; nays, 7.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Baldwin, Bennett, Bergman, Burnham, Clark, Elliott, Greene, Gronna, Hunter, Lampman, Mallory, McHugh, McNeil, Newman, Parkin, Patton, Powell, Price, Sheets, Smith, Swanston, Trude, Turnbull, Van Etten, Wellman.

Those who voted in the negative were:

Messrs. Aikens, Cooke, Douglas, Miller, Morris, Potter, Royer.

Absent and not voting:

Messrs. Bixler, Fletcher, Howell, Jones, Lillibridge, Logan, Palmer, Patridge, Ramsdell, Ryan, Upham, Wellcome, White.

Mr. Lillibridge being excused.

So the bill passed and its title was agreed to.

The Committee on Counties, by unanimous consent, submitted the following report:

MR. SPEAKER:

Your Committee on Counties to whom was referred House Bill No. 325,

A bill for an act to create and establish the county of Harrison, and for other purposes,

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

Amend Section 1 so as to read as follows:

SECTION 1. That all that territory included within the following described boundary lines, to-wit: Commencing at a point at the intersection of the Seventh Standard parallel, with the range line between ranges sixty-nine (69) and seventy (70), and run thence west along the Seventh Standard parallel to its intersection with the range line between ranges seventy-three (73) and seventy-four (74); thence south along the range line between ranges seventy-three (73) and seventy-four (74) to the Sixth Standard par-

allel; thence east along said Sixth Standard parallel to the southeast corner of township one hundred and twenty-five (125) north, of range seventy (70) west; thence north along the range line between ranges sixty-nine (69) and seventy (70) to the Seventh Standard parallel, the place of beginning, be, and the same hereby is, constituted and created into the county of Harrison.

Amend Section 3 so as to read as follows:

SEC. 3. That on or before the first Monday in April, 1889, the board of county commissioners of the county of McPherson, shall meet at the county seat of said county, and shall issue a notice of the election hereinafter provided for, not less than one copy of said notice to be posted in each of the precincts of said county, as may have been heretofore, or which may be established at said meeting, by said board of county commissioners, and said board shall also give notice of said election in each of the newspapers published in said county, said notices to be posted and published at least twenty days prior to said election. Said board of county commissioners shall also appoint such judges of election as may be necessary, in the same manner as is now provided for by the General Laws of this Territory.

Amend Section 4 so as to read as follows:

SEC. 4. That an election shall be held in said McPherson county on the seventh day of May, A. D. 1889, at which time the question of the creation of the county of Harrison shall be submitted to the qualified voters of said McPherson county, and the ballots to be used at said election shall be of white paper, and shall have written or printed thereon the words "For Division, Yes," or "For Division, No," and upon the canvass of the votes polled at said election, if a majority of said ballots shall have thereon the words "For Division, Yes," then this act shall be and remain in full force and effect.

Amend Section 5 so as to read as follows:

SEC. 5. That the returns of said election shall be made to the commissioners of said county of McPherson, in form and manner as now provided by law, and said board shall meet at the county seat of said county on the thirteenth day of May, 1889, and shall canvass said returns and declare the result, in the manner prescribed for county canvassing boards, and said commissioners shall issue notice announcing the result of said election, and cause the same

to be published in a newspaper published in said county, within ten days after said election.

Amend Section 6 so as to read as follows:

SEC. 6. That upon canvassing the votes polled at said election if said board of commissioners shall find that a majority of all the votes cast have thereon the words, "For division, Yes," said board shall immediately notify the said Joseph Worthy, Charles A. Tripp and Peter Wittmayer, named as commissioners in Section 2 of this act, as to the result of said election. The said parties named as commissioners shall on or before the twentieth day of May, 1889, meet at the town of Eureka, in said Harrison county, and shall qualify by taking an oath to faithfully discharge their duties as such appointed commissioners under this act. They shall select one of their number, who shall act as chairman of said board.

Said board shall immediately proceed to locate the county seat temporarily, and appoint all the county officers for said county of Harrison, as provided by the General Laws, which officers shall qualify as provided by law, and having so qualified shall hold their several offices until the first general election thereafter and until their successors shall have been elected and qualified, and the commissioners hereinbefore designated shall hold their offices until the first general election at which county officers are elected, and until their successors shall have been elected and qualified.

Amend Section 7 by adding after the end of said section the following:

Provided, That should said election result in the defeat of the proposition to create said Harrison county, then, and in that event, all reasonable expenses incurred in conducting said election, shall be borne by said McPherson county, and shall be audited and paid by the commissioners of said county in the usual manner as provided by law.

Amend Section 12 by striking out the first five lines of said Section 12, and insert in lieu thereof the following:

That the register of deeds of McPherson county is hereby empowered and it is made his duty to prepare transcripts of all records of said county, pertaining to the segregated part of said county under the provisions of this act, that.

Amend Section 13 so as to read as follows:

SEC. 13. That the county of Harrison, organized under

the provisions of this act, shall assume and pay, as herein-after provided, a just proportion of the indebtedness of McPherson county from which it is segregated, based upon the assessed valuation of the said county of McPherson for the year 1888, and upon the proportion that the valuation within the segregated part of said county now within the county of Harrison bears by the assessment of 1888 to the valuation of said McPherson county, and it is hereby made the duty of the county commissioners of Harrison and McPherson counties to meet together at the county seat of McPherson county on the first day of July, 1889, and at said meeting they shall ascertain as near as may be the total outstanding indebtedness of McPherson county, on the first day of July, 1889, the date fixed for said joint meeting provided for in this section.

Amend Section 14 so as to read as follows:

SEC. 14. That all moneys on hand at the time of the settlement provided for in the preceding section of this act, held by said McPherson county, pertaining to special funds, such as fire, school, road funds and others belonging to the districts within the boundaries of Harrison county, shall be turned over in full by the treasurer of said McPherson county to the treasurer of Harrison county, and shall be duly receipted for by the latter, and shall by him be placed to the credit of the districts within his county to which they properly belong.

Amend Section 15 by striking out the first four lines of said section and insert in lieu thereof the following:

The county commissioners of McPherson county, immediately after this act shall take effect, shall redistrict said county.

Amend Section 16 by striking out the word "Campbell" wherever it appears in said section.

Amend Section 18 by striking out the words "Campbell and" in line 6 of said section; also, in line 7 of said section strike out the word "counties" and insert the word "county" in lieu thereof.

Amend Section 19 by striking out in line 5 of said section the words "counties of Campbell and" and inserting in lieu thereof the words "county of"; also in line 8 of said section strike out the words "clerks of Campbell and" and insert in lieu thereof the words "clerk of." In line 9 strike out the word "counties" and insert in lieu thereof the word "county"; also, in line 10 strike out the word "their" and insert in lieu thereof the word "his."

Amend Section 20 by striking out in line 2 of said section the words "Campbell and McPherson counties" and insert in lieu thereof the words "McPherson county."

Also in line 7 of said section strike out the words "Campbell and;" also in line 8 strike out the words "counties by their" and insert in lieu thereof the words "county by its."

Also strike out all amendments heretofore made.

And as so amended your committee recommend that the bill do pass.

A. J. GRONNA,
Chairman.

Mr. Patridge moved
That the bill and report be referred to the committee for correction.

Which motion prevailed and the bill and report were so referred.

Mr. Adams moved
That the House do now resolve itself into Committee of the Whole to consider and amend Council Bill No. 140.
Which motion was lost.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER,
March 7, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 306,

A bill for an act to repeal Chapter 105, Law of 1885,

Also,

Council Bill No. 263,

A bill for an act providing for the reassessment of abutting property for improvement of public streets,

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

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER,
March 7, 1889. }

MR. SPEAKER:

I have the honor to return 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 council has passed unchanged.

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 read the third time and placed on its final passage. The roll being called there were ayes, 30; nays, 11.

Those who voted in the affirmative were:

Messrs. Allen, Baldwin, Bergman, Bixler, Burnham, Clark, Elliott, Fletcher, Greene, Howell, Hunter, Lampman, Mallory, McHugh, McNeil, Newman, Palmer, Parkin, Patridge, Powell, Ramsdell, Royer, Ryan, Sheets, Swanston, Trude, Turnbull, Upham, Van Etten, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Aikens, Cooke, Douglas, Jones, Logan, Miller, Potter, Price, Smith, White.

Absent and not voting:

Messrs. Bennett, Lillibridge, Morris.

Mr. Lillibridge being excused.

Mr. Gronna was paired with Mr. Wellman, and Mr. Patton with Mr. Wellcome.

Mr. Wellcome would vote aye and Mr. Patton no.

So the bill passed and its title was agreed to.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respectfully report that

House Bill No. 251,

A bill for an act to declare certain provisions for an attorney's fee void and to provide a reasonable attorney's fee in such cases,

Also,

House Bill No. 322,

A bill for an act to provide clerk hire for probate courts, Were delivered to His Excellency the Governor at the hour of 2:45 o'clock p. m., March 7, 1879.

D. M. POWELL,
Chairman.

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 placed on its final passage.
The roll being called there were ayes, 36; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Bennett, Bergman, Bixler, Burnham, Cooke, Douglas, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Logan, Mallory, McHugh, Miller, Parkin, Patridge, Patton, Potter, Powell, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Turnbull, Upham, Van Etten, Wellman, White. Mr. Speaker.

Absent and not voting:

Messrs. Baldwin, Clark, Elliott, Lampman, Lillibridge, McNeil, Morris, Newman, Palmer, Price, Trude, Wellcome.

Mr. Lillibridge being excused.

So the bill passed and its title was agreed to.

Mr. Price moved

To adopt the amendments to House Bill No. 325 reported by the Committee on Counties.

Which motion prevailed, and the amendments reported by the Committee on Counties were adopted,

Mr. Mallory moved

To dispense with the reading at length of the bill.

Which motion prevailed.

House Bill No. 325,

A bill for an act to create and establish the county of Harrison, and for other purposes,

Was read the third time and placed on its final passage,
The roll being called there were ayes, 13; nays, 21.

Those who voted in the affirmative were:

Messrs. Allen, Bergman, Greene, Mallory, McHugh, Patton, Powell, Price, Ramsdell, Royer, Swanston, Turnbull.

Those who voted in the negative were:

Messrs. Aiken, Bixler, Burnham, Cooke, Douglas, Elliott, Fletcher, Hunter, Jones, Logan, McNeil, Miller, Morris, Patridge, Potter, Ryan, Smith, Trude, Upham, Van Etten, White.

Absent and not voting:

Messrs. Adams, Baldwin, Bennett, Clark, Howell, Lampman, Lillibridge, Morris, Newman, Palmer, Parkin, Sheets.

Mr. Gronna and Mr. Wellman being paired.

So the bill passed and its title was agreed to.

Mr. Greene moved that

Council Bill No. 315,

A bill for an act making appropriation for deficiency for coal for the North Dakota Hospital for the Insane,

Be referred to a Special Committee, consisting of Messrs. Fletcher, Miller and Wellman, for the purpose of having the bill arranged so that the deficiency shall be paid out of the appropriation already made.

Mr. White moved

As a substitute that the bill be referred to the Special Committee to draft a bill to prevent deficiencies in the public institutions.

Mr. Patten moved

As an amendment to the substitute motion, that the further consideration of all the deficiency bills be indefinitely postponed.

Mr. Trude moved

To lay the motion of Mr. Patten on the table.

Mr. Jones moved a call of the House.

Mr. Speaker announced his signature to Council Bill No. 233.

Mr. Gronna moved

That further proceedings under the call be dispensed with.

Which motion prevailed.

Ayes and nays demanded on Mr. Trude's motion to lay on the table.

The roll being called there were ayes, 28; nays, 14.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Clark, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Mallory, McHugh, Newman, Palmer, Parkin, Patridge, Powell, Ramsdell, Sheets, Smith, Trude, Turnbull, Van Etten, Wellman.

Those who voted in the negative were:

Messrs. Burnham, Cooke, Douglas, Jones, Lampman, Logan, McNeil, Miller, Morris, Potter, Price, Royer, Ryan, Upham.

Absent and not voting:

Messrs. Lillibridge, Patton, Swanston, Wellcome, White.

Mr. Lillibridge being excused.

So the bill passed and its title was agreed to.

The Committee on Enrolled and Engrossed Bills submitted the following report:

JOURNAL OF THE HOUSE.

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 203,

A bill for an act to provide for the sinking of artesian wells and construction of water courses therefrom,

Also,

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,

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

Mr. Aikens moved

As a substitute that this bill and all other deficiency bills be referred to General Orders.

Which motion prevailed.

Mr. Aikens moved

That the House do now resolve itself into Committee of the Whole to consider General Orders.

Which motion prevailed, and

Mr. Speaker called Mr. Lampman to the chair.

When the Committee rose, the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration

Council Bill No. 315,

A bill for an act making appropriation for deficiency for coal for the North Dakota Hospital for the Insane,

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 and the Dakota Hospital for the Insane,

And recommend that these and all other deficiency bills be referred to a special committee consisting of Messrs. Aikens, Newman and Adams, and that that committee be instructed to report back to the House at 10 o'clock tomorrow morning a joint resolution providing that the Governor, Auditor and Attorney General of the Territory be

authorized to hear and audit and allow all just claims of these different institutions against the Territory.

IRA S. LAMPMAN,
Chairman.

Mr. Gronna moved
To adopt the report.

Which motion prevailed and

• The report of the Committee of the Whole was adopted.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills respectfully report that

House Bill No. 203,

A bill for an act to provide for the sinking of artesian wells and construction of water ways therefrom,

Also,

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,

Were delivered to His Excellency, the Governor, for his approval at the hour of 3:40 o'clock p. m., March 7, 1889.

D. M. POWELL,
Chairman.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
March 7, 1889. }

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 182,

A bill for an act to amend Section 45 of Chapter 21 of the Political Code, relating to the manner of letting contracts by county boards,

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. 275,

A bill for an act to enable townships and incorporated towns and cities to aid in the construction of railroads,

Which the Council has passed unchanged,

Also,

House Bill No. 19,

A bill for an act to give publicity to chattel mortgage sales,

Which the Council has amended as follows:

Strike out the last four words of Section 11 and insert in lieu thereof the words "July 1, 1889."

Strike out of Section 6 the word "five" and insert in lieu thereof the word "three."

And your concurrence therein is respectfully requested.

R. E. WALLACE,
Chief Clerk.

Mr. Swanston moved

That the House concur in the Council amendments to House Bill No. 348,

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; to regulate the receiving and transportation of freight in this Territory," passed at the Sixteenth Legislative Assembly of the Territory of Dakota, and approved March 6, 1885.

Mr. Swanston moved

That the reading at length of the amendments be dispensed with.

Which motion prevailed, and

The motion of Mr. Swanston prevailed, and

The Council amendments were concurred in as follows:

That Chapter 126, of the General Laws of the Territory of Dakota, passed at the Sixteenth Legislative Assembly of the Territory of Dakota, and approved March 6, 1885, being "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," be and the same is hereby amended to read as follows:

SECTION 1. The Governor, with the advice and consent of the Council, shall biennially appoint three competent persons, who shall constitute a board of railroad commissioners and who shall hold their office for the term of two years from the first of April next after such appointment. The Governor shall by appointment fill any vacancy caused by death, removal or resignation, said commissioners shall hold their offices until their successors are duly appointed

and qualified. Said commissioners shall be selected so nearly as practicable one from the southern, one from the central and one from the northern part of the Territory.

SEC. 2. No person shall be qualified to hold the office of railroad commissioner who is the owner of bonds or stock, in any railroad company, or who is in the employment of, or in any manner pecuniarily interested in any railroad or in any railroad corporation, public warehouse or elevator.

SEC. 3. Said commissioners shall have general supervision of all railroads in this territory, and all freight and passenger transportation and traffic thereon, or connected therewith, and shall enquire into any neglect or violation of the laws of the Territory by any railroad company, its officers, agents or employes, doing business therein, and shall from time to time carefully examine and inspect the condition of each railroad in the Territory, and all railway stations and passenger and freight depots and buildings, and the conduct and management of such railroads, with reference to the safety and convenience of the public and the carrying into effect the provisions of this act.

SEC. 4. Such commissioners, and their secretary, shall have the right of passing, in the discharge of their official duties, on all railroads and passenger railroad trains in the Territory free of charge.

SEC. 5. Any railroad company doing business in this Territory, when requested by any person wishing to ship grain on its road, shall receive and transport such grain in bulk, and permit the same to be loaded either on its track, adjacent to its depot, or at any warehouse or sidetrack, at any station, without discrimination or distinction as to the manner or condition in which such grain is offered for transportation, or as to the person, corporation, warehouse, elevator or place where or to which it may be consigned, and shall receive the same, in car-load lots, from wagons, sleighs or other vehicles, on their side tracks at any station, the same as when offered from warehouses, elevators, allowing a reasonable time for loading them, and for the purpose of loading the same shall place the cars in convenient places, easy of access by wagons, or sleighs, or other vehicles, and shall, after the same have been loaded, whether at side track, elevator, warehouse or depot, without unnecessary delay, proceed to ship the same to the place where the same is consigned.

SEC. 6. It shall be lawful for the owner or owners of

any elevator, warehouse or mill at any station on the line or at the termination of any railroad in this Territory, to construct from such elevator, warehouse or mill a railroad track to the track of any railroad company, and to connect with the same by switch at his or their own expense, and it shall be the duty of any such railroad company to allow such connection. Such side track and switch shall at all times be under the control and management of, and kept in repair by, such railroad company; provided, that the party for whose benefit such side track and switch shall be constructed shall pay to such railroad company the actual cost of maintaining such side track and switch, which payment shall be made monthly; and in case such payment shall not be made as provided, then and in that case the obligations of this section upon said railroad companies shall from and thereafter cease and be inoperative as against them, until such costs and expenses are fully paid.

SEC. 7. When any railroad company doing business in this Territory shall be unable, from any reasonable cause, to furnish cars at any railway station or side track in accordance with demands made by all persons demanding cars at such station or side track for the shipment of a carload lot or lots of freight, such cars as are furnished shall be divided daily as equally as may be among the applicants until each shipper shall have received one car, when the balance shall be divided ratably to each shipper in proportion to the amount of daily receipts of grain or other freight, or to the amount of grain offered at such station or side track; provided, that every application made in good faith on an earlier day shall be filled before supplying any car to any applicant of a succeeding day.

SEC. 8. It shall be unlawful for any railroad company doing business in this Territory to charge or receive any greater compensation for the transportation of passengers of like kind, or class, or quantity of property under substantially similar circumstances or conditions, for a shorter than a longer distance over the same line in the same direction, the shorter being included in the longer distance; but this shall not be construed as authorizing any railroad company to charge or receive as great compensation for the shorter as for the longer distance, and no such railroad company shall charge, demand or receive from any person, company or corporation for the transportation of passengers or property a greater sum than it shall at the same time demand, charge or receive from any other person,

company or corporation for a like service from the same place; it shall be unlawful for any such railroad company, directly or indirectly, by any special rate, rebate, drawback, or other device, to charge, collect or receive from any person, company or corporation, a greater or less compensation for any service rendered, or to be rendered, in the transportation of persons to property than it charges, demands, collects or receives from any other person, company or corporation for doing for him or them a like or cotemporaneous service in the transportation of like kind of traffic under substantially similar circumstances and conditions.

SEC. 9. No railroad company shall charge, demand or receive from any person, company or corporation, an unreasonable price for the transportation of property, or for the hauling or storage of freight, or for the use of its cars, or for any privilege or service afforded by it in the transaction of its business as a railroad company, and shall not demand the payment of freight beyond the point to which the goods or property is consigned by the shipper.

SEC. 10. It shall be unlawful for any railroad company subject to the provisions of this act, to enter into any contract, agreement or combination with any other railroad company or companies, for the division or pooling of business of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof, and in case of an agreement for the pooling of their business as aforesaid, each day of its continuance shall be a separate offense.

SEC. 11. And in all cases where any line of railroad shall cross or intersect any other line of railroad in this territory, it shall be the duty of the railroad companies owning or operating such crossing or intersecting railroad lines, within sixty (60) days after being required by the order of the railroad commissioners unto them delivered, to provide at such crossing or intersection suitable and sufficient facilities for transferring cars, and for accommodating and transferring passengers and traffic of all kinds or classes from one such line of railroad to the other, and to afford equal and reasonable facilities for the interchange of cars and traffic between their respective lines; provided, however, that no depot building or station house shall be required where, or within one mile of which, there shall not then be a village or settlement containing at least one hundred inhabitants and a postoffice. The cost of con-

structing, maintaining and operating all facilities and structures required by this section, or by any such order, shall be borne equally between the railroad companies owning or operating such intersecting lines.

SEC. 12. Any consignee or person entitled to receive the delivery of freight shipped to him in carload lots, by any railroad company, shall have twenty-four hours free of expense after notice of arrival by the company to the consignee or person entitled to receive the same in which to remove the same from the cars of such railroad company, which said twenty-four hours shall be held to embrace such time as the car containing such property is placed and kept by such railroad company in a convenient and proper place for unloading. And it shall not be held to be in a proper place for unloading unless it can be reached with teams or other suitable means for removing the property from the cars, and reasonably convenient to the depot of the company at which it is accustomed to receive and unload merchandise consigned to that station or place.

SEC. 13. Every railroad company subject to the provisions of this act shall within sixty days after this act shall take effect, print and keep for public inspection, schedules showing the classification, rates, fares and charges for the transportation of passengers and property of all kinds and classes, which such company has established, and which are in force at the time upon its railroad. The schedule shall plainly state the places upon its railroad, between which passengers and property will be carried, and shall contain classification of freight in force upon the lines of such railroads, a distance tariff, and a table of intersection distances, and shall also state separately the terminal charges, and any rules or regulations which in any wise change, effect, or determine any part of the aggregate of such rates aforesaid, fares and charges. Such schedule shall be printed in large type, and copies for the use of the public shall be kept in every depot or station upon any such railroad, in such place and in such form, that they can be conveniently inspected. And in cases where passengers or freight pass over lines or roads operated by more than one railroad company, and the several companies operating such railway lines, establish joint schedules of rates, fares, charges or classification for such lines or roads, such rates, fares, charges or classifications shall be printed and kept in each station of

such railroad lines or routes, the same as though such lines were owned and operated by a single railroad.

SEC. 14. No change in the classification shall be made in the rates, fares or charges, which have been established and published as aforesaid by any railroad company in compliance with the requirements of Section 15, except after ten days' publication by posting in stations, which notice shall plainly state the changes proposed to be made in the schedules then in force, and the time when the changed schedule shall go into effect, and the proposed changes shall be shown by printing new schedules or shall be plainly indicated upon the schedules in force at the time and kept for public inspection. And when any railroad company shall have established and published its classifications, rates, fares or charges, in compliance herewith, it shall be unlawful for such company to charge, demand, collect or receive from any person, company or corporation a greater or less compensation for the transportation of persons or property, or for any service in connection therewith, than is specified in such published schedule or classification, rates, fares or charges, as may at the time be in force.

SEC. 15. It shall be the duty of any railroad commissioners to personally investigate and ascertain whether the provisions of this act are violated by any railroad company and to visit the various lines of each railroad for that purpose as often as practicable, and whenever the facts in any manner ascertained by said commissioners, whether by personal investigation or by petition or complaint of any citizen of the Territory, shall in their judgment warrant such prosecution, it shall be the duty of said commissioners to immediately cause suit to be commenced and prosecuted against any railroad company who may violate the provisions of this act.

Any injured person, firm, corporation or association, or any mercantile, agricultural or any manufacturing society, or any body politic or municipal corporation or organization, may make complaint to such railroad commissioners of the violation of any of the provisions of this act by any railroad company, and if it appears upon investigation of the charges contained in said complaint that there is any reason to believe that said railroad company has violated any of the provisions of this act and thereby injured the complainant, it shall be the duty of said commissioners to institute action against such offending railroad company.

SEC. 16. All such suits and prosecutions may be instituted in any county in this Territory through or into which the line of the railroad company violating the act may extend, and no such suit commenced by said railroad commissioners shall be dismissed except by the consent of the said commissioners and the Attorney General.

SEC. 17. The Attorney General of the Territory of Dakota shall be ex-officio attorney for said railroad commissioners and shall give them such counsel and advice as they may from time to time require, and it shall be his duty to institute and prosecute all actions which said commissioners may deem proper, and he shall render to such railroad commissioners all counsel advice, and assistance which they may require in carrying out the provisions of this act, or any law of this Territory.

And the said Attorney General may, if he sees fit, call upon the district attorney of the county in which an action is pending, and prosecuted by the said Attorney General as herein provided, to assist in such county in the prosecution of said action therein, and when so called upon it shall be the duty of said district attorney to render proper and necessary assistance in the prosecution thereof.

SEC. 18. Said actions shall be prosecuted in the name of the Territory of Dakota, and the trial thereof be conducted in all respects the same as prosecutions in civil actions, except that the verdict of the jury shall be "guilty" or "not guilty," and except further that several distinct and separate causes of action may be prosecuted in the same action under separate counts, and a separate verdict may be required upon each count.

SEC. 19. All costs and expenses connected with the trial of actions prosecuted in the name of the Territory of Dakota, under the provisions of this act, shall be paid and defrayed by the Territory of Dakota, and all fines collected hereunder shall be paid into the treasury of said territory.

An itemized statement of the cost and expenses of each action shall be made by the said Attorney General, and when duly verified by him and approved by the trial judge, shall be presented to the Territorial Auditor, who shall make and deliver to each person entitled thereto a warrant upon the Treasurer of the Territory for the amount due him as per the said statement, which shall be paid as other warrants.

SEC. 20. Any railroad company found guilty of violating any of the provisions of this act shall be fined in a sum not

less than \$1,000 or more than \$10,000, to which shall be added the costs of action, and each day's refusal or neglect of any railroad company to do or perform any act required by this act to be done, and each day's commission of any act or thing prohibited by this act, shall be taken to be a separate offense, and such railroad company may be prosecuted and convicted for each day's offense separately, and the conviction thereof shall not be a bar to the prosecution and conviction of the same offense on any other day.

SEC. 21. Such conviction or fine, or the payment of any fine shall not operate as, or be a bar to the prosecution of such railroad company by any person, company or corporation sustaining damage by reason of the violation of any of the provisions of this act, but in addition thereto any person, company or corporation suffering or sustaining any damage by reason of such violation by any railroad company, may maintain an action in his or their own name and behalf against such company, and in case of a recovery the court shall assess treble damage against such offending railroad company, in favor of the party suffering such damage or injury.

SEC. 22. In addition to the foregoing actions, such railroad companies shall be subject to all actions in equity or chancery now cognizable in the courts of this Territory, upon a proper showing.

SEC. 23. The said railroad commissioners shall, on or before the first Monday of December of each year, make a report to the Governor of their doings for the preceding year, containing such facts, statements and explanations as will disclose the workings of the system of the railroad transportation in this Territory, and its relation to the general business and prosperity of the citizens of this Territory, and such suggestions and recommendations in respect thereto as may to them seem appropriate. Said report shall also contain as to every railroad company doing business in this Territory:

1. The amount of its capital stock.
2. The amount of its preferred, if any, and the amount of its perferment.
3. The amount of its funded debt, and the rate of interest.
4. The amount of its floating debt.
5. The cash and present value of its road and equipment in this Territory, including permanent way, buildings and rolling stock, all real estate used exclusivey in operating

the road, and fixtures and conveniences for transacting its business.

6. The estimated cash value of all property owned by such railroad company in this Territory, with a schedule of the same, not including lands granted in aid of its construction.

7. The number of acres situated in this Territory originally granted in aid of the construction of its said road, by the United States or by this Territory.

8. Number of acres of said land remaining unsold.

9. A list of the officers and directors, with their respective places of residence.

10. Such statistics of the road, and of the transportation and business for the year, within this Territory, as may in the judgment of the commissioners be necessary and proper for the information of the Legislative Assembly, or as may be required by the Governor. Such report shall exhibit and refer to the condition of the railroad company on the first day of July of such year, and the details of its transportation business transacted during the year ending June 30th.

11. The average amount and tonnage that can be carried over each road within the Territory with one engine of given power.

SEC. 24. To enable such commissioners to make such report, the president or managing officer of each railroad company doing business in this Territory shall, annually, make to the said commissioners on the fifteenth day of the month of September such returns, in the form which they may prescribe, as will afford the information required for their said official report. Such official returns shall be verified by the oath of the officer making them, and any railroad corporation, where returns shall not be made as herein prescribed by the fifteenth day of September, shall be liable to the penalty prescribed in this act.

SEC. 25. All questions arising in the action of the said railroad commissioners shall be decided and determined by a majority vote.

SEC. 26. The term "railroad company," contained in this act, shall be deemed and taken to mean all corporations, companies or individuals now owning or operating, or which may hereafter own, or operate any railroad, in whole or in part, in this Territory, and the provisions of this act shall apply to all persons, firms and corporations, and all associations and persons, whether incorporated or

otherwise, that shall do business as common carriers upon any of the lines of railroads in this Territory, except street railways, the same as to "railroad companies" hereinbefore mentioned.

SEC. 27. The said commissioners shall hold their office at such place as they shall determine. They shall each receive a salary of \$2,000, to be paid as the salaries of the other territorial officers are paid, and shall be provided at the expense of the Territory, with necessary office furniture and stationery, and they shall have authority to appoint a secretary, who shall receive a salary of \$1,500 per annum.

SEC. 28. This act shall take effect and be in force from and after its passage and approval.

Mr. Adams moved

That the House concur in the Council amendments made to

House Bill No. 19,

A bill for an act to give publicity to chattel mortgage sales,

Which motion prevailed and

The Council amendments were concurred in.

The Committee on Judiciary, by unanimous consent, presented the following report:

MR. SPEAKER:

The Committee on Judiciary submit the following report:

They recommend the passage of the following bill:

House Bill No. 358,

A bill for an act to enable county treasurers to sell lands that have been enjoined from tax sale and for other purposes.

They return herewith the following bills and recommend that the consideration of the bills be indefinitely postponed:

Council Bill No. 219,

A bill for an act to amend Section 399 of Chapter 35 of the Penal Code,

Also,

Council Bill No. 82,

A bill for an act to authorize the discharge of attachments and lis pendens,

Also,

House bill No. 78,
A bill for an act to amend Section 2408, Article 10, of
Chapter 20, of the Compiled Laws,

Also,

House Bill No. 45,

A bill for an act to make it unlawful to leave open
wells or excavations,

They also return 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. 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 of Part 3 of the
Civil Code, entitled "The Contract of Marriage,"

Without recommendation.

M. M. PRICE,
Chairman.

Mr. Aikens moved

To adopt the report.

Which motion prevailed and

• The report was adopted.

Mr. Speaker announced his signature to Council Bill No.
256.

Mr. Elliott moved that

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 insur-
ance,

Be read the third time and placed on its final passage.

Which motion prevailed.

Mr. Elliott moved

To adopt the amendments to Council Bill No. 175 re-
ported by the Committee on Insurance.

Which motion prevailed.

Mr. Speaker announced his signature to Council Bill No.
253.

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 placed on its final passage.

The roll being called, there were ayes 35; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Mallory, McNeil, Miller, Newman, Palmer, Parkin, Patridge, Powell, Royer, Ryan, Sheets, Smith, Swanston, Turnbull, Van Etten. Mr. Speaker.

Absent and not voting:

Messrs. Douglas, Lillibridge, McHugh, Morris, Patton, Potter, Price, Ramsdell, Trude, Upham, Wellcome, Wellman, White.

Messrs. Lillibridge and Wellcome being excused.
So the bill passed and its title was agreed to.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER, }
March 7, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
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,
Which the Council has passed and your favorable con-
sideration is respectfully requested.

R. E. WALLACE,
Chief Clerk.

The Special Committee to inquire into the accounts of
the Veterinarian submitted the following report:

MR. SPEAKER:

Your Special Committee appointed to inquire into the
accounts of the Territorial Veterinarian beg leave to re-
port that they have examined such witnesses and evidence
as were to be had, and the vouchers and accounts, and find
that the Territorial Veterinarian has been energetic in the
discharge of the duties of his office, but that he has been
somewhat extravagant in the distribution of the stock in-
demnity fund of the Territory. Of all the deputies ap-
pointed during the term of his office it does not appear
that more than two of them were graduates, as appears by
the testimony of the Veterinarian himself, and it further
appears that one of them had no knowledge whatever of
veterinary practice, but was appointed to perform clerical
work in the office of the Veterinary Surgeon. It does not
appear that any of the deputies were sworn to the faithful

discharge of their duties, nor received written appointments. It would seem as if the Territorial Veterinarian might have exercised greater discretion in making his selection of deputies, in seeing that they were persons properly qualified to perform the duties of their position. One deputy, not a qualified veterinarian, testifies to having examined and killed horses affected by glanders, and did not himself see that the carcasses were properly buried or disposed of as required by the provisions of the act. The circumstances surrounding this transaction were not of such character as would inspire confidence in the discharge of the official duties of the Veterinarian or his deputies.

The accounts of the Veterinary Surgeon are not in what would be considered a satisfactory condition, not being properly itemized so that your committee may decide as to the propriety of all the expenditures. While it appears from the testimony that all expenditures made by the Veterinarian are fully accounted for, yet we feel constrained to recommend that in the future the accounts of this office be more particularly itemized. The accounts in many instances do not seem to be properly verified, and your committee are of the opinion that the Territorial Auditor was careless and derelict in his duties in auditing his accounts and issuing warrants therefor. Your committee fail to find any provision of law authorizing the Veterinary Surgeon to have an office at any other place than at the seat of government, and consider that all expenses charged and allowed for office rent were not authorized by law. It may have been beneficial to the stock interests of the Territory to have a deputy at the Minnesota transfer, but your committee are doubtful as to whether the Veterinary Surgeon has authority to appoint as deputies persons who are not electors of the Territory. Your committee believe that the law, properly administered, is a beneficial one, and that the Veterinarian has in many instances rendered valuable services to the Territory, but are of the opinion that in several instances the Veterinary Surgeon has been extravagant in the expenditure of public funds. Your committee entertain the opinion that the Executive is not entirely blameless in regard to the workings and management of this office, as it appears that the stock indemnity fund was entirely exhausted before, the Veterinary Surgeon received notice from him to be more econom-

ical in expenditures. We return herewith to the House the original papers, together with the testimony taken, and recommend that said testimony be filed with the Executive of the Territory for his information, guidance and action. All of which is respectfully submitted.

S. P. HOWELL,
O. C. POTTER,
P. McHUGH.

Mr. Bixler moved
To dispense with the reading at length of the report,
Which motion was lost.

Mr. Potter moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

Mr. Aikens moved
That the rules be suspended and that
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,

Be read the first, second and third times and placed on its
final passage.

Which motion prevailed and the bill was read the first
and second times.

Mr. Speaker called Mr. Burnham to the chair.

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.

Was read the third time and placed on its final passage.
The roll being called there were ayes, 36; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Berg-
man, Bixler, Burnham, Clark, Cooke, Elliott, Greene,
Gronna, Howell, Jones, Lampman, Logan, Mallory, Mc-
Neil, Miller, Newman, Palmer, Parkin, Patridge, Patton,
Potter, Powell, Price, Royer, Ryan, Sheets, Smith, Swans-
ton, Turnbull, Van Etten, Mr. Speaker.

Absent and not voting:

Messrs. Douglas, Fletcher, Hunter, Lillibridge, McHugh,
Morris, Ramsdell, Trude, Upham, Wellcome, Wellman,
White.

Messrs. Lillibridge and Wellcome being excused.
So the bill passed and its title was agreed to.

Mr. Keith moved

That the rules be suspended and

Council Bill No. 263,

A bill for an act providing for the reassessment of abutting property for improvement of public streets,

Be read the first, second and third times and placed on its final passage.

Which motion prevailed.

Council Bill No. 263,

A bill for an act providing for the reassessment of abutting property for improvement of public streets,

Was read the first, second and third times and placed on its final passage.

The roll being called there were ayes, 33; nays, none.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bixler, Burnham, Clark, Cooke, Douglas, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Mallory, McHugh, Miller, Newman, Palmer, Parkin, Patridge, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Turnbull, Van Etten, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Bennett, Bergman, Elliott, Fletcher, Greene, Lillibridge, Morris, Patton, Swanston, Trude, Upham, Wellcome, Wellman, White.

So the bill passed and its title was agreed to.

Mr. Gronna (by unanimous consent) introduced—

House Bill No. 360,

A Joint Resolution providing for the assistant janitor of the House,

Which was read the first time.

Mr. Gronna moved

That the rules be suspended and that the bill be read the second and third times and placed on its final passage.

Which motion prevailed.

Mr. Cooke moved

That the further consideration of the bill be indefinitely postponed.

Which motion was lost.

House Bill No. 360,

A Joint Resolution providing for the payment of the assistant janitor of the House,

Was read the second and third times and placed on its final passage.

The roll being called there were ayes, 22; nays, 4.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Douglas, Elliott, Gronna, Howell, Lampman, Logan, McNeil, Miller, Parkin, Price, Royer, Sheets, Smith, Upham.

Those who voted in the negative were:

Messrs. Cooke, Patridge, Potter, Turnbull, Van Etten.

Absent and not voting:

Messrs. Clark, Fletcher, Greene, Hunter, Jones, Lillibridge, Mallory, McHugh, Morris, Newman, Palmer, Patton, Powell, Ramsdell, Ryan, Swanston, Trude, Wellcome, Wellman, White, Mr. Speaker.

Messrs. Lillibridge and Wellcome being excused.

So the bill passed and its title was agreed to.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 182,

A bill for an act to amend Section 45 of Chapter 21 of the Political Code relating to the manner of letting contracts by county boards,

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

Mr. Cooke moved

That further action on

House Bill No. 103,

A bill for an act to regulate the toll of grist mills and the exchange of grain and its products,

Be deferred until the gentleman to whom the bill was referred for correction is present.

Which motion prevailed.

Mr. Newman (by unanimous consent) introduced—

House Bill No. 361,

A Joint Resolution providing for the payment of hack hire,

Which was read the first time.

Mr. Trude moved

That the bill be read the second and third times and placed on its final passage.

Which motion was lost.

Mr. Speaker announced his signature to House Bill No. 182,

Mr. Lampman moved that
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,

Be read the first, second and third times and placed on its final passage.

Which motion prevailed.

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 placed on its final passage.

The roll being called, there were ayes, 27; nays, 2.

Those who voted in the affirmative were:

¶ Messrs. Aikens, Allen, Baldwin, Bennett, Bixler, Burnham, Cooke, Fletcher, Gronna, Howell, Jones, Lampman, Logan, Mallory, Miller, Newman, Parkin, Patridge, Price, Ramsdell, Ryan, Sheets, Smith, Upham, Van Etten, Wellman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Clark and Palmer.

Absent and not voting:

Messrs. Adams, Bergman, Douglas, Elliott, Greene, Hunter, Lillibridge, McHugh, McNeil, Morris, Patton, Potter, Powell, Royer, Swanston, Trude, Turnbull, Wellcome, White.

Messrs. Lillibridge and Wellman being excused.

So the bill passed and its title was agreed to.

Mr. Aikens moved

That the rules be suspended and that

Council Bill No. 135,

A bill for an act regulating criminal prosecutions in justice courts,

Be read the third time and placed on its final passage.

Which motion prevailed.

Council Bill No. 135,

A bill for an act regulating criminal prosecutions in justice courts,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 17; nays, 15.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bergman, Fletcher, Gronna, Howell, Jones, Mallory, McHugh, Newman, Patridge, Royer, Swanston, Upham, Van Etten, White.

Those who voted in the negative were:

Messrs. Adams, Bennett, Bixler, Burnham, Clark, Douglas, Logan, McNeil, Miller, Palmer, Ryan, Sheets, Smith, Turnbull.

Absent and not voting:

Messrs. Cooke, Elliott, Greene, Hunter, Lampman, Lillibridge, Miller, Morris, Parkin, Patton, Powell, Price, Ramsdell, Trude, Wellcome, Wellman.

Messrs. Lillibridge and Wellcome being excused.
So the bill passed and its title was agreed to.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 268,

A bill for an act to amend Section 1, Article 19, Chapter 73, of the Session Laws of 1887,

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

Mr. Speaker announced his signature to House Bill No. 268.

Mr. Speaker announced an informal recess of five minutes.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

Your Committee on Enrolled and Engrossed Bills respectfully report that

House Bill No. 182,

A bill for an act to amend Section 45, of Chapter 21, of the Political Code, relating to the manner of letting contracts by county boards.

Was delivered to His Excellency, the Governor, at the hour of 5:05 o'clock p. m., March 7, 1889.

D. M. POWELL,
Chairman.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 360,

A Joint Resolution providing for the payment of the assistant janitor of the house,

And find the same correctly engrossed.

D. M. POWELL,
Chairman.

MESSAGES FROM THE COUNCIL.

The following messages from the Council were read:

COUNCIL CHAMBER, }
March 7, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 222,

A bill for an act providing for extension of time for payment of taxes,

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

Also to return

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 delivery of grain thereupon,

Also,

House Bill No. 189,

A bill for an act amending Section 1, Chapter 10. of the Session Laws of 1887,

Also,

House Bill No. 274,

A bill for an act to aid in the enforcement of statutes relating to the sale of intoxicating liquors,

Which the Council has passed unchanged.

R. E. WALLACE,
Chief Clerk.

Mr. Douglas moved

That the rules be suspended and that Council Bill No. 85 be read the first, second and third times and placed on its final passage.

Which motion prevailed.

Mr. Newman moved
That the Rules be suspended and that
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,

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

Which motion prevailed.

Mr. Speaker announced his signature to Council Bill No. 140.

Mr. Newman moved that the reading at length of the bill be dispensed with.

Which motion prevailed.

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,

Was read the second and third times and placed on its final passage.

The roll being called, there were ayes, 35; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Baldwin, Bergman, Bixler, Burnham, Clark, Fletcher, Greene, Gronna, Howell, Hunter, Lampman, Logan, Mallory, McHugh, McNeil, Miller, Newman, Palmer, Patridge, Potter, Powell, Price, Ramsdell, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, White, Mr. Speaker.

Absent and not voting:

Messrs. Allen, Bennett, Cooke, Douglas, Elliott, Jones, Lillibridge, Morris, Parkin, Patton, Royer, Wellcome, Wellman.

Messrs. Lillibridge and Wellcome being excused.
So the bill passed and its title was agreed to.

Mr. Fletcher moved
That the rules be suspended and that House Bill No. 96 be read the second and third times and placed on its final passage.

Which motion prevailed.

The Committee on Enrolled and Engrossed Bills submitted the following report:

Mr. SPEAKER:

Your Committee on Enrolled and Engrossed Bills respectfully report that

House Bill No. 268,

A bill for an act to amend Section 1, Article 19, Chapter 73, of the General Laws of 1887,

Was delivered to His Excellency the Governor for his approval at the hour of 5:35 o'clock, p. m., March 7, 1889.

D. M. POWELL,
Chairman.

Mr. Royer moved

That the rules be suspended and that Council Bill No 177 be read the second and third-times and put on its final passage.

Which motion prevailed.

Mr. McHugh moved

That the House do now adjourn.

Which motion prevailed and the House Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

SIXTIETH DAY.

BISMARCK, March 8, 1889.

The House assembled at 10 o'clock a. m. pursuant to adjournment.

The speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present.

Mr. Speaker announced his signature to Council Bill No. 198.

The reading of the Journal of the preceding day was dispensed with.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER, }
March 7, 1889. }

MR. SPEAKER:

I have the honor to inform you that the Council has passed a resolution asking the House to return to the

Council House Bill No. 40, for the purpose of reconsideration of the vote by which said House Bill No. 40 was indefinitely postponed.

R. E. WALLACE,
Chief Clerk.

Mr. Fletcher introduced—
House Bill No. 362,

A bill for an act to establish and define the boundaries of Campbell county and for other purposes,
Which was read the first time.

Mr. Fletcher moved

That the rules be suspended and that the bill be read the second and third times by its title and placed on its final passage.

Which motion prevailed.

House Bill No. 362,

A bill for an act to establish and define the boundaries of Campbell county,

Was read the third time and placed on its final passage.
The roll being called, there were ayes, 29; nays, 6.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Cooke, Douglas, Elliott, Fletcher, Green, Gronna, Lampman, Logan, McNeil, Miller, Palmer, Parkin, Powell, Price, Ramsdell, Sheets, Smith, Trude, Turnbull, Upham, Van Etten, Mr. Speaker.

Those who voted in the negative were:

Messrs. Hunter, Jones, Mallory, Morris, Potter, Ryan.

Absent and not voting:

Messrs. Aikens, Clark, Howell, Lillibridge, McHugh, Newman, Patridge, Patton, Powell, Royer, Swanston, Wellcome, Wellman, White,

Messrs. Lillibridge and Wellcome being excused.

So the bill passed and its title was agreed to.

REPORTS OF STANDING COMMITTEES.

The Committee on Appropriations submitted the following report:

MR. SPEAKER:

Your Committee on Appropriations 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 be returned without recommendation.

J. M. GREENE,
Chairman.

Mr. Fletcher moved
That the bill be transmitted to the Council without engrossment.

Which motion prevailed.

Mr. Baldwin moved
That the rules be suspended and that House Bill No. 256 be given its second and third readings and placed on its final passage.

Which motion prevailed.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 348,

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; to regulate the receiving and transportation of freights in this Territory," passed at the Sixteenth Legislative Assembly of the Territory of Dakota, and approved March 6, 1885,

And find the same correctly engrossed and enrolled.

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,

And find the same correctly engrossed and enrolled.

Also,

House Bill No. 19,

A bill for an act to give publicity to chattel mortgage sales,

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

Mr. Speaker announced his signature to House Bills Nos. 275, 19 and 348.

House Bill No. 356,

A bill for an act requiring the county treasurers to act as the treasurer of school districts in certain cases.

Was read the second and third times and placed on its final passage.

The roll being called there were ayes, 34; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bixler, Cooke, Douglas, Gronna, Howell, Jones, Lampman, Logan, Mallory, McNeil, Miller, Morris, Palmer, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, VanEtten, Wellman, White, Mr. Speaker.

Absent and not voting:

Messrs. Bergman, Burnham, Clark, Elliott, Fletcher, Greene, Hunter, Lillibridge, McHugh, Newman, Parkin, Patridge, Patton, Wellcome.

Messrs. Lillibridge and Wellcome being excused.

So the bill passed and its title was agreed to.

Mr. Swanston moved

That the testimony of G. A. Eastman and the veterinary surgeon, taken by the committee to investigate the affairs and accounts of the Territorial Veterinarian's office be read before the House.

Which motion prevailed and
The testimony was read.

Mr. Speaker called Mr. Mallory to the chair.

Mr. Swanston moved

That the vote by which the testimony taken in the investigation of the office of the Territorial Veterinarian was ordered filed with the Governor be reconsidered.

Which motion prevailed.

Mr. Swanston moved

That the evidence and report of the committee be immediately transmitted to the Attorney General with the request that he examine the same and report to the House immediately the action which should be taken.

Mr. Fletcher moved

That the rules be suspended and House Bill No. 96 be read the third time and placed on its final passage.

Which motion prevailed.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

Your Committee on Enrolled and Engrossed Bills respectfully report that

House Bill No. 275,

A bill for an act to enable townships and incorporated towns and cities to aid in the construction of railroads,

Also,

House Bill No. 19,

A bill for an act to give publicity to chattel mortgage sales,

Also,

House Bill No. 348,

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, to regulate the receiving and transportation of freights on railroads in this Territory," passed at the Sixteenth Legislative Assembly of the Territory of Dakota, approved March 6, 1885,

Were delivered to His Excellency the Governor for his approval at the hour of 10:40 o'clock a. m., March 8, 1889.

D. M. POWELL,

Chairman.

House Bill No. 96,

A bill for an act to amend Section 4, of Chapter 130, of the Session Laws of 1887, entitled "An act to regulate grain warehouses and the inspection, weighing and hauling of grain and defining the duties of the railroad and warehouse commission in relation thereto,"

Was read the third time and placed on its final passage.

The roll being called there were ayes, 20; nays, 6.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Baldwin, Bennett, Bixler, Cooke, Fletcher, Greene, Lampman, Mallory, Palmer, Price, Royer, Ryan, Sheets, Swanston, Trude, Turnbull, Upham, Van Etten.

Those who voted in the negative were:

Messrs. Burnham, Douglas, Howell, Hunter, Morris, Smith.

Absent and not voting:

Messrs. Aikens, Bergman, Clark, Elliott, Gronna, Jones, Lillibridge, Logan, McHugh, McNeil, Miller, Newman, Parkin, Patridge, Patton, Potter, Powell, Ramsdell, Wellcome, Wellman, White.

Messrs. Lillibridge and Wellcome being excused.

So the bill passed and its title was agreed to.

Mr. Morris moved

That the rules be suspended and that House Bill No. 103 be read the third time and placed on its final passage.

Which motion prevailed.

Mr. Adams moved

To adopt the following amendments to the bill reported by the committee to whom it was referred for correction:

In Section one (1) strike out the words "one-eighth" wherever they occur and insert the words "one-fourth".

In Section two (2) strike out the words "seven-eighths" and insert the words "three-fourths" therefor.

Which motion prevailed and

The amendments were adopted.

House Bill No. 103.

A bill for an act to regulate the toll of grist mill and the exchange of grain and its products,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 25; nays, 9.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bixler, Cooke, Douglas, Fletcher, Greene, Gronna, Howell, Jones, Mallory, Miller, Morris, Price, Ramsdell, Royer, Ryan, Sheets, Turnbull, Upham, Van Etten, White.

Those who voted in the negative were:

Messrs. Bergman, Burnham, Hunter, Logan, McNeil, Newman, Palmer, Patton, Smith.

Absent and not voting:

Messrs. Clark, Elliott, Lampman, Lillibridge, Parkin, Patridge, Potter, Powell, Swanston, Trude, Wellcome, and Wellman.

Messrs. Lillibridge and Welcome being excused.

So the bill passed and its title was agreed to.

Mr. Price by unanimous consent introduced the following resolution:

Resolved, That this House of Representatives take pleasure in recording their thanks to the Hon. T. L. Skinner, Attorney General of the Territory, for the able, prompt and courteous attention with which he has responded to all requests for legal advice and assistance to the members during this session.

Which resolution was adopted.

Mr. Trude moved

That the rules be suspended and that Council Bill No. 264 be read the third time and placed on its final passage.

Which motion prevailed.

Council Bill No. 264.

A bill for an act entitled "An act to locate, establish and endow a school of Mines for the Territory of Dakota,"

Was read the third time and placed on its final passage. The roll being called there were ayes, 27; nays, 1.

Those who voted in the affirmative were:

Messrs. Adams, Baldwin, Bennett, Bergman, Bixler, Burnham, Cooke, Fletcher, Gronna, Howell, Hunter, Jones, Logan, Mallory, Miller, Morris, Newman, Palmer, Patton, Ramsdell, Royer. Ryan, Sheets, Trude, Turnbull, Upham, Van Etten.

Mr. Douglas voting in the negative.

Absent or not voting:

Messrs. Aikens, Allen, Clarke, Elliott, Greene, Lampman, Lillibridge, McHugh, McNeil, Parkin, Patridge, Potter, Powell, Price, Smith, Swanston, Wellcome, Wellman, White.

Messrs. Lillibridge and Wellcome being excused.

So the bill passed and its title was agreed to.

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

Resolved, That the thanks of the House are hereby tendered to Col. C. A. Lounsberry, superintendent of the Dakota department of the Minneapolis Tribune, for his uniformly fair and just reports of the proceedings of this House, and for the numerous courtesies shown the members by him.

Which resolution was adopted.

Mr. Parkin moved

That the House concur in the Council amendments to House Bill No. 69.

Which motion prevailed and

The Council amendments were concurred in.

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

Resolved. By the House of Representatives of the Territory of Dakota, that the resolutions passed by this House during the present session censuring the correspondents of the St. Paul Globe and St Paul Pioneer Press be, and the same are hereby rescinded.

Which resolution was adopted.

Mr. Hunter moved

That the rules be suspended and House Bill No. 131 be read the third time and placed on its final passage,

Which motion prevailed.

The Committee on Agriculture submitted the following report:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred
House Bill No. 131,

A bill for an act to create certain liens,
Report the same back without recommendation.

J. V. WHITE,
Chairman.

Mr. Hunter moved
That the reading at length of the bill be dispensed with,
Which motion prevailed.

House Bill No. 131,

A bill for an act to create certain liens,
Was read the third time and placed on its final passage.

The roll being called there were ayes, 33; nays, 4.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Burnham, Cooke, Elliott, Greene, Gronna, Howell, Hunter, Jones, Lampman, Logan, Mallory, McNeil, Miller, Newman, Palmer, Parkin, Patton, Potter, Powell, Ramsdell, Royer, Ryan, Swanston, Trude, Van Etten, Wellman, White, Mr. Speaker.

Those who voted in the negative were:
Messrs. Bixler, Douglas, Morris, Turnbull.

Absent and not voting:

Messrs. Bergman, Clark, Fletcher, Lillibridge, McHugh, Patridge, Price, Sheets, Smith, Upham, Wellcome.

Messrs. Lillibridge and Wellcome being excused.

So the bill passed and its title was agreed to.

Mr. Huter moved

That the bill be transmitted to the Council without engrossment.

Which motion prevailed.

Mr. Greene moved

That the rules be suspended and that Council No. 270 be read the first, second and third times and placed on its final passage.

Which motion prevailed.

Council Bill No. 270,

A bill for an act to amend Section 4 of Chapter 142, Session Laws of 1887,

Was read the first, second and third times and placed on its final passage.

The roll being called there were ayes, 24; nays, 9.

Those who voted in the affirmative were:
Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Cooke, Elliott, Greene, Hunter, Jones, Mallory, Miller, Morris, Newman, Patton, Powell, Ramsdell, Ryan, Swanston, Trude, Turnbull, Upham, Van Etten.

Those who voted in the negative were:
Messrs. Burnham, Douglas, Gronna, Howell, Logan, McNeil, Potter, Price, Smith.

Absent and not voting:
Messrs. Bixler, Clark, Fletcher, Lampman, Lillibridge, McHugh, Palmer, Parkin, Patridge, Royer, Sheets, Wellcome, Wellman, White.

Messrs. Lillibridge and Wellcome being excused.
So the bill passed and its title was agreed to.

Mr. Bennett moved
That the rules be suspended and Council Bill No. 200 be read the first, second and third times and placed on its final passage.

Which motion prevailed.

Mr. Aikens moved
That the bill be referred to a Special Committee of three for amendment.

Which motion prevailed.

Mr. Speaker announced as the Special Committee Messrs. Bennett, Aikens and Newman.

Mr. Swanson, by unanimous consent, introduced—
House Bill No. 363,

A bill for an act amending Chapter seventy-three of the General Laws of 1887 in regard to the incorporation of cities.

Which was read the first time,

Mr. Swanston moved
That the rules be suspended and the bill be read the second and third times and placed on its final passage,

Which motion prevailed.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 189,

A bill for an act amending Section 1, of Chapter 10, of Session Laws of 1887, relating to county auditor,

And find the same correctly engrossed and enrolled.

Also,

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 delivery grain therefrom,

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

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,

Was read the first, second and third times and placed on its final passage.

The roll being called there were ayes, 28; nays, 2.

Those who voted in the affirmative were:

Messrs. Allen, Baldwin, Bixler, Cooke, Elliott, Greene, Gronna, Howell, Hunter, Lampman, Mallory, Miller, Morris, Newman, Palmer, Parkin, Patton, Potter, Powell, Price, Royer, Swanston, Trude, Turnbull, Upham, Van Etten, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Burnham and McNeil.

Absent and not voting:

Messrs. Adams, Aikens, Bennett, Bergman, Clark, Douglas, Fletcher, Jones, Lillibridge, Logan, McHugh, Patridge, Ramsdell, Ryan, Sheets, Smith, Wellcome, Wellman.

Messrs. Lillibridge and Wellcome being excused.
So the bill passed and its title was agreed to.

MESSAGE FROM THE COUNCIL.

The following message from the Council was read:

COUNCIL CHAMBER,
March 8, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
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 the council has passed and your favorable consideration is respectfully requested.

Also to transmit herewith

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.

Together with the following message from His Excellency, the Governor vetoing the same:

EXECUTIVE OFFICE, }
March 6, 1889. }

To the Council:

I have the honor to return without my approval, Council Bill No. 314,

A bill for an act providing an appropriation 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
Railroads (local earnings).....	20,000

Total..... \$470,000
 Less deficiency in general fund (January 1, 1888)..... 25,000

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.

And to inform you that the Council has passed said Council Bill No. 314, the objections of His Excellency, the Governor, to the contrary notwithstanding.

R. E. WALLACE,
Chief Clerk.

Mr. Speaker announced his signature to House Bills Nos. 189 and 235.

Mr. Keith moved

That House Bill No. 363 be transmitted to the Council without engrossment.

Which motion prevailed.

Mr. Parkin moved

That the rules be suspended and that House Bill No. 152 be read the third time and put on its final passage.

Which motion prevailed.

Mr. Patten moved

To take an informal recess of ten minutes.
Which motion prevailed.

Mr. Swanston moved
That the rules be suspended and that Council Bill No. 101 be read the third time and placed on its final passage.

Mr. Parkin moved
That House Bill No. 152 be recalled from the Committee on Appropriations, read the third time and placed on its final passage.

Which motion prevailed.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:
COUNCIL CHAMBER,
March 8, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 177,

A bill for an act amending Chapter 28 of the Political Code relating to exemptions from taxation,

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,

Also,

Council Bill No. 270,

A bill for an act to amend Section 4, of Chapter 192, Session Laws of 1887, entitled "An act to provide for the collection of city taxes in incorporated cities of the Territory of Dakota,"

Also,

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,"

Also,

Council Bill No. 282,

A bill for an act to define the authority to incur and limit indebtedness on the part of cities,

Also,

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,"

Also,

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,

Also,

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 the Council has passed and your favorable consideration is respectfully requested.

Also to inform the House of Representatives that the Council has concurred in the House amendments to Council Bill No. 175.

Also to return herewith
House Bill No. 69,

A bill for an act to compensate the owner or owners of certain cattle killed in Oliver county, Dakota, an order of the Governor and Territorial Board of Health,

Which the Council has amended as follows:

Strike out all after the enacting clause and insert 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 32 of the General Laws of 1883. If the proofs 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 eighty one-hundredths (2,508.80) dollars and the Territorial Treasurer is hereby directed to pay such warrant from the stock indemnity fund.

SEC. 3. This act shall take effect immediately.

Also,

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.

Also,

House Bill No. 207,

A bill for an act to encourage the organization and maintenance of county and district agricultural societies in the Territory of Dakota,

Also,

House Bill No. 266,

A bill for an act to facilitate the collections of special assessments in cities, towns or villages.

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 Jennie Hart from Custer county, Dakota, to the Dakota Reform School at Plankinton, Dakota.

Also,

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.

Also,

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.

All of which the Council has passed unchanged, except House Bill No. 207, which was lost.

R. E. WALLACE,
Chief Clerk.

The Special Committee to whom was referred Council Bill No. 280 submitted the following report:

MR. SPEAKER:

Your Special Committee to whom was referred Council Bill No. 280,

A bill for an act entitled "An act to amend Subdivision 5, of Section 5650, of Chapter 1, of Probate Code of the Compiled Laws of 1887,

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

Amend 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 the word "Code" in line 4, and insert the following "designated as Section 5650."

Mr. Bennett moved

To adopt the report.

Which motion prevailed, and

The amendments were adopted.

Mr. Morris moved

That the rules be suspended and that House Bill No. 337, be read the third time and placed on its final passage, Which motion prevailed.

House Bill No. 337,

A bill for an act to provide for the levy and collection of a tax upon dogs,

Was read the third time and placed on its final passage. The roll being called there were ayes, 27; nays, 5.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Baldwin, Bennett, Bixler, Burnham, Gronna, Howell, Hunter, Jones, Mallory, McNeil, Miller, Morris, Parkin, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Upham, Wellman, White.

Those who voted in the negative were:

Messrs. Cooke, Douglas, Lampman, Palmer, Van Etten. Absent and not voting:

Messrs. Allen, Bergman, Clark, Elliott, Fletcher, Lillibridge, Logan, McHugh, Newman, Patridge, Smith, Trude, Turnbull, Wellcome.

Messrs. Lillibridge and Wellcome being excused.

So the bill passed and its title was agreed to.

Mr. Morris moved

That the rules be suspended and House Bill No. 337 be transmitted to the Council without engrossment, Which motion prevailed.

Mr. Speaker announced his signature to Council Bill No. 156.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

Your Committee on Enrolled and Engrossed Bills respectfully report that

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 the 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, relating to county auditors,

Were delivered to His Excellency, the Governor, for his approval, at the hour of 12 o'clock m., March 8, 1889.

D. M. POWELL,
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 placed on its final passage. The roll being called there were ayes, 34; nays, 1.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bixler, Burnham, Cooke, Elliott, Greene, Howell, Hunter, Jones, Lampman, Mallory, McNeil, Miller, Morris, Palmer, Parkin, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Trude, Upham, Van Etten, White.

Mr. Douglas voting in the negative.

Absent and not voting:

Messrs. Bergman, Clark, Fletcher, Gronna Lillibridge, Logan, McHugh, Newman, Smith, Turnbull, Wellcome, Wellman.

Messrs. Lillibridge and Wellcome being excused. So the bill passed and its title was agreed to.

Mr. Adams moved

To take a recess until 2 o'clock.

Which motion prevailed.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER, }
March 8, 1889. }

MR. SPEAKER:

I have the honor to return herewith
House bill No. 270,

A bill for an act to repeal Section 14, of Article 11, of
an act providing a charter for the city of Mayville, ap-
proved March 13, 1885,

Which the Council has passed without change.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
March 8, 1889. }

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 40,

A bill for an act to amend Section 14 of Chapter 10,
Session Laws of 1887, relating to county auditors,

Which the Council has passed with the following
amendment:

In line 8, of Section 2, of printed bill, add after the
word "sum" 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
recieve 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 mentioned sum and less than two
million dollars, and one-fifth of one mill on each dollar of
all sums in excess thereof,"

And your concurrence therein is respectfully requested.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
March 8, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
Council Bill No. 290,

A bill for an act providing for the appointment of an as-
sistant district attorney during sessions of court,

Which the Council has passed and your favorable consid-
eration is respectfully requested.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER,
March 8, 1889. }

MR. SPEAKER:

I have the honor to return 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 Da-
kota Territory, and for other purposes,"

Which the Council has passed with the following amend-
ment:

Insert 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 your concurrence therein is respectfully requested.

R. E. WALLACE,
Chief Clerk.

Mr. Speaker announced his signature to Council Bill No.
175,

Mr. McHugh moved

That the House concur in the Council amendments to
House Bill No. 40.

Which motion prevailed, and

The Council amendments were concurred in.

Mr. Patridge moved

That the House concur in the Council amendments to
House Bill No. 215.

Which motion prevailed, and

The Council amendments were concurred in.

Mr. Burnham moved

That the rules be suspended and Council Bill No. 46 be
read the third time and placed on its final passage.

Which motion prevailed.

Mr. Patridge moved

To amend the bill as follows:
In Section 53, at the close of said section strike out the
words "or either of them, that they have been legally
joined in marriage."

Which motion prevailed, and
The amendment was adopted.

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."

Was read the third time and placed on its final passage.

The roll being called there were ayes, 27; nays, 5.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bixler, Burnham, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Jones, Logan, Mallory, McHugh, Parkin, Patridge, Price, Ramsdell, Ryan, Sheets, Smith, Upham, White.

Those who voted in the negative were:

Messrs. Bergman, Patton, Swanston, Trude, Turnbull.

Absent and not voting:

Messrs. Clark, Hunter, Lampman, Lillibridge, McNeil, Miller, Morris, Newman, Palmer, Potter, Powell, Royer, Van Etten, Wellcome, Wellman.

Messrs. Lillibridge and Wellcome being excused.

So the bill passed and its title was agreed to.

Mr. Speaker announced his signature to Council Bills Nos. 270 and 215.

Mr. Keith moved

That Council Bill No. 314, and the message of the Governor vetoing the same be now considered.

Which motion prevailed.

Mr. Aikens moved

That Council Bill No. 314 do pass the objections of the Governor to the contrary notwithstanding.

Which motion prevailed.

MESSAGES FROM THE COUNCIL.

The following messages from the Council were read:

COUNCIL CHAMBER, }
March 8, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
Council Bill No. 324,

A bill for an act entitled "A joint resolution to compensate J. C. Cummins for services,"

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

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER,
March 8, 1889. }

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 237,
A bill for an act to amend Sections 331 of the Code of
Civil Procedure.

Also,

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. 23,

A bill for an act to amend sub-division 2 and 3 respec-
tively of Section 37 of Chapter 28, Political Code.

Also,

House Bill No. 272,

A bill for an act construing the phrase "successive
weeks,"

Which the Council has passed without change.

R. E. WALLACE,
Chief Clerk.

The Committee on Enrolled and Engrossed Bills submit-
ted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have
examined

House Bill No. 96,

A bill for an act to amend sections 4, 6 and 15 of Chap-
ter 130, Session Laws of 1887, entitled, "An act to regulate
grain warehouses and the inspection, weighing and han-
dling of grain and defining the duties of the Railroad and
Warehouse Commission in relation thereto,"

And find the same correctly engrossed.

Also,

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,

And find the same correctly engrossed and enrolled.

Also,

House Bill No. 274,

A bill for an act to aid in the enforcement of statutes re-
lating to the sale of intoxicating liquors.

And find the same correctly engrossed and enrolled.

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,

And find the same correctly engrossed and enrolled.

Also,

House bill No. 266,

A bill for an act to facilitate the collection of special assessments in cities, towns or villages.

And find the same correctly engrossed and enrolled.

Also,

House Bill No. 179,

A bill for an act entitled "An act authorizing county commissioners to purchase for the use of their respective counties, an artesian well drilling outfit."

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

Mr. Speaker announced his signature to House Bills Nos. 274, 308, 69, 266 and 179.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

Your Committee on Enrolled and Engrossed Bills respectfully report that

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.

Also,

House Bill No. 308,

A bill for an act prohibiting the sale of unsound, diseased, adulterated, impure and unwholesome articles of food, regulating the slaughtering of animals to be slaughtered and prescribing penalties for the violation thereof,

Also,

House Bill No. 274,

A bill for an act to aid in the enforcement of statutes relating to the sale of intoxicating liquors,

Also,

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,

Also,

House Bill No. 266,

A bill for an act to facilitate the collection of special assessments in cities, towns or villages,

Were delivered to His Excellency the Governor for his approval at the hour of 3 o'clock, p. m., March 8, 1889.

D. M. POWELL,
Chairman.

MESSAGES FROM THE COUNCIL.

The following messages from the Council were read:

COUNCIL CHAMBER,
March 8, 1889. }

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 83,

A bill for an act relating to the payment of premiums for insurance by the giving of notes.

Which the Council has indefinitely postponed.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER,
March 8, 1889. }

MR. SPEAKER:

I have the honor to return 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,

Also,

House Bill No. 259,

A bill for an act regulating the business of building and loan corporations,

And to inform you that the Council has passed both of said House Bills Nos. 252 and 259, the objections of His Excellency, the Governor, to the contrary notwithstanding.

Also to transmit herewith

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,

Together with the following message of His Excellency, the Governor, vetoing the same.

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 certain 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 receives now would be almost entirely abrogated by the provisions of this act.

Respectfully,

LOUIS K. CHURCH,

Governor.

And to inform you that the Council has passed said Council Bill No. 120, the objections of His Excellency the Governor to the contrary notwithstanding.

R. E. WALLACE,

Chief Clerk.

Mr. Elliott moved

That the reading at length of the message from the Council be dispensed with,

Which motion prevailed

Mr. Speaker announced his signature to Council Bills Nos. 311 and 304.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed bills have examined

House Bill No. 300,

A bill for 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.

Also,

House Bill No. 272,

A bill for an act construing the phrase "successive weeks,"

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. 237,

A bill for an act amending Section 331 of the Code of Civil Procedure.

Also,

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. 23,

A bill for an act to amend Subdivision 2 and 3, respectively, of Section 37, of Chapter 28, of the Political Code,

Also,

House Bill No. 332,

A bill for an act to declare certain combinations, contrivances, agreements or trusts unlawful, and to restrain and punish the same.

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

Mr. Speaker announced his signature to House Bills Nos. 332, 23, 300, 272, 237, 215 and 270.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 40,

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

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

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,

And the message of the Governor vetoing the same was reconsidered.

And the question being shall the bill pass the objections of the Governor to the contrary notwithstanding.

The roll being called there were ayes, 32; nays, 13.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Clark, Elliott, Fletcher, Greene, Gronna, Hunter, Lillibridge, Logan, Mallory, McHugh, Newman, Palmer, Patridge, Patton, Potter, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Trude, Van Etten, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Burnham, Cooke, Douglas, Howell, Jones, McNeil, Miller, Morris, Parkin, Turnbull, Upham, Wellman.

Absent and not voting, Mr. Lampman.

Mr. Smith, who would have voted nay, being paired with Mr. Wellcome.

So the bill passed, the objections of the Governor to the contrary notwithstanding.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:
 COUNCIL CHAMBER,
 March 8, 1889. }

I have the honor to transmit herewith
 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 Council has passed under suspension of the rules and your favorable consideration thereof is respectfully requested.

R. E. WALLACE,
 Chief Clerk.

EXECUTIVE COMMUNICATION.

The following communication was received from His Excellency the Governor:

EXECUTIVE OFFICE,
 March 8, 1889. }

To the House of Representatives:

I have the honor to inform your honorable body that I have approved
 House Bill No. 322,

Entitled "An act to provide clerk hire for probate courts,"

Also,

House Bill No. 251,

Entitled "An act to declare certain provisions for an attorney fee void and to provide a reasonable attorney fee in such cases,

Also,

House Bill No. 182,

Entitled "An act to amend Section 45 of Chapter 21 of the Political Code, relating to the manner of letting contracts by county boards,"

Also,

House Bill No. 346,

Entitled "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 the Territorial Veterinarian,

Also,

House Bill No. 219,

Entitled "An act providing for the printing of the reports of the Territorial officers and institutions for the fiscal years 1887 and 1888,"

Also,

House Bill No. 271,

Entitled "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. 19.

Entitled "An act to give publicity to chattel mortgage sales,"

Also,

House Bill No. 275,

Entitled "An act to enable townships and incorporated towns and cities to aid in the construction of railroads."

Also,

House Bill No. 165,

Entitled "An act authorizing the Territorial Auditor to audit a claim of John Sundback against the Territory,"

Also,

House Bill No. 348.

Entitled "An act to amend an act entitled 'An act to provide for the establishment of a board of railroad commissioners, defining their duties; to regulate the receiving

and transportation of freight on railroads in this Territory, passed at the Sixteenth Legislative Assembly of the Territory, and approved March 6, 1885,"

And the said bills have been filed in the office of the Secretary,

Respectfully,
LOUIS K. CHURCH,
Governor.

Mr. Price moved
That the rules be suspended and Council Bill No. 235 be read the first, second and third times and placed on its final passage.

Which motion prevailed.

Mr. Price moved
That the reading at length of the bill be dispensed with.
Which motion prevailed.

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 first, second and third times and placed on its final passage.

The roll being called there were, ayes 28; nays, 4.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bixler, Cooke, Elliott, Fletcher, Greene, Gronna, Howell, Hunter, Jones, Lillibridge, Logan, Mallory, McHugh, McNeil, Miller, Palmer, Powell, Price, Ramsdell, Royer, Sheets, Smith, Van Etten, White.

Those who voted in the negative were:

Messrs. Douglas, Lampman, Swanston, Turnbull.

Absent and not voting:

Messrs. Adams, Bergman, Burnham, Clark, Morris, Newman, Parkin, Patridge, Patton, Potter, Ryan, Trude Upham, Wellcome, Wellman.

Mr. Wellcome being excused.

So the bill passed and its title was agreed to.

Mr. Mallory moved

That the rules be suspended and Council No. Bill 303 be read the third time and placed on its final passage.

Which motion prevailed.

COMMUNICATION FROM THE ATTORNEY GENERAL.

OFFICE OF ATTORNEY GENERAL, }
 March 8, 1889, }

*To the Honorable Speaker, and the House of Representatives;
 Eighteenth Legislative Assembly:*

GENTLEMEN: Owing to the limited time your honorable body has to sit, I beg to report to you in reference to your resolution upon the affairs of the office of Veterinarian. That it is absolutely impossible for me to examine the papers accompanying the resolution with that care that would be but just to the Territory and the officer, in the time before me. In lieu of such hurried consideration as I would be compelled to give the papers, I have examined and carefully considered the report of the committee of your honorable body, made upon the affairs of this office. I find this report to have been made up after some six days careful and critical examination (as I am informed) by your committee, of all the accounts and matters pertaining to this office. Their reports contains the following grounds of complaint against the office:

1. That the appointed deputies were not graduates of regular schools. I find that by Section 20 of the act providing for the Veterinary Surgeon, there are no qualifications required of his deputies, it being left entirely to his judgment.

2. That his deputies did not bury the carcasses of horses in all instances. There is no criminal offense in this, under the act, at best it was but a lache of the deputy; and there is nothing to show but that he was punished for the neglect, or he was not removed from office.

3. That he had an office away from the Capitol for which he charged and received rent. There is no provision in the act requiring him to have his office at the Capitol, and if it was not proper for him to do so—it was a mere impropriety, or extravagance, in which there was nothing criminal.

4. That his accounts were not properly itemized, nor verified. This is a very common fault with public accounts, most frequently arising from ignorance of the exact requirements of the law and of business methods; but never, as I am aware, an evidence of fraud or crime, more particularly as all such accounts must pass the ordeal of official scrutiny before being paid.

In conclusion, your committee report, that the officer

in question "has rendered valuable services to the Territory" but has been extravagant in the management of his affairs, which is not criminal, but a failing of many valuable professional men in the common affairs of life.

Taking this report I cannot find any wrong to have been done by this officer, which would place him in any way amenable to the law—and respectfully report there is no action whatever to be taken at law. Very respectfully submitted,

T. L. SKINNER,
Attorney General.

• Council Bill No. 303,

A Joint Resolution providing for the payment of the Jamestown Investigating committee's stenographer,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 23; nays, 2.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Baldwin, Bennett, Bergman, Bixler, Cooke, Elliott, Gronna, Howell, Hunter, Lampman, Lillibridge, Logan, Mallory, McHugh, Parkin, Ryan, Sheets, Smith, Swanston, Van Etten, White.

Those who voted in the negative were:

Messrs Douglas and Patridge.

Absent and not voting:

Messrs. Allen, Burnham, Clark, Fletcher, Greene, Jones, McNeil, Miller, Morris, Newman, Palmer, Patton, Potter, Powell, Price, Ramsdell, Royer, Trude, Turnbull, Upham, Wellcome, Wellman.

Mr. Wellcome being excused.

So the bill passed and its title was agreed to.

Mr. Adams (by unanimous consent) introduced—
House Bill No. 364,

A bill for an act to authorize the Territorial Auditor to audit and pay certain claims,

And moved that the rules be suspended and that the bill be read the first, second and third times and placed on its final passage.

Which motion prevailed.

And the bill was read the first and second times.

Mr. Mallory moved
That the further consideration of the bill be indefinitely postponed.

Mr. Jones moved

To lay the motion to indefinitely postpone on the table.
Which motion prevailed.

Mr. Speaker announced his signature to Council Bill No. 263.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER, }
March 8, 1889. }

MR. SPEAKER:

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 Council has passed and your favorable con-
sideration is respectfully requested.

R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER, }
March 8, 1889. }

MR. SPEAKER:

I have the honor to return herewith
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,

Also,

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,"

Also,

House Bill No. 70,

A bill for an act to permit county commissioners to
compromise delinquent taxes.

All of said bills having passed the Council the objec-
tions of His Excellency the Governor to the contrary not
withstanding.

Also to transmit herewith
Council Bill No. 289,

A bill for an act, entitled "An act to reappropriate
unused balances of the University of North Dakota,"

Together with the following communication of His Excellency the Governor vetoing the same.

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 certain 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.

And to inform you that the Council has passed said Council Bill No. 289, the objections of His Excellency the Governor to the contrary notwithstanding. And your favorable consideration is respectfully requested.

R. E. WALLACE,
Chief Clerk,

COUNCIL CHAMBER,
March 8, 1889. }

MR. SPEAKER:

I have the honor to transmit 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," Together with the communication of His Excellency the Governor vetoing the same.

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.

And to inform you that the Council has passed said Council Bill No. 107, the objections of His Excellency the Governor to the contrary notwithstanding, and your favorable consideration is respectfully requested.

R. E. WALLACE,
Chief Clerk.

House Bill No. 364,

A bill for an act to authorize the Territorial Auditor to audit and pay certain claims,

Was read the first, second and third times and placed on its final passage.

The roll being called, there were ayes, 32; nays, 5.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Burnham, Cooke, Elliott, Greene, Howell, Jones, Lampman, Lillibridge, Logan, McHugh, McNeil, Miller, Morris, Par-kin, Patridge, Patton, Powell, Price, Ramsdell, Royer, Ryan, Smith, Trude, Turnbull, Upham, Van Etten, White.

Those who voted in the negative were:

Messrs. Douglas, Gronna, Mallory, Palmer, Sheets.

Absent and not voting:

Messrs. Bergman, Bixler, Fletcher, Hunter, Newman, Potter, Swanston, Wellcome, Wellman.

Mr. Wellcome being excused.

Mr. Palmer explaining his vote.

So the bill passed and its title was agreed to.

Mr. Adams moved

That House Bill No. 364 be transmitted to the Council without engrossment.

Which motion prevailed.

Mr. Speaker announced his signature to House Bill No. 223.

Mr. Jones (by unanimous consent) introduced—

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,"

And moved that the rules be suspended and the bill be read the first, second and third times and placed on its final passage.

Which motion prevailed.

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,"

Was read the first, second and third times and placed on its final passage.

The roll being called there were ayes, 35; nays, none.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bixler, Burnham, Cooke, Douglas, Elliott, Fletcher, Greene, Gronna, Howell, Jones, Lampman, Lillibridge, Logan, McHugh, Miller, Morris, Parkin, Patridge, Patton, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten.

Absent and not voting:

Messrs. Adams, Bergman, Clark, Hunter Mallory, McNeil, Newman, Palmer, Potter, Wellcome, Wellman, White,

Mr. Wellcome being excused.

So the bill passed and its title was agreed to.

Mr. Jones moved

That the bill be immediately transmitted to the Council without engrossment.

Which motion prevailed.

Mr. Patridge moved

That Council Bill No. 120 do pass the objections of the Governor to the contrary notwithstanding.

Which motion prevailed.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

Your Committee on Enrolled and Engrossed Bills respectfully report that

House Bill No. 259,

A bill for an act regulating the business of building and loan corporations,

Also,

House Bill No. 252,

A bill for an act authorizing the Territorial Auditor to audit a claim of George F. Ingram against the Territory,

Which were passed by both the House and the Council, the objections of the Governor to the contrary notwithstanding, were placed on file in the office of the Secretary of the Territory, March 8, 1889.

D. M. POWELL,
Chairman.

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

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. 272,

A bill for an act construing the phrase "successive weeks,"

Also,

House Bill No. 237,

A bill for an act amending Section 331 of the Code of Civil Procedure,

Also,

House Bill No. 40,

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

Were delivered to his Excellency, the Governor, for his approval, at the hour of 4:15 o'clock p. m., March 8, 1889,

D. M. POWELL,
Chairman.

MR. SPEAKER:

The Committee on Engrossed Bill have examined
House Bill No. 223,

A bill for an act providing that railroad corporations shall furnish suitable facilities for loading and unloading cars,

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

MR. SPEAKER:

Your Committee on Enrolled and Engrossed Bills respectfully report that

House Bill No. 300,

A bill for 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.

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. 332,

A bill for an act to declare certain combinations, contrivance, agreements and trusts unlawful, and to restrain and punish the same,

Also,

House Bill No. 23,

A bill for an act to amend Subdivisions 2 and 3 respectively, of Section 37, of Chapter 28, Political Code,

Also,

House Bill No. 223,

A bill for an act providing that railroad corporations shall furnish suitable facilities for loading and unloading cars,

Were delivered to His Excellency, the Governor, for his approval at the hour at 4:45 o'clock p. m., March 8, 1889.

D. M. POWELL,
Chairman.

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.

And the message of the Governor vetoing the same was reconsidered, and

The question being shall the bill pass, the objections of the Governor to the contrary notwithstanding,

The roll being called there were ayes, 29; nays, 9.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bixler, Clark, Elliott, Fletcher, Gronna, Howell, Hunter, Jones, Logan, McHugh, Miller, Morris, Newman, Palmer, Patridge, Powell, Price, Ramsdell, Royer, Sheets, Swanston, Trude, Turnbull, Upham, Wellman.

Those who voted in the negative were:

Messrs. Bergman, Burnham, Cooke, Lampman, Parkin, Patton, Ryan, Smith, Van Etten.

Absent and not voting:

Messrs. Adams, Douglas, Greene, Lillibridge, Mallory, McNeil, Potter, Wellcome and White.

Mr. Wellcome being excused.

So the bill passed, the objections of the Governor to the contrary notwithstanding.

Mr. Adams moved

That the house take a recess until 8 o'clock,

Which motion was lost.

Mr. Parkin, by unanimous consent, introduced,
House Bill No. 366,

A bill for an act appropriating money for the traveling expenses of the Railroad and Warehouse Commission,

And moved that the bill be read the first, second and third times and placed on its final passage,

Which motion prevailed.

Mr. Patton moved a call of the house.

Mr. Logan moved

That Mr. Potter be excused,

Which motion prevailed.

Mr. White moved

That further proceedings under the call be dispensed with.

Which motion was lost.

Mr. Gronna moved

That the further proceedings under the call be dispensed with,

Which motion prevailed.

Mr. Elliott moved

That the rules be suspended and Council Bill No. 177 be read the first, second and third times and placed on its final passage.

Mr. Swanston moved

To lay the motion on the table.

Which motion prevailed.

House Bill No. 366,

A bill for an act appropriating money for the traveling expenses of the railroad and warehouse commission,

Was read the first, second and third times and placed on its final passage.

The roll being called, there were ayes 30; nays 9.

Those who voted in the affirmative were:

Messrs. Allen, Baldwin, Bennet, Bergman, Elliott, Fletcher, Gronna, Howell, Hunter, Jones, Lillibridge, McHugh, McNeil, Miller, Morris, Newman, Palmer, Parkin, Patton, Ramsdell, Royer, Sheets, Smith, Swanston, Trude, Turnbull, Van Etten, Wellman, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Burnham, Cooke, Douglas, Lampman, Logan, Mallory, Patridge, Powell, Ryan.

Absent and not voting:

Messrs. Adams, Aikens, Bixler, Clark, Greene, Potter, Price, Upham, Wellcome.

Messrs. Potter and Wellcome being excused.

So the bill passed and its title was agreed to.

Mr. Parkin moved

That the bill be transmitted to the Council without engrossment.

Which motion prevailed.

Mr. Gronna moved

That Council Bill No. 107 do pass, the objections of the Governor to the contrary notwithstanding,

Which motion prevailed.

Mr. Parkin moved

That the reading at length of the bill be dispensed with

Which motion prevailed.

Mr. Speaker announced his signature to Council Bill No. 120.

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,"

And the message of the Governor vetoing the same, was reconsidered and

The question being shall the bill pass, the objections of the Governor to the contrary notwithstanding,

The roll being called, there were ayes, 34: nays, 4.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Adams, Baldwin, Bennett, Bergman, Bixler, Cooke, Elliott, Gronna, Howell, Jones, Lampman, Logan, Lillibridge, McHugh, Morris, Newman, Palmer, Patridge, Parkin, Patton, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, White, Wellman.

Those who voted in the negative were:

Messrs. Burnham, Douglas, McNeil, Miller.

Absent and not voting:

Messrs. Clark, Fletcher, Greene, Hunter, Mallory, Potter, Powell, Price, Wellcome.

Messrs. Potter and Wellcome being excused.

So the bill passed, the objections of the Governor to the contrary notwithstanding.

Mr. Keith moved

That the rules be suspended and that Council Bill No. 325 be read the first, second and third times and placed on its final passage,

Which motion prevailed.

Mr. Keith moved

That the reading at length of the bill be dispensed with and that it be read by its title,

Which motion prevailed.

Council Bill No. 325,

A bill for an act to authorize cities having the requisite number of inhabitants to extend their corporate limits,

Was read the first, second and third times and placed on its final passage.

The roll being called, there were ayes 33; nays none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bixler, Cooke, Elliott, Fletcher, Gronna, Howell, Jones, Lampman, Logan, Lillibridge, McNeil, Miller, Palmer, Patridge, Parkin, Powell, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, Wellman, Mr. Speaker.

Absent and not voting:

Messrs. Bergman, Burnham, Clark, Douglas, Greene, Hunter, Mallory, McHugh, Morris, Newman, Patton, Potter, Price, White, Wellcome.

Messrs. Potter and Wellcome being excused.

So the bill passed and its title was agreed to.

Mr. Morris moved

That the rules be suspended and Council Bill No. 96 be read the first, second and third times and placed on its final passage,

Which motion prevailed, and

The bill was read the first and second times.

Mr. Burnham moved

That the further consideration of the bill be indefinitely postponed,

Which motion was lost.

Council Bill No. 96,

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

Was read the first, second and third times and placed on its final passage.

The roll being called there were ayes, 11; nays, 17.

Those who voted in the affirmative were:

Messrs. Adams, Allen, Baldwin, Bennett, Gronna, Jones, Lillibridge, Parkin, Turnbull, Van Etten, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Burnham, Cooke, Douglas, Elliott, Howell, Lampman, Miller, Morris, Palmer, Price, Royer, Ryan, Smith, Swanston, Trude, Upham.

Absent and not voting:

Messrs. Bergman, Bixler, Clark, Fletcher, Greene, Hunter, Logan, Mallory, McHugh, McNeil, Newman, Patridge, Patton, Potter, Powell, Ramsdell, Sheets, Wellcome, Wellman, White.

Messrs. Potter and Wellcome being excused.

Messrs. Aikens and Morris explaining their votes.

So the bill was lost.

Mr. Smith moved

To take a recess until 8 o'clock.

Which motion prevailed.

Mr. Aikens moved

That the consideration of veto messages be deferred until there is a better attendance of members.

Which motion prevailed.

Mr. Elliott moved

That the rules be suspended and Council Bill No. 321, be read the first, second and third times and placed on its final passage.

Which motion prevailed and
The bill was read the first and second times.

The Committee on Enrolled and Engrossed Bills submitted the following reports:

MR. SPEAKER:

Your Committee on Enrolled and Engrossed Bills respectfully report that
House Bill No. 70.

A bill for an act to permit county commissioners to compromise delinquent taxes,

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 have passed both the House and the Council, the objections of the Governor to the contrary notwithstanding, were placed on file in the office of the Secretary of the Territory of Dakota, March 8, 1889.

D. M. POWELL,
Chairman.

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills respectfully report that

House Bill No. 234,

A bill for an act to amend an act establishing territorial department of agriculture—two districts. An act to amend an act entitled "An act to create a territorial department of agriculture and relating to agricultural societies and agricultural fairs, and providing for reports of the same,"

Which has passed both the House and Council the objections of the Governor notwithstanding, was placed on file in the office of the Secretary of the Territory of Dakota, March 8, 1889.

D. M. POWELL,
Chairman.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER,
March 8, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 326,
 A bill for an act to amend Section 658 of the Civil Code,
 relating to acknowledgments of instruments.
 Which the Council has passed and your favorable consid-
 eration is respectfully requested.

R. E. WALLACE,
 Chief Clerk.

COUNCIL CHAMBER,
 March 8, 1889. }

MR. SPEAKER:

I have the honor to return herewith
 House Bill No. 254,
 A bill for an act to correct and define the boundaries of
 Day county.

Which the Council has passed unchanged.

Also.

House Bill No. 74,
 A bill for an act fixing the liability of railroad corpora-
 tions for setting fires.

Which the Council has indefinitely postponed.

R. E. WALLACE,
 Chief Clerk.

COUNCIL CHAMBER,
 March 8, 1889. }

MR. SPEAKER:

I have the honor to return herewith
 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 regulat-
 ing the salaries of the county treasurer and register of
 deeds for Grand Forks County, Dakota Territory,

Which the Council has amended as follows:

Amend House Bill No. 184 by substituting therefor
 Council Bill No. 323.

And your concurrence therein is respectfully requested.

R. E. WALLACE,
 Chief Clerk.

Mr. Aikens moved
 That the reading at length of Council Bill No. 321 be
 dispensed with.

Which motion prevailed.

Mr. Speaker called Mr. Swanston to the chair.

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 first, second and third times and placed on its final passage.

The roll being called, there were ayes, 28; nays 4.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bennett, Bergman, Bixler, Burnham, Clark, Cooke, Elliott, Fletcher, Gronna, Howell, Hunter, Jones, Logan, McNeil, Morris, Patton, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Swanston, Turnbull, Wellman.

Those who voted in the negative were:

Messrs. Lampman, Parkin, Upham, Van Etten.

Absent and not voting:

Messrs. Allen, Baldwin, Douglas, Greene, Lillibridge, Mallory, McHugh, Miller, Newman, Palmer, Patridge, Potter, Trude, White, Wellcome.

Messrs. Potter and Wellcome being excused.

Mr. Parkin explaining his vote.

So the bill passed and its title was agreed to.

Mr. Baldwin moved

That the House concur in the Council amendments to House Bill No. 184.

Mr. Aikens moved

As a substitute that the House do not concur in the Council amendments,

Which motion prevailed and

The Council amendments were not concurred in.

Mr. Aikens moved

That the chair appoint a committee of three as a conference committee on House Bill No. 184, to confer with a similar committee to be appointed by the President of the Council.

Which motion prevailed and

Mr. Speaker named as such committee Messrs. Aikens, Baldwin and Sheets.

Mr. Van Etten moved

That further smoking in the House be prohibited and that the sergeant-at-arms be instructed accordingly.

Which motion prevailed.

Mr. Fletcher moved

That the rules be suspended and Council Bill No. 326 be

read the first, second and third times and placed on its final passage.

Which motion prevailed.

Council Bill No. 326.

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

Was read the first, second and third times and placed on its final passage.

The roll being called there were ayes, 33; nays, 1.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Allen, Baldwin, Bennett, Bergman, Bixler, Burnham, Cooke, Elliott, Fletcher, Gronna, Howell, Hunter, Jones, Lampman, Mallory, McNeil, Miller, Morris, Palmer, Parkin, Patton, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Smith, Turnbull, Upham, Van Etten.

Mr. Clark voting in the negative.

Absent and not voting:

Messrs. Douglas, Greene, Logan, Lillibridge, McHugh, Newman, Patridge, Potter, Trude, White, Wellman, Wellcome.

Messrs. Potter and Wellcome being excused.

So the bill passed and its title was agreed to.

Mr. Fletcher moved

That the bill be transmitted to the Council without engrossment.

Which motion prevailed.

Mr. Aikens moved

That the rules be suspended and that House Bill No. 347 be read the third time and placed on its final passage.

Mr. Upham moved

That the further consideration of the bill be indefinitely postponed.

Which motion was lost and the motion of Mr. Aikens was lost.

COMMUNICATION FROM THE GOVERNOR.

EXECUTIVE OFFICE, }
March 8, 1889. }

To the House of Representatives:

I have the honor to inform your honorable body that I have approved

House Bill No. 23,

Entitled "An act to amend subdivisions 2 and 3 respectively, of Section 37, of Chapter 28, Political Code."

Also,
House Bill No. 40,
Entitled "An act to amend Section 14, of Chapter 10,
Session Laws of 1887."

Also,
House Bill No. 69,
Entitled "An act to compensate the owners of certain
cattle killed by order of the Governor and Territorial
Board of Health in Oliver county, Dakota.

Also,
House Bill No. 203,
Entitled "An act to provide for the sinking of artesian
wells and construction of water-courses therefrom."

Also,
House Bill No. 215,
Entitled "An act to amend Section 7, of Chapter 43, of
the General Laws, 1883, entitled 'An act to create the
office of district attorney for the several counties of Da-
kota Territory, and for other purposes.' "

Also,
House Bill No. 268,
Entitled "An act to amend Section 1, of Article 19,
Chapter 73, of the General Laws of 1887."

Also,
House Bill No. 266,
Entitled "An act to facilitate the collection of special
assessments in cities, towns or villages."

Also,
House Bill No. 272,
Entitled "An act construing the phrase 'successive
weeks.' "

And the said bills have been filed in the office of the
Secretary.

Respectfully,
LOUIS K. CHURCH,
Governor.

Council Bill No. 289,
A bill for an act to reappropriate unused balances of the
University of North Dakota,
And the message of the Governor vetoing the same,
Was reconsidered and the question being shall the bill
pass the objections of the Governor to the contrary not-
withstanding.

The roll being called, there were ayes, 32; nays, 6.

Those who voted in the affirmative were:

Messrs. Aikens, Allen, Baldwin, Bennett, Bixler, Clark, Cooke, Elliott, Greene, Gronna, Howell, Hunter, Lampman, Logan, McHugh, Newman, Palmer, Parkin, Patton, Powell, Price, Ramsdell, Royer, Sheets, Smith, Swanston, Trude, Turnbull, Upham, Van Etten, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Burnham, Jones, McNeil, Miller, Morris.

Absent and not voting:

Messrs. Bergman, Douglas, Fletcher, Lillibridge, Mallory, Patridge, Potter, Ryan, Wellman, Wellcome.

Messrs. Potter and Wellcome being excused.

So the bill passed the objections of the Governor to the contrary notwithstanding.

Mr. Palmer moved

That the rules be suspended and that Council Bill No. 294 be read the first, second and third times and placed on its final passage.

Mr. Upham moved.

That the further consideration of the bill be indefinitely postponed.

Mr. Royer moved

To lay the motion to indefinitely postpone on the table, Which motion prevailed and the original motion prevailed.

Mr. McHugh moved a call of the House.

Mr. Parkin moved

To dispense with further proceedings under the call.

Ayes and nays demanded.

The roll being called, there were ayes, 25; nays, 14.

Those who voted in the affirmative were:

Messrs. Aikens, Baldwin, Bennett, Bixler, Cooke, Elliott, Greene, Lampman, Mallory, McNeil, Morris, Newman, Palmer, Parkin, Patton, Powell, Price, Ramsdell, Royer, Ryan, Sheets, Swanston, Upham, Van Etten, White.

Those who voted in the negative were:

Messrs. Allen, Adams, Burnham, Clark, Fletcher, Gronna, Howell, Hunter, Jones, McHugh, Miller, Smith, Trude Turnbull.

Absent and not voting:

Messrs. Bergman, Douglas, Logan, Lillibridge, Patridge, Potter, Wellman, Wellcome, Mr. Speaker.

So the motion prevailed.

Mr. Aikens presented and moved the adoption of the following resolution:

Resolved, by the House of Representatives, That the thanks of this House are due and are hereby tendered to Hon. M. L. McCormack, the secretary, for the uniformly, efficient and courteous manner in which he has treated its members. And further that it is the sense of the House that in all his official career he has proven himself likewise capable, obliging and courteous.

Which resolution was adopted.

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

THAT WHEREAS, Great responsibility rests upon the chief clerk of a Legislative body,

Be it Resolved, That a vote of thanks is due and is hereby extended to Major J. G. Hamilton for his careful, conscientious and efficient work as the chief clerk of the House during the last session of the Territorial Legislature. May his good work go on in the new state of North Dakota.

Which motion prevailed, and

The resolution was adopted.

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

Resolved, by the House of Representatives, That they hereby extend a vote of thanks to the Hon. H. H. Keith for the able, efficient and impartial manner in which he has presided over the deliberations of this body and for the many kindnesses and courtesies extended to the members.

Which motion prevailed and the resolution was adopted.

Mr. Elliott moved

That the rules be suspended and that Council Bill No. 300 be read the first, second and third times and placed on its final passage.

Which motion prevailed and

The bill was read the first and second times.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:
 COUNCIL CHAMBER,
 March 8, 1889. }

MR. SPEAKER:

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,

Also,
House Bill No. 366,
A bill for an act appropriating money for the traveling
expenses of the Railroad and Warehouse Commission,
Which the Council has passed without change.

R. E. WALLACE,
Chief Clerk.
COUNCIL CHAMBER, }
March 8, 1889. }

MR. SPEAKER:

I have the honor to inform the House of Representatives
that the Council has adopted a resolution declaring the
Council will adjourn *sini die* at 11:30 p. m. to-day.

R. E. WALLACE,
Chief Clerk.

Council Bill No. 300,

A Joint Resolution providing for the payment to the
watchman and the messenger in both the Council and the
House of the sum of four dollars per day,

Was read the first, second and third times and placed on
its final passage.

The roll being called there were ayes, 18; nays, 8.

Those who voted in the affirmative were:

Messrs. Allen, Adams, Burnham, Elliott, Howell, Hunter,
Newman, Palmer, Parkin, Patton, Powell, Price, Royer,
Smith, Swanston, Upham, Van Etten, Wellcome.

Those who voted in the negative were:

Messrs. Cooke, Fletcher, Lampman, Logan, Miller, Rams-
dell, Ryan, Turnbull.

Absent and not voting:

Messrs. Aikens, Baldwin, Bennett, Bergman, Bixler, Clark,
Douglas, Greene, Gronna, Jones, Lillibridge, Mallory, Mc-
Hugh, McNeil, Morris, Patridge, Potter, Sheets, Trude,
White and Wellman.

Mr. Patton being excused.

So the bill passed and its title was agreed to.

Mr. Trude moved

That the rules be suspended and that Council Bill No.
324 be read the first, second and third times and placed on
its final passage.

Which motion prevailed.

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

Resolved, That no bills be received or business be trans-

acted after the hour of 10 o'clock p. m., except communications from the Executive or the Council, and the motion to adjourn.

Which motion prevailed and
The resolution was adopted.

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

Resolved, That the janitor be requested to remove the ink stands and spittoons.

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

Resolved, That a vote of thanks is due Masters Conroy, Chance and Lynn, the pages, for their alacrity, promptness and good natured attendance on the members of this House.

Which motion prevailed, and
The resolution was adopted.

Mr. Speaker announced his signature to Council Bill No. 326.

Mr. Speaker announced an informal recess of half an hour.

MESSAGE FROM THE COUNCIL.

The following message from the Council was read:

COUNCIL CHAMBER,
March 8, 1889. }

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 246,

A bill for an act to provide for fees in forclosures of mortgages of mortgage of real estate by advertisement,

Also,

House Bill No. 369,

A bill for an act amending Chapter 73 of the General Laws of 1887, in regard to the incorporation of cities,

Which the Council has passed unchanged.

R. E. WALLACE,
Chief Clerk.

Mr. Speaker announced his signature to Council Bill No. 46.

Mr. Swanston moved

That the rules be suspended and that Council Bill No. 101 be read the third time and placed on its final passage.

Which motion prevailed.

Mr. Speaker announced his signature to Council Bill No. 325.

Mr. Trude moved
That the further consideration of the bill be indefinitely postponed.

Mr. Swanston moved.
To lay on the table.
Which motion was lost, and the motion to indefinitely postpone prevailed.

Mr. Gronna moved
That the rules be suspended and Council Bill No. 244 be read the third time and placed on its final passage.

Which motion was lost.

Mr. Speaker announced his signature to House Bills Nos. 350 and 366.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 366,

A bill for an act appropriating money for the traveling expenses of the railroad and warehouse commission,

Also,

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.

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

Mr. Speaker announced his signature to Council Bill No. 321.

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

Resolved by the House of Representatives, That they hereby extend a vote of thanks and heartily endorse the business like way in which F. G. Orr, chief engrossing and enrolling clerk, has performed his duties during this the last Legislative session of the Territory of Dakota,

Which motion prevailed and the resolution was adopted.

Mr. Swanston moved

That the Council be invited to come down and join with the House in a recess of fifteen minutes,

Which motion prevailed, and
Mr. Speaker appointed as a committee to inform the
Council of the action of the House, Messrs. Swanston and
Elliott.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council.

COUNCIL CHAMBER,
March 8, 1889. }

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 343,
A bill for an act to provide clerks of probate court in
this Territory.

Also,
House Bill No. 360.
A Joint Resolution providing for the payment of the
assistant janitor of the House.

Also,
House Bill No. 362,
A bill for an act to define and establish the boundaries
of the county of Campbell and for other purposes.

Which the Council has passed unchanged.
R. E. WALLACE,
Chief Clerk.

COUNCIL CHAMBER,
March 8, 1889. }

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 297,
A bill for an act to provide for incorporation and regu-
lation of co-operative or assessment life endowment and
casualty insurance associations and societies.

Also,
House Bill No. 337,
A bill for an act to provide for the levy and collection
of a tax upon dogs,
Which the Council has passed unchanged,

Also,
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 the Council has passed and your favorable consideration is respectfully requested.

R. E. WALLACE,
Chief Clerk.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 254.

A bill for an act to correct and define the boundaries of Day county, Dakota,

And find the same correctly engrossed and enrolled.

JOHN B. COOKE,
Chairman Pro tem.

Mr. Parkin moved

That the rules be suspended and that Council Bill No. 320 be read the first, second and third times, and placed on its final passage.

Which motion prevailed, and

The bill was read the first and second times.

Mr. Speaker announced his signature to House Bill No. 254.

Mr. Patton moved

That the further consideration of Council Bill No. 320 be indefinitely postponed.

Which motion prevailed.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

Your Committee on Enrolled and Engrossed Bills respectfully report 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, Dakota Territory, for drainage purposes.

Also,

House Bill No. 366,

A bill for an act appropriating money for the traveling expenses of the railroad and warehouse commission.

Also,

House Bill No. 254,

A bill for an act to correct and define the boundary lines of Day county, Dakota.

Also,

House Bill No. 246,

A bill for an act to provide for fees in foreclosure of mortgages of real estate by advertisement,

Were delivered to His Excellency, the Governor, for his approval at the hour of 10:30 p. m., March 8th, 1889,

D. M. POWELL,
Chairman.

Mr. Morris moved that the rules be suspended and that Council Bill No. 180 be read the third time and put on its final passage.

Mr. Adams moved

That the further consideration of the bill be indefinitely postponed.

Ayes and nays demanded.

The roll being called, there were ayes, 18; nays, 9.

Those who voted in the affirmative were:

Messrs. Adams, Clark, Gronna, Hunter, Lampman, McNeil, Miller, Palmer, Parkin, Powell, Price, Royer, Sheets, Smith, Turnbull, Upham, Van Etten, Wellcome.

Those who voted in the negative were:

Messrs. Baldwin, Bennett, Cooke, Fletcher, Howell, Jones, Morris, Patridge, Trude.

Absent and not voting:

Messrs. Aikens, Allen, Bergman, Bixler, Burnham, Douglas, Elliott, Greene, Lillibridge, Logan, Mallory, McHugh, Newman, Patton, Potter, Ramsdell, Ryan, Swanston, Wellman, White.

Mr. Potter being excused.

So the motion to indefinitely postpone prevailed.

Mr. Speaker announced his signature to Council Bill No. 300.

MESSAGE FROM THE COUNCIL.

The following message from the Council was read:

COUNCIL CHAMBER,
March 8, 1889. }

MR. SPEAKER:

I have the honor to return herewith
House bill No. 364,

A bill for an act to authorize the Territorial Auditor to audit and pay certain claims.

Which the Council has passed unchanged.

R. E. WALLACE,
Chief Clerk.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 362,

A bill for an act to define and establish the boundaries of the county of Campbell and for other purposes,

Also,

House Bill No. 343,

A bill for an act to provide clerks of probate courts in this Territory,

Also,

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,

Also,

House Bill No. 360,

A Joint Resolution providing for the payment of the assistant janitor of the House,

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

Mr. Speaker announced his signature to House Bill No. 343.

Mr. Speaker announced his signature to Council Bills Nos. 325 and 326.

Mr. Speaker announced his signature to House Bills Nos. 363, 343, 360 and 362.

Mr. Speaker called Mr. Swanston to the chair.

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

Resolved, That it is the sense of the House that a vote of thanks is hereby extended to the Committee on Enrolled and Engrossed bills, for the efficient manner in which it has discharged its duties during the present session; particularly, to the chairman, D. M. Powell, who has proven to be an honest, earnest and tireless worker.

Which motion prevailed and the resolution was adopted.
The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 337,

A bill for an act to provide for the levy and collection of a tax on dogs.

Also,

House Bill No. 364,

A bill for an act to authorize the Territorial Auditor to audit and pay certain claims,

And find the same correctly engrossed and enrolled.

D. M. POWELL,
Chairman.

Mr. Van Etten moved

That a vote of thanks be extended to Capt. Wm. Gleason, janitor of the House.

Which motion prevailed.

Mr. Speaker announced his signature to House Bills Nos. 337, 364 and 297.

The Committee on Enrolled and Engrossed Bills submitted the following report:

MR. SPEAKER:

Your Committee on Enrolled and Engrossed Bills respectfully report that

House Bill No. 360,

A Joint Resolution providing for the payment of the assistant janitor of the House.

Also,

House Bill No. 362,

A bill for an act to define and establish the boundaries of Campbell county, Dakota, and for other purposes.

Also,

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.

Also,

House Bill No. 343,

A bill for an act to provide clerks of probate court in this Territory:—

Were delivered to His Excellency the Governor for his

approval at the hour of 11:05 o'clock, p. m., March 8, 1889.

D. M. POWELL,
Chairman.

MR. SPEAKER:

Your Chmmittee on Enrolled and Engrossed Bills report that

House Bill No. 337,

A bill for an act to provide for the levy and collection of a tax upon dogs,

Was delivered to the Governor for his approval at the hour of 11:30 p. m., March 8th, 1889.

D. M. POWELL,
Chairman.

Mr. Fletcher moved

In consideration of the fidelity with which the Speaker has discharged his duties and as a token of the esteem and confidence of this House, that we now present him with the gavel used during the session.

Mr. McHugh put the motion and it prevailed unanimously.

Mr. Turnbull moved

That the House do now adjourn *sine die*,
Which motion prevailed and the House
Adjourned.

JOHN G. HAMILTON,
Chief Clerk.

LAWS - 1889.

COUNCIL BILLS.

- 2 AN ACT to repeal the Gross Earnings Law relating to the levy and collection of taxes on railroad property.
- 7 AN ACT to amend Section 1100 of the Civil Code.
- 12 AN ACT providing for township organization.
- 20 AN ACT providing for a subdivision of the Seventh Judicial District of the Territory of Dakota, and fixing the terms of court therein.
- 27 AN ACT to amend Section 165 of the Code of Civil Procedure.
- 40 AN ACT to amend Section 103, Chapter 28, of the Political Code.
- 47 AN ACT to authorize courts, by their judgments, to cancel incumbrances upon and to establish and convey the title to real property in certain cases.
- 52 AN ACT making the taking of usury a misdemeanor.
- 66 AN ACT authorizing the refunding of outstanding county bonds.
- 73 AN ACT to provide when laws shall go into force and effect.

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- 93 AN ACT to define the boundaries of the Eighth Judicial District and to provide for a Judicial Subdivision therein.
- 94 AN ACT to amend Section 4 of the Laws of 1887, Section 220 of Compiled Laws.
- 107 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."
- 123 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."
- 124 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.
- 125 AN ACT to authorize the Attorney General to appoint an Assistant Attorney General.
- 129 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.
- 140 AN ACT providing for the levy and collection of taxes upon property of railroad companies in this Territory.
- 143 AN ACT to amend Section 112 of the Civil Code, relating to the Adoption of Children.
- 145 AN ACT to provide for making reports and disposal of fines, forfeitures, penalties and costs in criminal cases.
- 149 AN ACT to amend Section 2 of Chapter 71 of the Laws of 1887, relating to the sale of intoxicating liquors.
- 150 AN ACT to amend Section 1 of Chapter 72 of the Laws of 1887, relating to the sale of intoxicating liquors.

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- 162 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.
- 163 AN ACT for maintenance of the public offices of the Territory.
- 175 AN ACT amending Sections 2, 9, 10, 12, 27, 29, 32 and 33 of Chapter 69 of the Session Laws of 1885, relating to insurance.
- 182 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.
- 184 AN ACT entitled "An Act relating to the Compiled Laws."
- 190 AN ACT to provide for the refunding of the outstanding Territorial warrants drawn on the Capital Fund.
- 197 AN ACT to authorize Territorial Auditor to audit certain vouchers of the Dakota School of Mines, University of Dakota and Dakota Agricultural College.
- 198 AN ACT to appropriate funds to pay Charles W. Thompson for rebate of freights on material furnished for construction of the Capitol building at Bismarck, Dakota, as per finding of board of arbitration in case of Thompson vs. Territory of Dakota.
- 199 AN ACT to amend Section 409 of Chapter 3 of the Civil Code.
- 201 AN ACT entitled "An act to provide for filing of bonds of township assessors and the duties of township clerk."
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- 203 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.
- 212 AN ACT giving police powers to conductors of railway trains carrying passengers.
- 214 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."
- 220 AN ACT declaring the admissibility of the Compiled Laws of 1887 as legal evidence of the General Statutes of Dakota Territory.
- 221 -AN ACT to provide newspapers for the members of the Eighteenth Legislative Assembly and making an appropriation therefor.
- 227 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.
- 233 AN ACT to preserve the waters of Tongue river and its tributaries for domestic and drinking purposes.
- 253 AN ACT, entitled "An Act to change the name of Groton College."
- 255 AN ACT to amend Section 2 of a Special Law passed by the Fifteenth Legislative Assembly of Dakota Territory and 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."
- 256 AN ACT providing for the collection and compilation of the statistics of the Territory of Dakota.
- 263 AN ACT providing for the re-assessment of abutting property from improvement of public streets.


- 268 AN ACT to limit the terms of Territorial officers, directors, regents and trustees.
- 270 AN ACT to amend Section 4, of Chapter 142, of the Session Laws of 1887, entitled "An act to provide for the collection of city taxes in incorporated cities of the Territory of Dakota."
- 283 AN ACT providing interest at 7 per centum per annum on Territorial warrants hereafter issued.
- 287 AN ACT to prohibit the importation, sale or exposure of infected animals and to prescribe punishments therefor.
- 289 AN ACT entitled "An act to reappropriate unused balances of the University of North Dakota."
- 304 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.
- 311 AN ACT authorizing the mayor of cities having 5,000 inhabitants to appoint one or more city assessors.
- 314 AN ACT providing for an appropriation for the maintenance of the several public institutions of the Territory of Dakota.
- 321 AN ACT to provide for the levy and collection of taxes on the property of express companies and sleeping car companies doing business in this Territory.
- 325 AN ACT to authorize cities having the requisite number of inhabitants to extend their corporate limits.
- 326 AN ACT to amend Section 658 of the Civil Code relating to acknowledgement of instruments.

HOUSE BILLS.

- 2 AN ACT providing for a constitutional convention for North Dakota.
- 3 AN ACT amending Chapter 13 of the Laws of the Seventeenth Legislative Assembly, entitled "An Act authorizing and empowering the organized

counties of Dakota to issue and dispose of bonds to provide funds to pay outstanding indebtedness, and to provide for the payment of the principal and interest thereof."

- 4 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.
- 6 AN ACT to repeal Chapter 84 of the Laws of 1885, entitled "An Act providing for "struck juries."
- 7 AN ACT to amend Sections 1 and 2 of Chapter 10, Laws of 1887.
- 12 AN ACT amending Section 2, Chapter 116, of Session Laws of 1887, relating to notaries public.
- 13 AN ACT to amend Sections 14 and 47 of Chapter 27 of the Political Code of the Territory of Dakota.
- 15 AN ACT providing for an extension of the time for the payment of taxes of 1888.
- 20 AN ACT to amend Section 6, of Chapter 121, of the Laws of 1887.
- 21 AN ACT to amend Section 70, of Chapter 29, of the Political Code, relating to Highways, Bridges, Ferries and Road Supervisors.
- 23 AN ACT to amend Subdivisions 2 and 3, respectively, of Section 37, of Chapter 28, Political Code.
- 24 AN ACT to amend Section 38, of Chapter 28, of the Political Code, as amended by Chapter 143, Laws of 1887.
- 27 AN ACT to amend Section 86, Sub-Chapter 1, Chapter 112, of the Laws of 1883, relating to Township Government.
- 28 AN ACT Entitled "An Act to include Turner County within the boundaries of the Fourth Judicial District and fixing the time for holding court therein.
- 30 AN ACT to amend Sections 6, 7 and 8, of Chapter 49, of the General Laws of 1879.

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- 33 AN ACT to amend Article 7, of Chapter 12, of the Code of Civil Procedure.
- 39 AN ACT to establish, locate and build a Soldiers' Home in the Territory of Dakota, and provide the necessary funds therefor.
- 40 AN ACT to amend Section 14, of Chapter 10, Session Laws of 1887.
- 49 AN ACT to correct the public statutes of the Seventeenth Session of the Legislative Assembly.
- 52 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."
- 56 AN ACT entitled "An Act to amend Section 47, of Chapter 29, Political Code."
- 68 AN ACT creating and defining a Subdivision of the First Judicial District.
- 69 AN ACT to compensate the owners of certain cattle killed by order of the Governor and Territorial Board of Health in Oliver County, Dakota.
- 70 AN ACT to permit county commissioners to compromise delinquent taxes.
- 71 AN ACT limiting the terms of holding the offices of county treasurer and sheriff.
- 73 AN ACT to provide fuel for the Capitol building.
- 98 AN ACT to define the boundaries of the counties of Butte and Harding.
- 121 AN ACT entitled "An Act to amend Section 61 of Chapter 28 of the Political Code relating to the sale of real property for taxes, designated as Section 1620 of the Compiled Laws."
- 127 AN ACT providing for a subdivision of the Seventh judicial district of the territory of Dakota.
- 165 AN ACT authorizing the Territorial Auditor to audit a claim of John Sundback against the Territory.
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- 175 AN ACT constituting La Moure county as one Judicial Subdivision in the Sixth Judicial District, to fix the terms of Court therein and for other purposes.
- 177 AN ACT defining the boundaries of the county of Ramsey.
- 182 AN ACT to amend Section 45, of Chapter 21, of the Political Code relating to the manner of letting contracts by county boards.
- 186 AN ACT authorizing counties to issue bonds to procure seed wheat for needy farmers resident thereof.
- 199 AN ACT to detach the counties of Stanley, Sterling and Nowlin from the Seventh Judicial District and to attach them to the Fifth Judicial District and to Hughes county for judicial purposes, and also to detach the counties of Pratt and Presho from said Seventh Judicial District and to attach them to the Second Judicial District and to Brule county for judicial purposes.
- 203 AN ACT to provide for the sinking of artesian wells and construction of water courses therefrom.
- 211 AN ACT providing for a lien upon grain for threshing the same.
- 215 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."
- 219 AN ACT providing for the printing of the reports of the Territorial officers and institutions for the fiscal years 1887 and 1888.
- 221 AN ACT to create and establish the county of Meade and for other purposes.
- 234 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."

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- 235 AN ACT relating to elevators and warehouses, receipts for grain stored; to protect owners of such receipts, and defining the duties, liabilities and obligations of persons issuing the same, as to delivery of grain thereupon.
- 251 AN ACT to declare certain provisions for attorney's fee void and to provide a reasonable attorney's fee in such cases.
- 252 AN ACT authorizing the Territorial Auditor to audit a claim of Geo. F. Ingram against the Territory.
- 254 AN ACT to correct and define the boundaries of Day county, Dakota.
- 259 AN ACT regulating the business of building and loan corporations.
- 266 AN ACT to facilitate the collection of special assessment in cities, towns or villages.
- 268 AN ACT to amend Section 1, Article 19, Chapter 73 of the General Laws of 1887.
- 271 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.
- 272 AN ACT construing the phrase "successive weeks."
- 273 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."
- 275 AN ACT to enable townships and incorporated towns and cities to aid in the construction of railroads.
- 290 AN ACT creating and defining a Subdivision of the Sixth Judicial District.
- 322 AN ACT to provide clerk hire for Probate Courts.
- 337 AN ACT to provide for the levy and collection of a tax upon dogs.

- 343 AN ACT to provide for clerks of Probate Courts in this Territory.
- 348 AN ACT to amend an Act entitled "An Act to provide for the establishment of a Board of Railroad Commissioners, defining their duties, to regulate the receiving and transportation of freight on Railroads in this Territory" passed at the Sixteenth Legislative Assembly of the Territory of Dakota, and approved March 6th, 1885.
- 350 AN ACT giving the right-of-way through the penitentiary grounds of the Sioux Falls Penitentiary at Sioux Falls, Dakota Territory, for drainage purposes.
- 362 AN ACT to define and establish the boundaries of the county of Campbell and for other purposes.
- 363 AN ACT amending Chapter 73 of the General Laws of 1887 in regard to the incorporation of cities.
364. AN ACT to authorize the Territorial Auditor to audit and pay certain claims.
- 366 AN ACT appropriating money to defray the traveling expenses of the Railroad and Warehouse Commission.

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- 1 Joint Resolution requesting the Secretary to furnish certain codes for the members of the Legislative Assembly.
- 14 Joint Resolution for the printing of 1500 copies of the Governor's Message, and for the distribution thereof.
- 22 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.

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- 86 Joint Resolution providing postage stamps for members of the Eighteenth Legislative Assembly:
- 97 Joint Resolution for a Joint Committee to examine and report on the advisability of accepting the Compiled Laws of 1887.
- 238 Joint Resolution providing for payment of the mileage of certain witnesses called before the Committee to Investigate the Insane Asylum at Jamestown.

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- 99 Joint Resolution providing for the appointment and compensation of minor officers of the Eighteenth Legislative Assembly.
- 86 Joint Resolution for the investigation of the management and condition of the North Dakota Hospital for the Insane at Jamestown.
- 178 A Joint Resolution to reimburse legislative officers for certain expenses.
- 269 Joint Resolution, providing for an extension of time in which the Joint Committee to investigate the affairs of the Jamestown Insane Asylum may report.
- 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.

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16	Providing for Extension of Time for Payment of Taxes 1888.....	41	56												
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19	Giving Publicity to Chattel Mortgage Sales.....	44	57	194	246	169									945
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20	Amending Section 6 of Chapter 12, Laws of 1887.....	44	57	81				89	103	322		334	345	
21	Amending Section 70, Chapter 29 of the Political Code.....	44	57	108		488		107	123	441	490	504	542	480

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24	Amending Section 38, Chapter 28, Political Code Laws of 1887....	44	57	118		422	131	135	407	423	426	458		138
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32	Misdemeanor Refusing to Comply with Land as to fire Breaks	58	75	90 312 565	540									
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35	Amending Section 39, Chapter 21 Political Code.....	54	75	90			89							
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37	Providing Payment of Lost Interest Coupons Madison Normal School.....	70	75	118			131	148	467					
38	Fixing Compensation of Judges of Probate Court.....	72	113	290	346 464	392 576	383	391						
39	Issue Bonds to Establish and Maintain a Soldiers' Home.....	73	98	316	323 569 349	324 578 728	332	341	554 575		583		638	233 571 576 583 641 730 764 778 842 975
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43	Declaring Usury to be a Misdemeanor.....	73	85	107 312	675									506
44	Amending Section 650 of the Code of Civil Procedure.....	73	98	642 699										
45	Unlawful to Leave Open Wells Unprotected.....	73	99	946										
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77	Repealing Chapter 7, Laws of 1887 Artesian Wells	111	132	195	256	242	205	242						
78	Amending Section 2408, Article 10 Chapter 20	111	132	946										
79	Providing a Subdivision Seventh Judicial District.....	112	133	235	151	285	158							111
80	Regulating Salaries Registers of Deeds and County Treasurers..	112	133	175		242	178	242						
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87	Amending Section 1, Supplement to Session Laws of 1885.....	119	184	144	151	165	159	242	623					
88	Amending Subdivision 8, Section 3, Chapter 28, Political Code...	119	184	370	442	459	451	459						
89	Regulating Assessment of Railroad Companies.....	119	184	892										
90	Amending Section 2, Chapter 58, Laws of 1887.....	120	184	732		196								134
91	Amending Section 13, Chapter 26, Laws of 1879.....	120	184	732		200	177	185						201
92	Regulating Telephones.....	120	135	174										204
93	Amending Section 2, Chapter 52, Laws of 1879.....	120	135	446	485									
94	Amending Section 96, Subchapter 2 of Chapter 112, Laws of 1883..	120	135	265	280		309	343						
95	Providing for the Taxation of Telegraph Lines.....	131	147	163			157	185						
96	Amending Section 4, Chapter 130, Laws of 1887.....	131	147	290	347		977	960						
97	Empowering Governors to Appoint Women as Notaries.....	131	147	174	469	505	556	528	556					
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100	Amending Sections 7 and 12, Chapter 63, Laws of 1885.....	145	166	318	348									210
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106	Amending Section 4, Chapter 141 Laws of 1887.....	146	167	175										
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107	Providing Mileage for Investigating Committees.....	146	167	447	486									
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171	Amending Sections 1, 4, 5, 10 and 26 of the Laws of 1887.....	268	298	311	368									
172	Providing Funds for a Science Hall University at Vermillion..	268	299											
173	Amend Section 86 of Justice's Code	268	299	351			406	410						
174	Appropriating Funds for Maintenance University of Dakota..	269	298	774										
175	Providing a Term of Court for La Moure County	274	301					274	441	457	460	461		
176	Providing Newspapers for Members of Legislature.....	292	292	402		359	386	370	292	357	386	389	391	392
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177	Defining the Boundaries of Ramsey County.....	296	297	311		369		340	358		389	410		
178	Reimbursing Legislative Officers for Certain Expenses.....	296	299					299	441	444	448	467		443
179	Authorizing County Commissioners to Purchase Artesian Well Outfit	296	330	472	523	339		581	970	978	978			978
180	Abolishing the Office of Territorial Auditor	296	339			580	548							
181	Regulating Railroads as to Fences	296	340											
182	Amending Section 45, Chapter 21, Political Code.....	296	340	415	661		483	484	935	951	952	986		
183	Memorial as to Opening Fort Randal Military Reservation..	297	300			368	390	308	300	357	386			
184	Repealing Chapter 20, Special Laws of 1885.....	319	340	372	442	1003	452	461	1002					1003
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187	Adding to Absolute Exemptions Wages to the Amount of \$100	319	362	372										
188	Amending Section 708 of the Political Code.....	320	362											
189	Amending Section 1, Chapter 10 of the Laws of 1887	320	362	646	671	743	727	742	760	954	965	973		968
190	Providing Funds for Improvements for Deaf Mute School ..	320	340											
191	Appropriating Funds for the Maintenance School Deaf Mutes.	320	362	774										
192	Appropriating Funds for Penitentiary, Sioux Falls	320	362	774										
193	Providing Funds for Improvements Sioux Falls Penitentiary.	320	363											
194	Incorporating Certain Classes of Benevolent and Charitable Institutions	320	363	372	430		478	484						
195	Amending Section 13, Sub-Chapter 1 of Chapter 112, Laws of 1883.....	321	363	371	561		590	597						
196	Amending Section 70, Chapter 28, Political Code, and Chapter 145, Laws of 1887	321	362	491	485		513	521						
197	Providing for Erection of Partition Fences.....	321	363	493										
198	Repealing Section 4, Chapter 49, Laws of 1879	321	363	566	675									
199	Detaching Certain Counties from the Seventh Judicial District ..	335	363					390	689	737	740	754		
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203	Providing for the Sinking of Artesian Wells.....	336	364	333	778
204	Establishing Independent School District, Hatton, Dak.....	336	364	373	809	834	809	922	934	935	1005
205	Re-enacting Section 677, Code of Civil Procedure.....	336	364	490	490
206	Establishing South Dakota Imbecile School.....	336	364	396	448
207	Encouraging Organization of County Agricultural Societies..	336	364	512	541	686	591
208	Appropriating Funds for the Maintenance of Dakota Insane Asylum.....	355	383	698	732	732	971
209	Amending Sections 324, 325 and 333, Code of Civil Procedure...	355	383	527
210	Memorial to Congress.....	355	383	724
211	Providing a Thresher's Lien upon Grain.....	355	355	647	672	355	395	355
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213	Providing for the Protection and Regulation of Primary Elections.....	356	356	745	805	779	805	833	844	846	844
214	Providing Fees for Officers Transporting Offenders to Reform School.....	362	383	464
215	Amending Section 7, Chapter 43, Laws of 1883.....	380	408	470	506	523	556
216	Declaring Certain Promises in Notes Void.....	380	408	492	492	975	513	521	975	984	995	1005	984
217	Repealing Chapter 52, Laws of 1883.....	381	408	543
218	Repealing Section 401, Chapter 35, Penal Code.....	381	408
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223	Providing Railroad Corporations Shall Furnish Facilities for Loading Cars.....	407	435
224	Defining Liability of Railroad Corporations for Personal Injuries.....	407	435	791	894	896	999	977	996	996
225	Amending Section 2, Chapter 51, Laws of 1887.....	423	435
226	Preventing Sale of Liquors in Vicinity of Colleges.....	423	435	895
227	Locating a Normal School.....	423	435	681	896	897
228	Regulating Compensation of Township Officers.....	423	435
229	Providing for Taxation of Mines	423	435	493	633
230	Increasing Term of Residence Required for Divorce.....	426	427	547
231	Creating a Subdivision Sixth Judicial District.....	432	432	432
232	Locating a Normal School at Devils Lake, Dakota.....	433	457	466	506	523	559
233	Providing Funds for the Current Expenses of Commissioner of Immigration.....	433	457
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307	Amending Sections 725, 732 and 733, Code of Civil Procedure.....	594	631	678
308	Prohibiting Sale of Unsound Meat and Regulating Slaughter of Animals.....	625	649	859	813 910	813 911	971	978	978	978
309	Providing Payment to Arthur Linn as Public Printer.....	625	649	853
310	Amending Subdivision 4, Section 752, Penal Code.....	625	649	650 678	650 876	882	887	612
311	Amending Section 326, Code of Criminal Procedure.....	625	652	680
312	Amending Section 64 of the Jus- tice's Code.....	625	652	678	915
313	Amending Section 86 of the Jus- tice's Code.....	625	652	914	915
314	Repealing Act Regulating Salaries Registers of Deeds and Treas- urers.....	626	652	680
315	Amending Section 3, Chapter 31, Justice's Code, Laws of 1879.....	626	652	773
316	Providing Punishment Persons Making Oath, False Statement.....	626	652	679
317	Providing Payment to Frank Don- nelly.....	626	652	696 839	857
318	Memorial to Congress for Main- tenance Fort Lincoln.....	630	653	680	758	758 887	901	901 902
319	Requiring County Commissioners to Assist Indigents to Deaf Mute School.....	630	651	681	889
320	Amending Section 1, Chapter 50, Laws of 1887.....	631	653	889
321	Repealing Chapter 29, Special Laws of 1885.....	631	636
322	Providing Clerks for Probate Courts.....	643	644	679	805	808 923	925	931	923
323	Legalizing Oaths Taken by D. G. Jordan.....	644	644	680	733
324	Repealing Chapter 29 of the Special Laws of 1885.....	644	668	678 847	736 755 902	736
325	Creating the County of Harri- son.....	644	660	926	926	926
326	Amending Section 1, Chapter 48, Session Laws of 1887.....	665	684
327	Providing for a County Board of Auditors.....	665	685	759	872 896	872
328	Requiring Banks to Publish a Sworn Statement.....	665	685	894	91
329	Amending Section 1, Chapter 38, Session Laws of 1887.....	665	685	889
330	Authorizing Auditor to Audit Claim of M. L. McCormack.....	665	666	696	665	864
331	Prescribing Manner of Electing Boards of Education.....	666	685	695	892
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334	Amending Section 4, Chapter 33, Laws of 1887.	683	740	773										
335	Creating the Dakota Endowment and Loan Guarantee Company.	684	821											
336	Amending Section 1, Chapter 38, Political Code.	684	740	886				909						
337	Collecting Tax on Dogs.	738	821	948				972		1015	1016			1015
338	Establishing a Board of Corrections and Charities.	738	822	850		870		870	1011					
339	Providing for Printing Sioux Falls Constitution.	738	821											
340	Providing for Printing Sioux Falls Constitution.	761	822	847		761		871						
341	Locating an Insane Asylum West of Missouri River.	762				762								
342	Amending Section 3000 of the Compiled Laws.	762	822											
343	Providing Clerks for Probate Courts.	768	777			777		777	1011	1014	1015			1014
344	Providing for the Maintenance of the Public Institutions.	769	800	815 810 820	808 805	800 804 838	826 838	842						826 834 842
345	Providing for the Maintenance of the Public Institutions.	799	800	815	808 805	800 804								834
346	Providing for Payment of Witnesses as to Veterinarian.	800	800			800		800	916	919	921	966		
347	Providing for an Exhibit at Buffalo Fair.	801	801	854		801 854								
348	Creating a Board of Railroad Commissioners and for Other Purposes.	801	801	817 818	862	801 884 923	893	864	923	958	960	966		936 958
349	Amending Section 75, Chapter 28, Political Code.	801	821											
350	Granting Rights of Way Through Penitentiary Grounds, Sioux Falls.	818	831			1010		831	1007	1010	1012			
351	Memorial for Uniform System of School Laws.	818	832					832						
352	Providing Pay for Wm. Walton and Others.	818	856											
353	Amending Section 39, Chapter 69, Laws of 1883.	849	871					871						
354	Legalizing Act of School District No. 25, Ransom County.	849	955					955						
355	Defining the Boundaries of Wells and Eddy Counties.	849	887					887						
356	Requiring County Treasurers to Act as District Treasurers.	886	888					888						
357	Amending an Act Authorizing Refunding Outstanding Bonds.	886	958					958						
358	Enabling County Treasurers to Sell Lands Enjoined From Tax Sale.	899	899				903	900	931	934	935			
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360	Joint Resolution Providing for Assistant Janitor.	920	920											
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